

Minutes
Arkansas State Board of Optometry
Office of the Attorney General
Little Rock, AR

December 15, 2005

All the Board members were present. Dr. Flippin, Executive Director, Board Secretary Ann Booker, and Board attorney Bill Trice were also present. The audience consisted of the individuals who signed the meeting attendance sheet and hearing sheet attached.

Dr. Morris called the meeting to order and

Dr. Morris made the motion to approve the minutes as written. Dr. Coffee seconded the motion and Dr. Morris called for question. Dr. Smalling requested minor corrections be made for clarification. Dr. Morris accepted the amendments to the motion and the motion passed.

Dr. Morris requested Board Attorney Bill Trice open a public hearing concerning the rule concerning employment of Doctors of Optometry. After the hearing, Dr. Morris reopened the meeting for Board action on the proposed rule.

Dr. Hubbard made a motion to approve the rule as written. Dr. Haas made a second and the rule passed unanimously.

Dr. Morris request Mr. Trice to open a hearing concerning the complaint against Dr. Tim Norton for violation of the practice act. After the hearing Dr. Morris reopened the Board meeting to determine innocence or guilt and disciplinary action if violation of the law occurred.

Dr. Haas made a motion that Dr. Norton had violated the practice act by improper prescription writing and prescription pad. Dr. Smalling made the second and the motion passed unanimously.

Dr. Haas made a motion Dr. Norton be fined Dr. Norton \$200 for violation of the practice act to be paid in 30 days. Dr. Smalling made a second and the motion passed.

Dr. Morris requested Mr. Trice open a hearing concerning Dr. McWaters license suspension. After the hearing Dr. Morris reopened the Board meeting to determine innocence or guilt and disciplinary action if violation of the law occurred.

Dr. Hubbard made a motion Dr. McWaters license continue suspension for 2 months, after two months the license will be revoked and the revocation stayed as long as he maintains advocacy with the Medical Foundation for 5 years, comply with the Foundation contract, DEA certificate will not be recommended unless the Board allows, be present at all Board meeting to report his status, continue quarterly reports from the psychiatrist and Medical Foundation.
Dr. Smalling made the second and the motion passed.

Dr. Morris requested Mr. Trice open the hearing on Hope Beauty supply owned by Hun Heo. After the hearing Dr. Morris reopened the Board meeting to determine innocence or guilt and disciplinary action if violation of the law occurred.

Dr. Haas made a motion that Mr. Heo d/b/a Hope Beauty Supply was in violation of the practice act by illegally selling contact lenses to the public. Dr. Smalling made the second and the motion passed.

Dr. Haas made a motion Mr. Heo be fined \$3,000 for violation of the practice act payable in 90 days. Dr. Smalling made the second and the motion passed.

Dr. Morris requested Mr. Trice open the hearing on Norma Jean Variety of Dumas owned by Norma Medrano. After the hearing Dr. Morris reopened the Board meeting to determine innocence or guilt and disciplinary action if violation of the law occurred.

Dr. Hubbard made a motion Noma Medrano be found guilty of selling contact lenses illegally. Dr. Coffee made the second and the motion passed.

Dr. Hubbard made a motion Norma Medrano be fined \$2,500 for illegally selling contact lenses to be paid within 90 days. Dr. Smalling made a second and the motion passed.

The Board was made aware that Ann's Novelty in Dumas and LL Phone Company operated by Carolyn Cotton was selling contact lenses without a license. The Board Executive Director was authorized to conduct an investigation.

Dr. Morris asked Dr. Hubbard to review information presented by Dr. Boring to request an upgrade in licensure to optometric physician and report back to the Board. He currently has no therapeutic privileges in Arkansas and is licensed in Louisiana.

The Board was presented with evidence of selling contact lenses illegally by Dollar City of West Memphis.

Dr. Hass made a motion to bring charges against Dollar City for selling contact lenses. Dr. Smalling made the second and the motion passed.

Dr. Haas made a motion to allow Dr. Erwin Lax to renew his 2006 license without continuing education due to health problems. Dr. Hubbard made the second and the motion passed.

Dr. Ashabranner reported that he had signed the six-month contract with the Medical Foundation to obtain advocacy.

The Board reviewed meeting dates for 2006. The next Board meeting was scheduled for February 16th. The remainder will be March 23rd, April 20th, June 1st, and July 8th for Board exam, August 17th, October 26th, and December 14th.

Dr. Flippin reported a doctor serving as a consultant for a retail contact lens seller has asked for guidelines while serving as a consultant. After discussion, it was noted that such guidelines probably could not be enforced, but the doctor should have adequate insurance.

Dr. Flippin requested authorization to lease a copier from the Standard Business system through AR State contract.

Dr. Haas made the motion the Board lease the office copier from the state and Dr. Hubbard made the second. Motion passed.

Dr. Hubbard made a motion that Dr. Flippin and Dr. Haas be approved to attend SECO. Also, Dr. Coffee, Dr. Hubbard, and Dr. Haas be approved to attend SWCO. Dr. Coffee made the second and the motion passed.

Mr. Trice presented reasons to review the current draft of the passed regulation and consider revision.

Dr. Hubbard made a motion to rescind the previous vote concerning employment and reconsider the wording at the next meeting. Dr. Coffee made a second and the motion passed.

Dr. Coffee made a motion the Board be paid for one day, travel and expense for the purpose of Board meeting. Dr. Smalling made the second and the motion passed.

Dr. Morris adjourned the meeting.

Dale Morris, OD, President

Kenneth Hubbard, Jr., OD, Secretary

ARKANSAS STATE BOARD OF OPTOMETRY
BOARD MEETING
December 15, 2005

SIGN IN SHEET

Dom Mize - Wal-Mart
SEVEN D. BRAVARD, O.D.
DAVID E. WITHERSPOON, O.D.
Brim D. Bank - Wal-Mart
Steph Kille - Wal-Mart
Lyn Norton
Ben Walker - Wal-Mart
Daniel Denville
J. Koller
Yvonne Madramo
Sue Ann (AMF)
Liz Brea
Kelli Huggins Wal-Mart
Stephanie Spryng Wal-Mart
Angie Heldon - Wal-Mart
Philip E. Kaulan
Patrick Phelan - NAAC
Nick Thompson - Lenscrafters
Paul C. Berry Lenscrafters
Sen. Jim Hill
Joseph Tolson
Bill Bell
Kelly F. Dale, O.D.
Paula Heldon Wal-Mart

ARKANSAS STATE BOARD OF OPTOMETRY

December 15, 2005

PUBLIC HEARING

FOR

AGAINST

Philip Kaplan

Nick Thompson

Patrick Phelan

Angie Hilde