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

December 9, 2010

Dr. Morris opened the meeting with all Board members present except Dr. Hubbard. Howard Flippin, Executive Director, Ann Booker, board secretary, and Mr. Bill Trice, Board Attorney were also present. Vicki Farmer, ArOA, Penny Summers, Linda Sanders, Marci Middleton-Yates, Lisa Wooten, all of ADH/Pharmacy Services, Wael Hajjeh, Shawn Look, attorney, Crystal Sibley, Adrienne Ostros, and Madison Harvey were in the audience.

Dr. Smalling made a motion the minutes be approved as written, Dr. Coffee made a second. The motion passed.

Dr. Morris turned the meeting over to Mr. Trice to conduct a hearing on House of Fashion in Stuttgart and the owners, Wael and Khaled Hajjeh. After testimony by Wael Hajjeh and Penny Summers of ADH, the hearing was closed. The Board conferred on the issues.

Dr. Coffee made a motion that there had been a violation of the Optometry Act as to the sale of contact lenses. Dr. Smalling made a second and the motion passed.

After some discussion, Dr. Haas made a motion that the fine for the violation should be $5,000 payable in thirty days. Second by Mr. Spears and the motion passed.

Mr. Trice continued with the second hearing on No Clothes of Hot Springs and Crystal Sibley, Adrienne Ostros, and Madison Hurley. These parties were represented by Shawn Look, attorney. After testimony by Ms Sibley, Ms Hurley and Ms Ostros, the hearing was closed.

Dr. Smalling made a motion that here had been a violation of the Optometry Act as to the sale of contact lenses. Dr Coffee made a second and the motion passed.

Dr Haas made a motion that the No Clothes store and the three employees be fined a total of $3,000 to be paid individually or collectively. Mr. Shirley made a second and the motion passed.

Mr. Trice reported on the proposed regulation with regards to the time allowed for completion of the 100 hour of observation prior to licensure. The legislative Council reviewed the rule and made a suggestion that the time be set at 6 months not the proposed 3 months.

Dr. Smalling move that the Board not implement the rule at this time and that if the Board decides to implement the rule at a later date that the Legislative Council will be consulted prior to any formal action. Dr. Coffee made a second and the motion passed.

Mr. Trice provided an update on the status of Dr. Penny Freshour. Dr. Freshour appeared before the Board on October 14, 2010 and entered into a consent order to refrain from practice until she had been
cleared by the Medical Foundation. We have had no such notice from the Medication Foundation and therefore she is not eligible to practice at this time. Mr. Trice reported that she is finishing in-house treatment for alcoholism at Palmetto Addiction Recovery Center.

Dr. Flippin reported on two complaints that the Board office had received. The first was in regards to an acupuncturist in Bella Vista that is treating persons for various eye conditions. This matter was deferred to the Health Department who license and regulate acupuncture. The second complaint was in regards to retinal detachment seen by Dr. Jerry Park. The Board determined that this was not an issue at this time.

Mr. Shirley gave a report on his financial review of the Board’s records. He was reporting on a comparison of the December 6, 2009 to the December 6, 2010 numbers. He reported very little change in the revenue or expenses noted for this time frame. He asked to be given more time for a further evaluation and to be reported on at the next meeting.

Mr. Trice reported the Dr. Roy Ashabranner was in arrears to the Medical Foundation and by consensus the Board asks that he be invited to appear at the next Board meeting.

In the matter of Lenscrafters, Dr. Haas reported that the Optician Board had found four violations of the Optician Act and had fined them $4500. Lenscrafters has remodeled the four offending stores and eliminated the contact lens displays.

Dr. Haas made a motion that the Optometry Board dismisses the charges against Lenscrafters. Dr. Coffee made a second and the motion passed.

Dr. Flippin reported on the Sunbelt of Little Rock d/b/a Drake Optical in Hot Springs issue. It appears that they would like to lease space to an Optometrist. With the current information, the Board by consensus decided to drop any consideration of the matter.

Dr. Morris reported that the Board had failed to elect officers at the summer meeting and he opened the floor for nominations.

Dr. Coffee made a motion to re-elect the current slate of officers. Dr. Haas made a second and the motion passed.

Dr. Flippin reported that Dr. Jerry Shue who is retired is undergoing cancer treatment and wishes to renew his license but is short of the required hours.

Dr. Smalling made a motion to waive his remaining CE requirement for this renewal period due to medical problems. Dr. Coffee made a second and the motion passed.

Dr. Flippin reported to the Board that three contact lens vendors had not paid their renewal fee to the Board. The consensus of the Board was to keep the amount owed on the books and continue to try to collect.

Dr. Flippin reported that Dr. Matthew Horton had paid to take the Exam in July 2010 but had deferred until the February 2011 exam and has now requested a refund. He will be refunded $375 which is the original amount minus a $25 handling fee.
The Association of Regulatory Boards of Optometry will host a regional meeting in Atlanta on March 5, 2011.

Dr. Coffee made a motion that Drs. Haas and Smalling attend the ARBO regional meeting in Atlanta. Mr. Shirley made a second and the motion passed.

The tentative 2011 meeting schedule was sent out to the Board members and changes in the schedule were discussed. Meetings are scheduled for February 10, March 10, May 12, August 11, October 6, and December 8. The exams will be given at the February 10 board meeting and on Saturday July 9. Jurisprudence courses will be given at ArOA meeting in Little Rock April 28-May 1 and again October 7-9 in Hot Springs.

Dr. Coffee made a motion the Board be paid one day expenses and travel for the Board meeting. Mr. Shirley made a second and the motion passed.

Dr. Morris adjourned the meeting.

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Dr. Dale Morris, President

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Dr. Kenneth Hubbard, Jr., Secretary
Recorded by Dr. Robert W. Smalling