

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

March 31, 2005

Dr. Dale Morris, President, called the meeting order. All Board members were present as was the Board Executive Director, Dr. Howard Flippin, Board office secretary, Ann Booker, and Board attorney, Bill Trice. Dr. Morris recognized meeting attendee's Pam Mize, Cathy Baird, Barbara Martin, Tim Norton, and Mark Stodola.

Dr. Hubbard made a motion to accept the minutes of the February 10th meeting as written, Dr. Coffee made a second, and the Board voted in favor of the motion.

Dr. Morris passed out the new publication of the rules and regulations of the State Board of Optometry.

In the previous meeting, Dr. Phillips was served with notice of hearing for non-renewal of licensure. He replied in writing with requested to surrender of his license in lieu of dropping of the charging document.

Dr. Hubbard made a motion to accept the tender of Dr. Phillips license and withdraw the charging document. Dr. Smalling seconded the motion and the motion passed.

Dr. Flippin gave a report concerning the notification required to mail order sellers informing them of the law regulating the sale of contact lenses in Arkansas.

Dr. Flippin reviewed complaints brought before the Board. Record number one was considered and the Board came to a conclusion it did not meet the burden of proof of gross incompetence.

Dr. Hubbard made a motion to respond to the complainant that the Board would take this for information and no action would be taken because the complaint could not meet the burden of proof. Dr. Smalling seconded the motion and the motion passed.

A discussion ensued concerning patient records. Mr. Trice informed the Board that they were not under HIPPA and the doctor is required to allow the Board to see records if requested by the Board.

Complaint number two was considered.

Dr. Coffee made a motion a written response to the complainant be drafted which states the doctors response was the complaint had been resolved. If it has not

been resolved, the complainant is to inform the Board. Dr. Smalling seconded. The motion passed.

The Board discussed the collection of records of the second complaint in the event there is a response from the complainant that the matter was not resolved.

Dr. Haas made a motion to collect the records of the second complaint in the event it had not been resolved. Second by Dr. Hubbard and the motion passed.

Dr. Flippin discussed the Health Department investigation of non-licensed entities selling contact lenses.

Dr. Haas made a motion for hearing concerning the sell of contact lenses by Community Grocery in Osceola, AR. Dr. Coffee made the second and the motion passed.

Dr. Flippin brought a request from an optometrist in Tennessee to upgrade to optometric physician without meeting the 20-hour requirement for oral CE. Currently she is at the level of a therapeutic optometrist. A discussion proceeded and she will be required to meet the 20 hour oral therapeutic CE as required of optometrist in the past.

Dr. Coffee led a discussion concerning the correspondent course and how it is being presented. The current course format will continue.

Dr. Smalling and Dr. Haas discussed the ARBO meeting at SECO. OE tracking and COPE was discussed.

The Board will convene in Rogers April 21st for the purpose of conducting the Jurisprudence course.

Dr. Smalling made a motion to pay for one-night lodging, stipend and one day expenses for the purpose of presenting the Jurisprudence course in Rogers April 21st. Dr. Coffee second and the motion passed.

Dr. Smalling made a motion to approved Dr. Haas, Dr. Hubbard, Dr. Flippin, and Dr. Coffee to attend June ARBO meeting in Dallas. Dr. Coffee made a second and the motion passed.

The next meeting of the Board will be June 9th at the Attorney General's office in Little Rock.

Dr. Hubbard made the motion the Board be paid for one day and expenses. Dr. Coffee made the second. The motion passed.

Dr. Morris adjourned the meeting.

Dale Morris, OD, President

Kenneth Hubbard, Jr., OD, Secretary