

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

August 11, 2005

Dr. Dale Morris, President, called the meeting order. All Board members were present. Board Executive Director, Dr. Howard Flippin and Board attorney, Bill Trice were also present. Dr. Morris recognized Vickie Walters, Jim Bona, Youjung Kim, Don Kim, Jennifer Martinez, Charles McWaters, Pam Mize, Mark Stodola, Kelly Duke, Tim Norton, and Larry Siebold.

Dr. Coffee made the motion to approve the minutes of the June 9, 2005 meeting as presented. Dr. Haas seconded the motion and the motion passed.

Dr. Morris asked Mr. Trice to open the hearing on Ms. Youjung Kim for selling contact lenses without a license. At the close of the hearing,

Dr. Hubbard made a motion Ms. Kim be found in violation of the practice act by selling contact lenses without a license to practice optometry. Dr. Haas seconded the motion and the motion passed.

Dr. Hubbard made a motion Ms. Kim be fined \$1,000 due in 90 days. Dr. Haas seconded the motion and the motion passed.

Dr. Haas presented an amended Article VI, unprofessional conduct, Section 3 concerning determination of unlawful employment as a proposed draft. Comments should be presented prior to the next meeting and the rule readied for hearing by the next meeting.

Dr. Coffee made the motion to bring charges against Dr. McWaters for non-compliance with the order of March 1, 2002. Mr. Guerra made the second and the motion passed.

Dr. Heath and Dr. Ashabranner license continue in suspension. At the end of the period of suspension, the Board will conduct a hearing on the violations and licensure status.

Dr. Flippin reported on the State Board of Georgia response concerning contact lens violation. They have no authority over non-licensed individuals.

Dr. Mark Robinson made a request of the Board concerning a branch office. It was determined his primary location was Lake Village. It was also determined he should apply for a fixed branch office if he goes to the same fixed location repeatedly. It was also determined patient records should be secured from individuals not employed by the doctor and kept under key while the doctor and his staff are unavailable.

Mr. Trice updated the Board on Ms. Witherspoon's judgment and bankruptcy actions.

Dr. Norton requested discussion with the Board concerning a complaint against Dr. Van Smith, his employee, which was presented at the last Board meeting. Dr. Norton requested the Board's position on release of an eyeglass prescription under circumstances where the prescription would not be accurate as in diabetic and contact lens over wear patients. Mr. Trice responded that if you are not capable of diagnosing a patient on a given day, you could not possibly prescribe a remedy for that condition that day. If the condition of the patient is such that your readings are so screwed up you couldn't accurately diagnose the condition, you could communicate this to the patient and have her come back for subsequent diagnosis. In order for Dr. Norton's comments not adversely influence the Board prior to any Board action, Mr. Trice recommended there be no further discussion concerning Dr. Smith.

Mr. Trice updated the Board concerning investigations concerning unlawful practice of individuals by selling contact lenses.

Dr. Smalling made a motion to bring charges against the three individuals for violations of the Practice Act and prepare hearings. Jamal Musa operating as Buy & Save Beauty Supply in Texarkana, Mattie Ye operating as Beauty Depot in Hope, and Lee Hun operating as Beauty Supply in Hope. Dr. Haas made the second and the motion passed.

Dr. Flippin reported that all 12 Doctors who took the Board in July passed and 11 are now licensed. There are 399 Arkansas licensed optometrist practicing in the state.

Dr. Kelly Duke was present at the meeting concerning a complaint filed against him and requested time in front of the Board. Dr. Duke presented his position concerning the complaint. After a brief discussion, the Board requested Dr. Duke resolve the complaint prior to the Board taking action.

Dr. Smalling presented a report from the ARBO meeting in Dallas. There are numerous issues before State Boards in other states including Boards inability to act against non-licenses. He also discussed mandating level of licensure and licensure by endorsements. Dr. Flippin is adding ARBO's OE tracking number for each doctor to our database.

Dr. Coffee commented on the use of eye jewelry and a discussion of a possible need for regulation by the Board. No action was taken.

Dr. Hubbard discussed the Tear Assay test for differential diagnosis of dry eye and allergic response. Tim Jones of FlexMD requested the Board approve codes 83250 and 82785 as eligible codes for optometric physicians with proper lab certifications.

Dr. Smalling made a motion to add codes 83250 and 82785 to the list presented to insurance companies as codes eligible for optometric physicians. Dr. Hubbard seconded the motion and motion carried.

Dr. Morris discussed a letter from Dr. Phil James concerning a waiver of a statutory requirement for Arkansas licensure. The Board asked Dr. Flippin to inform Dr. James of the statutory requirements.

Jennifer Martinez of the Arkansas Optometric association requested times for the fall JP course presentation. It was determined that Saturday is the desirable time for the Jurisprudence Class to be given at the Fall Educational meeting of the Arkansas Optometric Association in Tunica, MS.

Dr. Hubbard moved the Board members be paid for mileage plus expenses for the Meeting in MS. Dr. Coffee seconded the motion. Motion carried.

Mr. Trice requested the Board approve the fine levied against James Chung for practicing optometry without a license is reduced to a judgment in circuit court since the fine had not been paid. The Board approved.

Dr. Haas presented a letter that will be sent out to doctors which includes a form to inform the Board of individuals who request contact lens prescriptions. This is to be returned to the Board to verify they are registered suppliers.

Dr. Coffee made a motion the Board be paid for one days travel and expenses. Dr. Hubbard seconded and the motion passed.

The next Board meeting was set for October 20th 1:30 PM in Little Rock.

Dr. Morris adjourned the meeting.

Dale Morris, OD, President

Kenneth Hubbard, Jr., OD, Secretary