Minutes
Arkansas State Board of Optometry
Victory Building
Little Rock, AR
August 17, 2017 1:30 pm

Dr. Bryant Ashley, Board Vice President, opened the meeting at 1:40 pm with all Board members present except Mr. Edward Spears. Dr. Howard Flippin, Board Executive Director, Ms. Bonita Wineman, Board assistant, Mr. Kevin O’Dwyer, Board attorney, Vickie Farmer of the Arkansas Optometric Association, and Drs. Phil Chavis, Penny Freshour Griggs, Derrick Pierce, Martha Gore, and William Kress were also present. Others attending were Ms. Penny Summers of Arkansas Dept. of Health—Pharmacy, Kimberlee Brooks, Vice president of Senior Works, C. Mac Norton, attorney, and Gulshan and Navid Budhwani.

Dr. Ashley welcomed Dr. Herman Ginger as a new member of the Board. His term will expire in 2022.

Dr. Smalling presented the minutes of the June 19, 2017 Board meeting.

Dr. Ginger made a motion to approve the minutes. Dr. Hennessey made a second. The motion passed.

Mr. Herman Shirley reported on the accounting update. He stated that this is a very routine report. This is a year-end report. The balance in the checking account was $42,716, $5,000+ at First Security, and balances in the state agencies accounts. For the year, expenses were slightly greater than income.

Dr. Hennessey made a motion to accept the financial report. Dr. Ford made a second. The motion passed.

Dr. Flippin reported collecting fines from Dr. Philip Jaros for $1500 and from D. Michael Eller for $500. There are still over $7,000 in outstanding fines. In the Roland, AR contact lens case with a $1000 fine, the guilty party has asked to pay $200 per month but has not paid anything yet.

Dr. Flippin reported that Dr. Brad Diner of the Arkansas Medical Foundation was not able to be at the Board meeting, but he sent reports on Drs. Freshour Griggs, Pierce, and Gore. All reports were positive and offered advocacy from the Foundation for each. This meeting completes Dr. Penny Freshour program, and she thanked the Board for the helping her through this time in her life. Drs. Pierce and Gore will return for the November 30 Board meeting.

Mr. O’Dwyer called Dr. Phil Chavis and his attorney, C. Mac Norton, before the Board for his hearing. Mr. O’Dwyer presented the Board’s case. Mr. Norton made few comments and Dr. Chavis offered 1099’s and answered questions from the Board.

After questioning and discussion, Dr. Smalling made a motion that Dr. Chavis be found guilty of a violation of the Optometry Practice Act by accepting employment by a non-optometrist. Dr. Hennessey made a second. The motion passed.

Dr. Ginger then made a motion that he be fined $720 due in sixty days. Dr. Hennessey made a second. The motion passed. Since he had already paid $500 in a prior agreement, he would owe the Board and additional $220.

Mr. O’Dwyer invited to MS. Gulshan Budhwani of CITGO Quick Shop in Jonesboro to come before the Board. Her son, Navid Budhwani, accompanied her. Mr. O’Dwyer presented the Board case and the report from the investigator’s purchase of contact lenses. They reported that they had bought 48 pair of contact lenses and sold two pair.

After some discussion and questions, Dr. Hennessey made a motion to find them guilty of violating the Optometry Practice Act. Dr. Ginger made a second. The motion passed.

Dr. Smalling made a motion that the Budhwani be fined $1000 (investigation cost $750) due in sixty days and that a sign be posted in their business about the danger of non-prescription contact lenses. In addition, Mr. Budhwani was to forward the supplier’s name and contact information. Dr. Hennessey made a second. The motion passed.
Mr. O'Dwyer opened the hearing on changes to the rules and regulations dealing with the licensure by endorsement. There were no comments for or against the proposed changes.

Dr. Hennessey made a motion to approve the rules and regulations. Dr. Ford made a second. The motion passed.

Mr. O'Dwyer reported that the public hearing for rules and regulations on the Prescription Monitoring Program would need to be postponed until the next Board meeting since it did not get in the newspaper in a timely manner.

Dr. Ashley introduced Dr. William Kress to interview with the Board to qualify for licensure by endorsement. He is a former faculty member at SCO and works for the VA in North Little Rock. His wife is an OD at the UAMS Jones Eye Center.

After questions from the Board, Dr. Ginger made a motion to approve his licensure by endorsement. Dr. Hennessey made a second. The motion passed.

Dr. Flippin reported that Dr. David Schwarz and Dr. Glynn Griffin have completed their requirements for licensure by endorsement and have been issued licenses.

Dr. Flippin presented a current list from the Accreditation Council on Optometric Education of accredited schools and colleges of optometry. He reported that this list of 25 institutions should be approved by the Board annually.

Dr. Smalling made a motion to accept this list of ACOE accredited colleges. Dr. Hennessey made a second. The motion passed.

Dr. Smalling reported on a proposal to have Mr. Dale Atkinson, executive director of FARO and attorney to ARBO, of Evanston, IL, present a board training session. The proposal is for a six-hour session on Saturday, October 14, in Little Rock. He reported that Mr. Bruce Campbell, appointment director in the Governor’s office stated that he and thought it was a good idea. The session will be open to other boards, but will be limited to 100 participants with a fee of $100-125.

Dr. Hennessey made a motion to proceed with the training session. Dr. Ford made a second. The motion passed.

Dr. Flippin introduced Ms. Kimberlee Brooks of Senior Works to report on their program. She stated that they offered insurance to individuals in 83 nursing homes that covered vision and hearing. Dr. Brent James provides vision care and employs OD’s to provide care. She explained that a flyer stating that Senior Works was looking “to employ” OD’s was a misstatement and an error. After brief questioning from the Board, no action was taken.

Dr. Ashley reported that Dr. Malcolm Hutchins was not coming to the Board meeting today. He had been sent a letter and had a phone call requesting him to come visit with the Board. He stated that we could discuss matter without him present.

Mr. Shirley made a motion that Dr. Hutchins be subpoenaed to appear at the October 19 Board meeting. Dr. Smalling made a second. The motion passed.

Mr. O'Dwyer presented the Department of Health investigative report on Dollar Mania Hair Store of Pine Bluff.

After reviewing the information, Dr. Smalling made a motion to have a hearing about this matter. Dr. Hennessey made a second. The motion passed.

Dr. Ashley recognized Ms. Vickie Farmer to address the Board on the COPE processes and changes that the Association is having to deal with in approving continuing education. She reported that the fall meeting could cost over $1000 to have it COPE accredited. She reported that there is talk of a new accreditation system. The COPE system has been encouraged by leaders in the profession to be more like ACCME. Many of the COPE changes are moving toward ACCME equivalency, which is the standard of medicine, dentistry, nursing and pharmacy. No action was taken at this time.

Due to a vacancy in the President position, Dr. Ashley opened the floor for nominations for a new slate of officers. Dr. Smalling nominated Dr. Bryant Ashley as President. With no other nominations, Dr. Smalling made a motion that nominations cease and he be elected by acclamation. Dr. Ginger made a second. The motion passed.
Dr. Hennessey nominated Dr. Herman Ginger for Vice President. With no other nominations, Dr. Hennessey made a motion that nomination cease and he be elected by acclamation. Dr. Ford made a second. The motion passed.

Dr. Ginger nominated Dr. Bob Smalling for Secretary/Treasurer. With no other nominations, Dr. Ginger made a motion that nomination cease and he be elected by acclamation. Dr. Hennessey made a second. The motion passed.

Dr. Flippin reported that 12 of the 15 candidates of the June Board exams have been issued licenses. Those persons are:

- Dr. Allison Brewer-Jones
- Dr. Valerie Renee Arnold
- Dr. Nathan Ray Lipe
- Dr. Stephanie Michelle Stanley
- Dr. William Zachary Imboden
- Dr. Brandon Ward Cox
- Dr. Ryan Porter Anderson
- Dr. Christina Frances Vranich
- Dr. Lauren Brooke Jensen
- Dr. Jenifer Anderson
- Dr. Cameron Frederick Boboth
- Dr. Stephanie Michelle Stanley
- Dr. Nicholas Dane Taylor

Those who are not licensed yet are:

- Dr. Peter Gabriel Bako
- Dr. Priscilla Leann Kier
- Dr. Hannah Leigh Holtorf

Dr. Hennessey made a motion travel expenses and per diem for this Board meeting. Dr. Ford made a second. The motion passed.

The next Board meeting is scheduled for 1:30 pm October 19, 2017. The Board training meeting is set for October 14, 2017 at 9 a.m. The Jurisprudence course will be 1:00 pm, Friday September 29, 2017 in Rogers. The last Board meeting of the year is November 30, 2017.

Dr. Smalling asked about setting meeting dates for 2018. He was asked to put together a proposal for discussion at the October 19 Board meeting.

Dr. Ginger made a motion to adjourn. Dr. Smalling made a second. The motion passed.

The meeting adjourned at 3:30 pm.

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Dr. Bryant Ashley, Vice President

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Dr. Robert W. Smalling, Secretary/Treasurer