Minutes
Arkansas State Board of Optometry
Victory Building
Capitol Avenue
Little Rock, AR
August 16, 2018 1:30 pm

Dr. Bryant Ashley, Board President, opened the meeting at 1:30 pm with all Board members present except Edward Spears, Herman Shirley, and Dr. Shane Ford. Others present were Dr. Howard Flippin, Board Executive Director, Ms. Bonita Wineman, Board assistant, Mr. Kevin O’Dwyer, Board attorney, Vickie Farmer of the Arkansas Optometric Association, Dr. Brad Diner of the Arkansas Medical Foundation, Dr. Allison Hall, Penny Summer, RN, and Shane David, Pharm D, of the Arkansas Department of Health/Pharmacy Services and Melanie Miller, CCR.

Dr. Smalling presented the minutes of the June 14, 2018 Board meeting.
   Dr. Ginger made a motion to approve the minutes. Dr. Hennessey made a second. The motion passed.

In Mr. Shirley’s absence, Dr. Flippin reported on the Board accounting update. Most of the finances are very routine with approximately $1000 change from last year. Our trust fund is approximately $250,000.
   Dr. Ginger made a motion to approve the financial report. Dr. Hennessey made a second. The motion passed.

Dr. Flippin also mentioned the lack of appointments to fill the slots on the Board. Mr. Shirley, Mr. Spears and Dr. Hennessey are all beyond their expiration dates of their appointments, but the Governor’s office has not responded with reappointments or new appointments.

Dr. Brad Diner of the AMF reported that he had met with Dr. Jason Bright at the request of the Board, and he had voluntarily entered a one-year voluntary contract for alcohol/drug monitoring program. Dr. Diner reported that Dr. Bright denied all of the accusations of alcohol and anger issues. Dr. Diner presented a letter of advocacy for Dr. Bright reporting his complete compliance with the screenings in the first month of his contract.
   Dr. Ginger made a motion to have an informal hearing with Dr. Bright at our October 18 Board meeting. Dr. Hennessey made a second. The motion passed.

Mr. O’Dwyer reported at 2:15 pm that the defendants in the hearing scheduled today at 1:30 pm had not appeared. The Board by common consent wished to have the hearing as scheduled. Mr. O’Dwyer opened the hearing for Rimal Usha/Usha’s Eyebrow Threading and Spa. Mr. O’Dwyer presented the evidence against Ms. Usha and rested.
   After a brief discussion, Dr. Ginger made a motion that the defendant be found guilty of violating the Optometry Act. Dr. Hennessey made a second. The motion passed.
   After the penalty discussion, Dr. Ginger made a motion that Rimal Usha and Usha’s Eyebrow Threading and Spa be fined $5000 payable in 60 days. Dr. Hennessey made a second. The motion passed.

Mr. O’Dwyer opened the discussion of the investigation of Stringz Eyebrow Threading. The investigation report showed a buy of contact lenses and the count of the lenses in inventory.
   Dr. Hennessey made a motion that there is a violation of the Optometry Act by Stringz Eyebrow Threading and a hearing on the matter Scheduled at October 18, 2018 Board meeting. Dr. Ginger made a second. The motion passed.

Dr. Ashley reported on Stanton Optical. He presented a handout with internet feedback/complaints from several states. Mr. O’Dwyer reported that he had consulted West Law and found no litigation against them. Several state governments—California, Oklahoma, Nebraska— are reviewing Stanton Optical operations.

Dr. Flippin led a discussion on purging the old records of the Board. He reported that he has documents all the way back to the 1940’s. Some of the records are historical documents, but most are old CE records and license applications.
Dr. Ginger made a motion to dispose of records that are five year old or more and scan all important papers. Dr. Hennessey made a second. The motion passed.

Dr. Ashley opened the floor for nominations for Board officers for 2018-2019. Current officers are Dr. Bryant Ashley, President, Dr. Herman Ginger, Vice President, and Dr. Bob Smalling, Secretary-Treasurer.

Dr. Hennessey made a motion that the current officer be re-elected for the 2018-2019. Dr. Ginger made a second. The motion passed.

Dr. Ashley led a discussion about a salary increase for our Board attorney, Mr. Kevin O’Dwyer. Mr. O’Dwyer was asked to leave the meeting room. His current salary is $20,000 per year. He is also on retainer to the boards of medicine and dentistry. His current salary has been in place since the Board originally hired outside counsel, more than ten years ago. Any salary change will have to be approved by the legislature.

After discussion, Dr. Hennessey made a motion to recommend a raise in his annual salary to $24,000 per year. Dr. Ginger made a second. The motion passed.

The next Board meeting is scheduled for October 18 at the Victory Building. The remaining meeting will be November 29. The Jurisprudence Course will be given Friday, October 26 in Rogers at 10:30 -11:30 am. The Arkansas Medical Foundation’s programs and how our licensees can use them will be included in the JP course in October.

Dr. Hennessey made a motion to pay mileage and per diem for the Board meeting. Dr. Ginger made a second. The motion passed.

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

The meeting adjourned at 2:40 pm.

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Dr. Bryant Ashley, President

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Dr. Robert W. Smalling, Secretary/Treasurer