

Minutes

Arkansas State Board of Optometry

Regular Board Meeting Conducted by Phone Call

February 18, 2021

Dr. Ashley, Board President, called the meeting to order at 1:30p.m. with all board members present. Also in attendance were Ms. Bonita Wiseman, Board Assistant; Mr. Kevin O'Dwyer, Board Attorney; Mr. Matt Gilmore, AR Department of Health; Ms. Lacey Kirchner, Attorney General Counsel; Ms. Vicki Farmer, Arkansas Optometric Association, Executive Director; Ms. Debbie Henley, ArOA Executive Assistant; Dr. Allison Hall, ArOA; Dr. Rusty Simmons and Dr. Katie Brown, Board Members of the ArOA.

Dr. Hennessey presented the minutes of the November 19, 2020 board meeting. Mr. White made a motion to approve the minutes as presented. Dr. Ford seconded. The motion passed.

In Dr. Flippin's absence, the Accounting Update Report was not presented.

Dr. Ashley led a conversation as to whether light adjustable IOLs fell within the scope of practice under ASBO rules and regulation. It was suggested that the Board to invite Michael McFarland, O.D. to discuss the procedure in detail before the Board made a decision.

Mr. O'Dwyer presented information regarding the illegal sale of cosmetic contact lenses at Young's Beauty Supply in Ft. Smith, AR. He reported that the owner, Youn Byun, and the owner's attorney, said they would accept an offer to pay a fine and deliver information about the distributor. Mr. Gentry made a motion to fine Youn Byun \$1000 which would include expenses for the investigation. Dr. Hennessey seconded. The motion passed.

Dr. Bradley Diner, Medical Director of the Arkansas Medical Foundation (AMF), sent a letter to the Board regarding (NAME REDACTED), O.D. The letter stated that Dr. (REDACTED) declined the recommendation made by the Arkansas Medical Foundation (as part of the Impaired Optometrist Treatment Program) that may include confidential assessment, referral to treatment, resources and monitoring for physicians/healthcare professionals, and those in training who may be at risk of impairment from mental illness, substance use disorders and other health conditions. Board Counsel Mr. O'Dwyer stated the optometrist must accept the recommendation of AMF or be subpoenaed by the Board for the next board meeting. Mr. O'Dwyer will contact the optometrist and let him know what his options. Dr. Reed made a motion that the Board follow the recommendation of counsel. Mr. White seconded. The motion passed.

Mr. O'Dwyer reported to the Board that a different optometrist, (NAME REDACTED), O.D., was found in violation of Arkansas Optometry Law 17-90-503 *et seq* regarding impairment of an optometrist due to the disease of alcoholism, drug abuse or mental illness in 2019. Dr. (REDACTED) failed to disclose this violation when renewing his Arkansas optometry license for 2020 and 2021. This is in violation of Arkansas Optometry Law 17-90-305(a)(2) prohibiting an

optometrist from “presenting false information or documentation to the board in an attempt to obtain or to retain a license.” Dr. Ford made a motion to subpoena Dr. (REDACTED) to appear at the next board meeting for a formal hearing regarding the violation of these two Optometry Laws. Dr. Reed seconded. The motion passed.

Dr. Ashley posed a question as to whether the Board continue to follow ARBO’s direction allowing for virtual and interactive live continuing education credit hours through June 30, 2021, due to the ongoing pandemic. Dr. Hennessey made a motion that we continue to do so. Mr. Gentry seconded. The motion passed.

Dr. Ashley opened discussion regarding the date for the next Advanced Procedures Certification testing. Dr. Hennessey made a motion that APC testing be scheduled for June 19, 2021 (assuming a suitable venue can be reserved). Dr. Reed seconded. The motion passed. **{N.B. The general optometric physician testing is scheduled for June 17, 2021.}**

Dr. Ashley presented the question as to whether Intense Pulsed Light Therapy for Meibomian Gland Dysfunction and Dry Eye Syndrome is within the current scope of practice for Arkansas optometrists. Noting that the procedure is not invasive, Dr. Ford made a motion that the Board declare that the procedure is within current optometric scope of practice. Mr. Gentry seconded. The motion passed.

Dr. Ashley reviewed the list of optometrists who did not renew their Arkansas license to practice optometry in 2021. Ms. Wiseman reported that Dr. Jill Robertson did renew her license, albeit a few days late. Mr. White made a motion that her license be renewed without penalty. Dr. Hennessey seconded. The motion passed.

In the discussion of OPEN ITEMS, Mr. O’Dwyer told the Board that during the pandemic emergency, optometrists are allowed to vaccinate individuals for COVID-19.

Dr. Ford discussed the need for the Board to advise Medicaid on the new rules and regulations pertinent to Act 579 and to insist that Medicaid update their programming so they pay for the new procedures now within the Arkansas scope of practice. Dr. Hennessey made a motion that the Board and its staff follow through on Dr. Ford’s recommendation. Mr. White seconded. The motion passed.

Dates of the upcoming regular meetings of the ASBO are as follows: April 22, June 17, August 19, October 21 and a date in November that is yet TBD. Times and place for these meetings are still TBD.

Discussion resulted in a motion by Mr. Gentry that Dr. Reed’s travel expenses to attend the ARBO meeting later in 2021 be reimbursed. Dr. Ford seconded. The motion passed. Mr. White made a motion that per diem be paid to board members for this meeting. Dr. DeBlack seconded. The motion passed.

Mr. Gentry made a motion that the meeting be adjourned. Dr. Ford seconded. The motion passed. Time of adjournment was approximately 3:00 pm.

Bryant Ashley, OD, President

Dan Hennessey, OD, Secretary