

Minutes

Arkansas State Board of Optometry

Regular Board Meeting at Freeway Medical Room 801

April 22, 2021

Dr. Ashley, Board President, called the meeting to order at 1:30p.m. with all board members present except Mr. Mitchell Gentry. Also in attendance were Dr. Howard Flippin, Board Executive Director; Mrs. Tanya Ford, Board Executive Secretary; Mr. Kevin O'Dwyer, Board Attorney; Ms. Lacey Kirchner, Attorney General Counsel; Ms. Vicki Farmer, Arkansas Optometric Association, Executive Director; Ms. Debbie Henley, ArOA Executive Assistant; Dr. Allison Hall, ArOA; and Ms. Tiffany Harrison, Court Reporter.

Dr. Ashley introduced Mrs. Tanya Ford, who was recently hired by the Arkansas Department of Health as the ASBO Executive Secretary. Dr. Flippin will continue as Executive Director through the transition.

Dr. Hennessey presented the minutes of the February 18, 2021 regular Board meeting. Dr. Reed made a motion to approve the minutes as presented. Dr. Ford made a second. The motion passed.

Dr. Flippin presented the Accounting Update Report dated April 21, 2021 and explained the new accounting update format utilized by ADH. Dr. Ford made a motion to accept the financial report. Mr. White made a second. The motion passed.

Mr. O'Dwyer reported that the Board had received a check from Young's Beauty Supply pursuant to their agreement, but they did not provide the name of the supplier as per their agreement. Mr. O'Dwyer will follow up with Young's.

Mr. O'Dwyer reported that Dr. Martin L. Faulkner signed a contract with the Arkansas Medical Foundation earlier in the day per the Board's request.

Dr. Mike McFarland of Vold Vision appeared before the Board to answer questions regarding RxSights' Light Activated Lens (LAL), an adjustable IOL that allows the patient's correction to be optimized. The Board's purpose was to learn more about the technology in order to determine if certain post-operative care of the LAL was within Arkansas' optometric scope of practice. Dr. DeBlack made a motion that LAL is within the scope of practice, Dr. Ford made a second. The motion passed.

Mr. O'Dwyer led a formal hearing alleging that Dr. Malcolm (Ricky) Hutchins submitted false information regarding a DUI on his renewal applications for his 2018 and 2019 optometric license. It was noted that Dr. Hutchins self-reported to the AMF. At the end of the hearing, Dr. Ford made a motion that Dr. Hutchins be found to have falsified information on renewal applications as alleged. Dr. Hennessey made a second. The motion passed. Dr. Hennessey then made a motion that no further penalties be assessed. Mr. Gentry made a second. The motion passed.

Dr. Ashley led a discussion regarding requests from several students that they be allowed to sit for the ASBO state licensure examination on June 17, 2021, despite not having passed Part III of the NBEO as required by the optometric practice act. They felt like they did not have ample opportunity to prepare for and take Part III due to the Covid pandemic. The Board allowed for this exception in 2020 due to the pandemic. The discussion was tabled, to be considered at a specially called board meeting, via teleconference, prior to the June test date.

Dr. Ashley led a discussion as to whether Botox injections were within the scope of practice following the enactment of the Advanced Procedure portion of the optometric practice act. No formal action was taken by the Board.

Dr. Flippin reported that Happy Nails had paid their fine for the illegal selling of cosmetic contact lenses.

Dr. Ashley informed the Board that he had received a letter from Dr. Rusty Simmons, who reported that he was made aware of a potential possible violation of the Practice Act at Contact Lens Express in Hot Springs. A motion was made and seconded that the allegation be investigated by the Board. The motion carried.

Dr. Ashley reported that the date and place for licensure exams had been finalized. The new licensure exam will be at 10:00 a.m. on June 17, 2021 at Freeway Medical Tower. The Advanced Procedure Licensure will be June 19, 2021 at Embassy Suites in Little Rock.

Dr. Ashley led a discussion as to whether a licensure grace period should be extended to those who fail to renew their optometric license by February 1 of each year as required by rules and regulations of the ASBO. No formal action was taken.

Dr. Ashley informed the Board that ARBO has extended their decision to allow virtual live continuing education courses to be equivalent to live, in-person CE until December 31, 2021.

Dr. Ashley informed the Board of the remaining 2021 meeting dates. They are August 19, October 21 and November 18.

Dr. Hennessey made a motion that per diem and mileage be paid to board members for this meeting. An undetermined second was made. The motion passed.

The meeting was adjourned.

Bryant Ashley, OD, President

Dan Hennessey, OD, Secretary