

KANSAS BOARD OF EXAMINERS IN OPTOMETRY
Minutes of the April 11, 2022 Meeting

- I. 1:00 pm called to order by Gerard Lozada, OD, President. Members of the Board present were Drs. Dawn Bircher, Rebecca Sparks, and Lora Durst, and public member Carisa De Anda attended remotely. Also, in attendance were Tim Resner, Board Counsel and Jan Murray, Executive Officer. Members of the public attending remotely were: Todd Fleischer, KOA representative, Drs. Carrie Hartigan, William Cheek, Dwayne Sturtevant, Jamie Weiser, and Jeffrey Natchez, Drew Thompson, and Gordon Wiens.
- II. The agenda was approved by consensus.
- III. Dr Sparks motioned and Dr Durst seconded a motion to approve the January 5, 2022 minutes. Motion carried 5-0. Dr Bircher motioned and Dr Sparks seconded a motion to approve the March 3, 2022 minutes. Motion carried 5-0. Dr Durst motioned and Dr Bircher seconded a motion to approve the March 7, 2022 minutes. Motion carried 5-0.
- IV. Dr Sparks motioned and Dr Durst seconded to approve the Stipulation and Final Agency Order for Jeffrey Natchez, OD, Case #2022-02. Motion carried 4-0 with Dr Lozada recusing himself.
- V. Applications:
 - A. Dr Bircher motioned and Dr Sparks seconded a motion to approve the reciprocity application of Carrie Hartigan, OD. Motion carried 5-0.
 - B. Dr Bircher motioned and Dr Sparks seconded a motion to approve the application of William Cheek, OD contingent on passing the licensing examination in July. Motion carried 5-0.

Dr Sparks moved to go into executive session at 1:23 pm to return to open session at 1:33 pm. The justification was to engage in discussions protected by the attorney-client privilege and the topic being reciprocity licensure. The motion was seconded by Dr. Bircher. Motion carried 5-0. No consensus was reached during executive session.

The Board adjourned into executive session at 1:23 pm

The Board reconvened at 1:33 pm

Dr Sparks moved to go into executive session at 1:35 pm to return to open session at 1:45 pm. The justification was to engage in discussions protected by the attorney-client privilege and the topic being reciprocity licensure. The motion was seconded by Dr. Bircher. Motion carried 5-0. No consensus was reached during executive session.

The Board adjourned into executive session at 1:35pm

The Board reconvened at 1:45 pm

Dr Durst moved to extend executive session at 1:45 pm to return to open session at 2:00 pm. The justification was to engage in discussions protected by the attorney-client privilege and the topic being reciprocity licensure. The motion was seconded by Dr. Sparks. Motion carried 5-0. No consensus was reached during executive session.

The Board returned into executive session at 1:45 pm

The Board reconvened at 2:00 pm

Dr Sparks moved to extend executive session at 2:00 pm to return to open session at 2:13 pm. The justification was to engage in discussions protected by the attorney-client privilege and the topic being reciprocity licensure. The motion was seconded by Dr. Durst. Motion carried 5-0. No consensus was reached during executive session.

The Board returned into executive session at 2:00pm

Due to technical difficulties during the executive session, the Board extended the executive session

The Board reconvened at 2:55 pm

- C. Dr Sparks motioned and Dr Durst seconded a motion to table the reciprocity of Dwayne Sturtevant, OD
- D. Dr Sparks motioned and Dr Bircher seconded a motion to approve the reinstatement of Jamie Weiser, OD

VI. Report of the President:

- A. Dr Bircher motioned and Dr Sparks seconded a motion to retain the current Board Officer positions, with Dr Durst assuming the role of Secretary/Treasurer when Dr Sparks's position on the Board is concluded. Motion carried 4-0.
- B. Ms De Anda had to leave the meeting momentarily.
- C. The Board made no changes to the Source Control Guidance approved in March.
- D. Dr Lozada did not have any updates in previous investigations
- E. Dr Lozada discussed ring binders for new board members.
- F. Dr Lozada discussed having a conduct and security agreement on the application for examination.

Dr Durst moved to go into executive session at 3:15 pm and to return to open session at 3:25 pm. The justification was to engage in discussions concerning personnel matters of nonelected personnel. The motion was seconded by Dr Bircher. Motion carried 5-0.

The Board adjourned into executive session at 3:15 pm

The Board reconvened at 3:25 pm.

- G. Dr Lozada instructed Ms Murray to include in the FY2025 budget another full-time employee who could shadow her before she retires. Dr Lozada also instructed Ms Murray to work on an office procedure manual.
 - H. Dr Lozada tabled the discussion on the rules and regulations.
- VII. Report of the Vice-President
- A. Dr Bircher requested 5 new questions from each Board member for the upcoming licensure examination.
 - B. Dr Bircher is working on getting court decisions posted on the Board's website.
- VIII. Report of the Secretary-Treasurer
- A. No Report
- IX. Report of the Member-At-Large
- A. No Report
- X. Report of the Public Member
- A. No Report
- XI. Report of the Legal Counsel
- A. Mr Resner discussed the definition of the active practice in optometry. He discussed the Board of Healing Arts definition of active practice. The Board discussed adding similar language for optometry.
 - B. Mr Resner and Dr Lozada discussed board member roles and investigations by the Board.

The Board recessed at 4:10 pm

The Board reconvened at 4:20 pm

- XII. Report of the Executive Officer
- A. Trade Names
 - 1. Dr Sparks motioned and Dr Durst seconded a motion to table the trade name application for Jamie Speth, OD until issues with her application can be resolved. Motion carried 5-0.
 - 2. Dr Durst motioned and Dr Birch seconded a motion to table the trade name application for Anna Sadler, OD until issues with her application can be resolved. Motion carried 5-0.

3. Dr Sparks motioned and Dr Birch seconded a motion to table the trade name applications for Joshua Boucher, until issues with his applications can be resolved. Motion carried 5-0.
 4. Dr Sparks motioned and Ms De Anda seconded a motion to table the trade name applications for Ryan Kueker, OD until issues with his applications can be resolved.
 5. Dr Birch moved and Dr Durst seconded a motion to table the trade name application for Matthew Skahan, OD until the application is complete.
 6. Dr Sparks motioned and Dr Durst seconded a motion to approve the trade name of *EyeCare Associates of Lindsborg*, 104 N 2nd St, Lindsborg, KS for Robert Murphey, OD, Todd Zerger, OD and Brandon Smith, OD. Motion carried 5-0.
 7. Dr Durst motioned and Dr Bircher seconded a motion to approve the trade name of *Drs Joyce and Hursh, LLC*, 501 N Main St, Eureka, KS. Motion carried 5-0.
- B. Ms Murray discussed the upcoming ARBO conference in June. Drs Lozada and Bircher will be attending.
 - C. Ms Murray gave the Board an update on renewals
 - D. Ms Murray told the Board that the updated reciprocity application would be posted the online.

XIII. Comments from the Public

Mr Fleischer updated the board on current legislature

XIV. Next Meeting

The Board will be meeting May 25, 2022 at 7:00 pm via Microsoft Teams.

The Board will be holding the Board/Annual Exam July 22-23, 2022 at the Kansas Statehouse.

XV. Adjournment

Dr Durst motioned and Dr Bircher seconded a motion to adjourn.

The Board adjourned at 5:14 pm