

KANSAS BOARD OF EXAMINERS IN OPTOMETRY
Minutes of the 11 October 2017 Meeting

- I. 11:00 am called to order by Ron Hansen, OD, President. Members of the Board present were Drs. Gerard Lozada, Craig Newland and Rebecca Sparks. Also in attendance were Randy Forbes, Board Counsel, and Jan Murray, Executive Officer, Todd Fleischer, KOA representative, Diana Tattershall, Brian Coble, Sean McAffe, and Charlie Dao.
- II. Dr Lozada motioned and Dr Newland seconded a motion to approve the minutes from the June 9-10, 2017 and July 24, 2017 meetings. Motion carried 4-0
- III. Dr Lozada motioned and Dr Sparks seconded a motion to approve the reciprocity of Charlie D Dao, OD. Motion carried 4-0.
- IV. *Report of the President:*
 - A. No Report
- V. *Report of the Vice President*
 - A. Dr Lozada gave an update on the KSSBEO complaints regarding Simple Contacts and Opternative /1-800 Contacts.
 - B. Dr Lozada gave a report on a complaint concerning Lens.com.
 - C. Dr Lozada discussed Radiofrequency treatments and consideration if it fits within the scope of practice. The consensus was Radiofrequency treatments are not prohibited in the area of the eye and adnexa.
- VI. *Report of the Secretary/Treasurer*
 - A. Dr Sparks moved and Dr Lozada seconded a motion to approve the COPE courses from 06/11/2017-10/11/2017. Motion carried 4-0.
- VII. *Report of the Member-At-Large*
 - A. No Report
- VIII. *Report of the Public Member*
 - A. No Report
- IX. *Report of the Legal Counsel*
 - A. The Board discussed K.A.R. 65-8-4 Contents of a prescription.
 - B. Mr Forbes discussed Federally Qualified Health Centers (FQHC) as pertains to optometric practice.

Dr Lozada motioned and Dr Newland seconded a motion to recess for lunch. Motion carried.

The Board recessed for lunch at 12:00 pm.

The Board reconvened at 12:30 pm.

Dr. Lozada moved to go into executive session to return to open session at 12:55 pm, the justification being to engage in discussions protected by the attorney-client privilege and the topic being potential litigation. The motion was seconded by Dr. Sparks. The motion passed.

The Board adjourned into executive session at 12:35pm.

The Board reconvened at 12:55 pm.

X. *Hearing on Application for Reinstatement*

A. The Board held a hearing on the application for reinstatement for Mindy Abbey.

The Board moved and seconded a motion to reinstate Mindy Abbey if the following conditions were met:

1. Continuing education hours (from the time the license was revoked) must be obtained in accordance with the standards for licensure in 2017.
2. Payment in full for required fees of \$500 per year since the license was revoked, plus \$450 renewal fee.
3. If Mindy Abbey seeks employment as an optometrist following the reinstatement of her license, her compensation will be either salaried or hourly only. No commission or production-based compensation will be allowed.

Motion carried 3-1.

XI. *Adjudicative Hearing*

A. The Board held an adjudicative hearing for Michael Gordon, OD.

The Board motioned and seconded a motion to:

1. Dr Gordon's license will be suspended until further order of the Board
2. Within 30 days of the date of the order, Dr Gordon shall contact in writing each of the persons who were patients at the time he closed his practice advising them how and where to obtain copies of their medical records.
3. After he has completed the requirements, he may petition the Board to remove the suspended status from his license.

Motion carried 3-0 with Dr Sparks recusing herself.

XII. *Report of the Executive Officer*

A. Dr Lozada motioned and Dr Sparks seconded a motion to approve the reciprocity of Boyd Gubler, OD. Motion carried 4-0.

B. Trade Names:

1. Dr Lozada motioned and Dr Newland seconded a motion to approve the trade name of *Blue Valley Vision of Downtown OP*, Downtown Overland Park or 75th & Metcalf, Overland Park, KS for Evan Strong, OD and Jayme Fose, OD. Motion carried 4-0.
2. Dr Newland motioned and Dr Sparks seconded a motion to not approve the trade name of *Ocular Diagnostics* (as being too broad) for Evan Strong, OD and Jayme Fose OD. Motion carried 4-0
3. Dr Lozada motioned and Dr Newland seconded a motion to approve the trade name of *Salina Vision Care*, 2069 S Ohio, Salina, KS for Travis K Sharpe, OD and Sara Myers, OD. Motion carried 4-0.

4. Dr Sparks motioned and Dr Lozada seconded a motion to conditionally approve the trade name transfer of *Ulysses Eye Care*, 100 W Oklahoma Ave, Ulysses, KS from Gregory Copeland, OD to Douglas Ayre, OD and Reed McAtee OD. The condition being that the board receives confirmation from Dr Copeland on the transfer. Motion carried 4-0.

C. Ms Murray discussed a fax she received from a Kansas optometrist concerning March Vision and their new professional liability requirements

D. Ms Murray discussed renewal certificates.

E. Ms Murray discussed finding patients for the practical examination in June 2018.

F. Ms Murray discussed the budget process.

XIII. *Comments from the Public*

A. There were no comments from the public

XIV. *Next Meeting*

A. The next meeting will be held on January 10, 2018 at the Law Offices of Frieden, Unrein, and Forbes, 1414 Ashworth Place, Suite 201, Topeka, KS.

XV. *Adjournment*

Dr Sparks motioned and Dr Newland seconded a motion to adjourn the meeting. Motion carried 4-0. The meeting was adjourned at 4:26 pm.