

MINUTES

INDIANA OPTOMETRY BOARD

NOVEMBER 15, 2006

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Cindy Vaught called the meeting to order at 10:00 a.m. in the Indiana Professional Licensing Agency, Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-24-1-2.

Board Members Present:

Douglas C. Morrow, O.D., Member
Natalie Olinger-Stine, O.D., Member
Stephan Van Cleve, O.D., Member
James Hunter, O.D., Member
Carl Golightly, O.D., Member
Peter Henderson, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Rebecca Walker, Deputy Attorney General, Attorney General's Office

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

MORROW/GOLIGHTLY
Motion carried 6-0-0

III. ADOPTION OF THE MINUTES FROM THE MAY 17, 2006 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the May 17, 2006 meeting of the Board.

OLINGER-STINE/MORROW
Motion carried 6-0-0

IV. ELECTION OF OFFICERS

A. President- A motion was made and seconded to nominate Douglas C. Morrow, O.D. as the president of the Indiana Optometry Board.

OLINGER-STINE/GOLIGHTLY
Motion carried 6-0-0

B. Secretary- A motion was made and seconded to nominate Natalie Olinger-Stine, O.D. as secretary of the Indiana Optometry Board.

HUNTER/GOLIGHTLY

Motion carried 6-0-0

- C. **Consumer Complaints Board Designee-** A motion was made and seconded to nominate Stephan Van Cleve, O.D. as consumer complaints designee for the Indiana Optometry Board.

OLINGER-STINE/GOLIGHTLY

Motion carried 6-0-0

- D. **Continuing Education Board Designee-** A motion was made and seconded to nominate James Hunter, O.D. as the continuing education designee for the Indiana Optometry Board.

OLINGER-STINE/VAN CLEVE

Motion carried 6-0-0

- E. **IOA Representative-** A motion was made and seconded to nominate Carl Golightly, O.D. as the Indiana Optometric Association representative for the Indiana Optometry Board.

HUNTER/OLINGER-STINE

Motion carried 6-0-0

V. APPEARANCE/PRESENTATION

- A. **Roger Seelye, O.D. and Fred Darrin, O.D.**
Association of Regulatory Boards of Optometry
Re: OE Tracker

A presentation was made to the Board regarding ARBO's OE Tracker program. This program is designed to track attendance at all types of continuing education programs. The information is then sent to a central database maintained by ARBO where it can be accessed by the individual practitioner and state optometry boards. Practitioners and state boards can access these records to verify attendance at continuing education programs, the practitioner can print a transcript of courses attended and certificates to submit for the purpose of an audit. Each optometrist is issued an OE tracker card that contains a unique ID number and is bar-coded with a magnetic strip. When a practitioner attends a program that is utilizing the OE tracker system the card gets scanned or swiped in a scanner. The unique ID number is used to link optometrists to the courses they are taking and after the program the data in the scanners will be downloaded into the OE tracker system. Data will be stored for each practitioner for as many years as the longest requirement for records to be maintained. At this time there is no fee to optometrists because the program has industry sponsors. Continuing education providers do not have a fee but are required to rent the scanners with a one thousand dollar (\$1,000.00) refundable deposit for each scanner rented. Should industry sponsor monies disappear the approximate fee per year for an optometrist to have their CE tracked and maintained would be fifteen dollars (\$15.00). Questions were raised by the Board concerning how ARBO shares the information in the database with the industry sponsors. It was explained that these companies do not have access to practitioners personal information. They may get lists of continuing education programs to see how many optometrists attended and to help determine the programs that are most popular and least popular. This data will help sponsors present better programs and help define which areas of optometry should be

targeted. The OE tracker program began one year ago and has shown a high rate of growth in the past six months. Dr. Seelye said data shows that one-third of Indiana optometrists are already using OE tracker. Although some states are mandating the use of OE tracker ARBO is only asking that state boards endorse the use of OE tracker. They would like awareness of the program to spread and to be assured that Indiana will accept their data records as proof of attendance at continuing education programs. Jim Zieba, Executive Director of the Indiana Optometric Association, told the Board he feels OE tracker is an efficient and reliable program but does not want Indiana to make it mandatory that optometrists use it in case costs do arise in the future for optometrists.

Board Action: A motion was made and seconded to accept ARBO electronic transcript records and certificates as maintained by the OE tracker program as valid documentation of continuing education for Indiana optometrists.

OLINGER-STINE/GOLIGHTLY
Motion carried 6-0-0

VI. DISCUSSION

A. Thomas Boone, O.D. Re: Requirements for reinstatement of licensure

Dr. Boone wrote a letter to the Board inquiring as to what would be required to have his optometry license reinstated. Dr. Boone's license was suspended on March 31, 2005 and he cannot seek reinstatement for two (2) years from the date of that final order. Dr. Boone also let his license expire April 1, 2004 and even though it is suspended he could still be renewing the license. The Board determined that in order to renew his suspended license and optometric legend drug certificate he will need to submit copies of continuing education certificates totaling 90 hours. He will be able to request a hearing to have his license reinstated after March 31, 2007 and at that hearing he will need to present an addictionology examination report. Ms. Vaught will send Dr. Boone a letter explaining this.

B. Legislative/Administrative Rule Changes

Ms. Vaught informed the Board of some changes that have recently been made in the law. First was the dissolution of the Optometric Legend Drug Prescription Advisory Committee. The OLD PAC rules have been combined with the optometry rules but the Board will now need to reformat these rules to make them more cohesive. Ms. Vaught requested that when the Board does work to combine the two sets of rules that she would like the four (4) year approval of programs deleted for therapeutic courses. The goal is to have one set of requirements for all continuing education. The Board designated a three (3) person committee to work on combining the continuing education rules. The committee will be made up of Dr. Morrow, Dr. Olinger-Stine, and Dr. Hunter. Dr. Golightly said he would also like the Board to consider a mandatory continuing education requirement of two (2) hours of risk management per biennium in the area of medical records and documentation. His concern deals with improper charting for Medicare/Medicaid and the strict federal penalties that doctors face when their records are audited and found to be incorrect. He feels it is important to be proactive to get optometrists this training before the profession comes under scrutiny and suffers as a result of improper medical documentation.

There was also a discussion held about the new optometry rule regarding continuing education (852 IAC 1-16-1) which became effective September 7, 2006. This rule lowered the continuing education requirement to renew an optometry license to twenty (20) hours. The rule also states that continuing education sponsors who are not automatically approved must submit the application and course material for board review sixty (60) days prior to the program date. During discussion of this rule Jim Zieba, Executive Director for the Indiana Optometric Association, addressed the Board concerning 852 IAC 1-16-6 which states, "The writing of articles for publication and teaching of courses are not acceptable for approval of continuing education." Mr. Zieba asked the Board to reconsider this because he claims a doctor who is teaching is learning by doing the research necessary to present up to date information. The Board determined they will discuss this issue further.

The final discussion concerned the new statute which went into effect July 1, 2006 for all professions encompassed in the Indiana Professional Licensing Agency. This new statute defines "approved organizations" which means any organization that falls under this definition is deemed an automatically approved sponsor of continuing education and will not have to submit applications to the state boards for their approval. The new statute also changes the way in which practitioners will be sanctioned if they fail to comply with a continuing education audit. No longer will complaints be filed with the Attorney General's office.

C. Optometry Continuing Education Audit for 2004-2006

Ms. Vaught presented the results of the optometry continuing education audit which was held recently for the April 1, 2004 through April 1, 2006 biennium. There were seventy (70) optometrists chosen in the random audit and there were two (2) who did not comply.

1) Kevin R. Fisher, O.D. license number 18002308A-

Dr. Fisher did not respond to the audit. The certified letter that was returned as "Unclaimed". Additional notifications were sent first class mail but were not returned as undeliverable so we believe he did receive those letters.

Board Action: A motion was made and seconded to file a complaint with the Office of the Attorney General in the matter of Dr. Fisher's noncompliance with the continuing education audit.

VAN CLEVE/GOLIGHTLY
Motion carried 6-0-0

2) Kari Ellen Riina, O.D. license number 18003035A

Dr. Riina submitted copies of twelve (12) hours of CE certificates and wrote a letter stating that her basement flooded and the damage prevented her from being able to salvage all of her documents. She also submitted a copy of the insurance claim that was filed due to flood damage. Ms. Riina wrote that she could not remember all of the courses she had attended and therefore did not know which sponsors to contact to get copies of her CE certificates.

Board Action: A motion was made and seconded to grant Dr. Riina additional time in which to comply with the audit and produce copies of her continuing education certificates.

OLINGER-STINE/GOLIGHTLY
Motion carried 6-0-0

D. Contact Lens Prescriptions- Dirk Titus, O.D.

Dr. Titus appeared before the Board to address an issue he is having with 1-800-Contacts. Dr. Titus has experienced a few cases whereby 1-800-Contacts is filling contact lens prescriptions in large quantities which would supply the patient with enough contacts to carry them well past the contact lens prescription expiration date. Federal and state contact law states that a contact lens prescription is valid for one (1) year but it does not place a restriction on the quantity of contacts that a doctor can prescribe or that a patient can order from a distributor. As long as the prescription is valid it seems that 1-800-Contacts allows you to place orders. Since patients are able to get an abundance of contact lenses they are not necessarily going to the eye doctor once a year to ensure that their eyes are not damaged or unhealthy in some way. Although Dr. Titus admits that contact lenses are safe he feels it is unjust that a prescription he writes can be circumvented by a competing contact lens distributor. Dr. Titus explained that he has filed a complaint with the Federal Trade Commission and the Indiana Office of the Attorney General but has not yet seen anything come of those complaints. It was the opinion of Dr. Olinger-Stine that it would be nice to address this issue before a patient suffers eye damage due to long term contact use without annual eye exams. Advisory counsel, Becky Walker, explained that the Board does not have jurisdiction or control over 1-800-Contacts and the FTC is who should be contacted. She stated the Attorney General's office can look into the matter since this is a company doing business in Indiana but ultimately this issue will have to be addressed by federal law. The Board asked Ms. Vaught to inquire as to the progress of the complaint that was filed with the Attorney General's office.

VII. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications for the Board to review.

B. Examination Applications

There were no examination applications for the Board to review.

C. Faculty Limited License

There were no faculty limited licenses for the Board to review.

D. Professional Corporation Applications

There were no professional corporation applications for the Board to review.

VIII. REPORTS

A. Consumer Complaints

There was no report for consumer complaints.

B. Indiana Optometric Association

There was no report from Jim Zieba with the IOA.


C. Continuing Education

There was no continuing education report.

IX. OLD/NEW BUSINESS

X. ADJOURNMENT

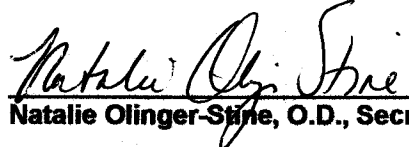
There being no further business, and having completed its duties, the meeting of the Indiana Optometry Board adjourned at 1:30 p.m.



Douglas C. Morrow, O.D., President

5/16/07

Date



Natalie Olinger-Stine, O.D., Secretary

5/16/07

Date