



NEW MEXICO BOARD OF EXAMINERS IN OPTOMETRY

New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

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MINUTES - RULE HEARING AND REGULAR BOARD MEETING – 02/11/2008

Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico

MEMBERS PRESENT: Dr. Richard Zobel, OD, Chairman
Dr. Jane Compton, OD, Vice-Chair
Dr. Thomas Paz, OD, Secretary/Treasurer
Dr. Wayne Hamm, OD, Professional Member
Barbara Deaux, Public Member
Ben Martinez, Public Member

BOARD STAFF: Mona Valicenti, Asst. Attorney General
Martha L. Gallegos, Board Administrator
Diane Vigil-Hayes, Exam Administrator

I. CALL TO ORDER AND ROLL CALL

Chairman Dr. Zobel called the meeting to order at 10:05 a.m. Roll call was taken and it was determined that a quorum was present.

Dr. Zobel introduced the new Board Member, Dr. Wayne Hamm.

II. APPROVAL OF AGENDA

Dr. Compton **MOVED** to approve the agenda. Dr. Paz **SECONDED**. Motion **PASSED** by unanimous decision.

III. APPROVAL OF BOARD MEETING MINUTES

Ms. Deaux **MOVED** to approve the minutes of December 1, 2007, Dr. Compton **SECONDED**. Motion **PASSED** by unanimous decision.

IV. OLD BUSINESS

A. Procedure Codes Update - Dr. Zobel presented letter to be sent to Dr. Debra Patterson with Trail Blazer Health Enterprises, LLC, regarding the procedure codes. Dr. Hamm **MOVED** to approve the Surgical Procedure Codes for Optometrists in New Mexico. Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision.

V. NEW BUSINESS

A. Consider Adoption of Rule Changes for 16.16 NMAC

Part 1 - General Provisions - Dr. Compton **MOVED** to approve the adoption of Section 7 amendments as presented. Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 3 - Requirements for Licensure by Examination - Ms. Deaux **MOVED** to approve the adoption of Section 9 amendments as presented. Mr. Martinez **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 4 - Requirements for Licensure by Endorsement - Dr. Compton **MOVED** to approve the adoption of Section 9 amendments as presented. Dr. Paz **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 5 - Examination for Optometric Licensure - Mr. Martinez **MOVED** to approve the adoption of Section 9 amendments as presented. Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision.

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Part 7 - Pharmaceutical Certification - Mr. Martinez **MOVED** to approve the adoption of Sections 10, 11, and 13 amendments, and new Section 15, as presented. Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 8 - DEA Registration Requirements - Mr. Martinez **MOVED** to approve the adoption of Section 1 amendments as presented. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 10 - Renewal of New Mexico Optometry Licenses - Mr. Martinez **MOVED** to approve the adoption of Sections 8 and 13 amendments as presented. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision. *(See Amendment to Part 10 below)

Part 11 - License Expiration Due to Non-Renewal; Reactivation - Mr. Martinez **MOVED** to approve the adoption of Sections 8, 9, 12, and 13. After discussion Mr. Martinez **AMENDED** his motion to **APPROVE** with the amendment. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 12 - Retirement and Reinstatement of Optometry License - Mr. Martinez **MOVED** to approve the adoption of Sections 7 and 11 amendments as presented. Dr. Paz **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 13 - Continuing Education - Mr. Martinez **MOVED** to approve Sections 8 and 11 amendments as presented. Dr. Hamm **SECONDED** the motion. Discussion opened to include CPR to continuing education. CPR is not considered continuing education so it was decided not to be placed in Part 13. The Board agreed to add the language into Section 8 reflecting the new continuing education requirements

***PART 10 - Renewal of Optometric License** - The Board returned to Part 10 to amend Section 12 by adding "and beginning July 1, 2009 a copy of a current CPR certificate" to the end of the sentence. Mr. Martinez **MOVED** to accept amended 16.16.10.12, Renewal Application. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Part 16 - Practice Location; Ownership - Mr. Martinez **MOVED** to approve the adoption of Section 8 amendments with the exception of leaving Subsection A to read as it did before because it was taken verbatim from the statute. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision.

B. Election of Officers - Dr. Compton **MOVED** to keep Dr. Richard Zobel as Chair, Mr. Martinez **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Dr. Hamm **MOVED** to keep Dr. Jane Compton as Vice-Chair, Mr. Martinez **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Mr. Martinez **MOVED** to keep Dr. Thomas Paz as Secretary/Treasurer, Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

C. Open Meetings Act Resolution - Mr. Martinez **MOVED** to accept the Open Meetings Act Resolution, Dr. Paz **SECONDED** the motion. Motion **PASSED** by unanimous decision.

D. Code of Conduct - Mr. Martinez **MOVED** to accept Code of Conduct, Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

E. Clinical Examiners for 2008 - Ms. Vigil-Hayes stated she was going to be sending out a letter to the clinical examiners that participated in the August 2007 exam, asking if they would be interested in participating this year. She also found an examiner's list from 2005 and stated she would like to use it as

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a secondary list in case the other examiners cannot do it. She stated that Dr. Leach stepped down from being the lead examiner. The Board reviewed the list and included comments for Diane to follow up with.

VI. DISCUSSION

A. Floating a Post LASIK Corneal Flap - Dr. Zobel received a call from an optometrist who works for a Lasik clinic requesting that the board write a letter to his surgeon stating that they approve a procedure to float a post Lasik corneal flap and that it is within the scope. The Board came to the conclusion that there will not be a letter written. No action was taken.

VII. EXECUTIVE SESSION - Dr. Zobel **MOVED** to enter into Executive Session pursuant to § 10-15-1(H)(1) through (3) to discuss complaints, licensing matters and issuance of notices of contemplated action, to deliberate in connection with administrative disciplinary hearings, to discuss pending or threatened litigation or updates on pending cases. Dr. Paz **SECONDED** the motion. Roll call vote was taken. Richard Zobel, O.D., Jane Compton, O.D., Thomas Paz, O.D., Wayne Hamm, O.D., Barbara Deaux and Ben Martinez, were present and voted in **FAVOR** of the motion.

- A. Case #07-04**
- B. Case #07-05**
- C. Case #07-06**
- D. Case #07-07**

The Board came out of executive session. Dr. Zobel stated that no matters other than those listed in the original motion were discussed in Executive Session.

VIII. DECISION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

A. Case #07-04: Mr. Martinez **MOVED** to dismiss complaint 07-04, **SECONDED** by Dr. Hamm, motion **PASSED** by unanimous decision..

B. Case #07-05: Mr. Martinez **MOVED** to dismiss complaint 07-05, **SECONDED** by Dr. Paz, motion **PASSED** by unanimous decision..

C. Case #07-06: Mr. Martinez **MOVED** to dismiss complaint 07-06, **SECONDED** by Dr. Hamm, motion **PASSED** by unanimous decision..

D. Case #07-07: Mr. Martinez **MOVED** to dismiss complaint 07-07, **SECONDED** by Dr. Hamm, motion **PASSED** by unanimous decision.

IX. ADMINISTRATOR'S REPORT

A. Regulation and Licensing Department Update (Standing Agenda Item): No Discussion

B. FY08 Budget Status - Ms. Gallegos briefly presented the budget status for the current cycle. Dr. Paz asked what the actual income was as far as revenue. Ms. Gallegos said she would check with someone to help with this answer and would get back with the Board.

XI. SCHEDULE NEXT MEETING - The next meeting will be held on August 9 -10, 2008 to coincide with the upcoming clinical skills examiners training and the optometry state clinical exam.

XII. ADJOURN - Mr. Martinez **MOVED** to adjourn the meeting at 12:37 p.m. Dr. Paz **SECONDED** the motion and the motion **PASSED** by unanimous decision.

BOARD APPROVED AT THE AUGUST 8, 2008 BOARD MEETING