



NEW MEXICO BOARD OF EXAMINERS IN OPTOMETRY

New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4945 ▪ Fax (505) 476-4615 ▪ www.RLD.state.nm.us/optometry

MINUTES - RULE HEARING AND REGULAR BOARD MEETING – 11/17/2008

2550 Cerrillos Rd., 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: Martha L. Gallegos, Board Administrator
Diane Vigil-Hayes, Exam Administrator
Mona Valicenti, Asst Attorney General

I. CALL TO ORDER AND ROLL CALL

Chairman Dr. Zobel called the meeting to order at 9:24 a.m. Roll call was taken and it was determined that a quorum was present.

II. APPROVAL OF AGENDA

Ms. Deaux **MOTIONED** to approve the agenda. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision.

III. APPROVAL OF BOARD MEETING MINUTES

A. August 8-10, 2008 - Dr. Hamm **MOTIONED** to approve the minutes of August 8-10, 2008 as is. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision.

IV. NEW BUSINESS

A. Consider Adoption of Rule Changes

1) Part 18 - Authorized Minor Surgical Procedures and Injections - The Board discussed their concerns of why they are being asked to change the language. The rules were discussed and voted on properly prior the rule hearing of December 1, 2007. It was only semantics and there was no intent to change anything in the statute. The rule hearing process was adequately noticed to the community. Other than the New Mexico Optometric Association, there was no public interest present at the time of the rule hearing.

Dr. Zobel opened up public comment. Mr. Anderson with the Medical Society stated that their understanding with the New Mexico Optometric Association would be that there would be five procedures but they were not aware injections would be allowed.

Dr. Jarrell of the New Mexico Optometric Association pointed out that the legislation passed in February 2007, which was a very open process in the legislature. In December of 2007 the rule was passed, nine months after the Bill had been passed.

Dr. Hamm **MOTIONED** to end the discussion. Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision.

Dr. Compton **MOTIONED** to adopt the changes to the language on Part 18.16.18.16.8 as proposed. Ms. Deaux **SECONDED** the motion. Discussion. Dr. Paz **MOTIONED** to amend the proposal to change "New Mexico Optometric Physician" to "the practice of optometry", as

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well as changing "shall" to "does". Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision. Dr. Compton **MOTIONED** to accept her motion to adopt the changes to the language on Part 18.16.18.16.8 with the amendments. Ms. Deaux **SECONDED** the motion. Roll call was taken with no votes in favor of the motion. The motion **FAILED**. The rule will stay as it stands.

Dr. Paz **MOTIONED** to change the title to Part 18 from In-Office Minor Surgical Procedures and Injections to In-Office Minor Surgical Procedures to reflect the statute.
Dr. Compton **SECONDED** the motion. The motion **PASSED** by unanimous decision.

Mr. Ben Martinez walked in at 10:00 a.m.

B. Low Vision Clinic (Carole Trantham)

Request for a doctor who is not licensed in the State of New Mexico to obtain a limited non-therapeutic license. The statute does not allow for this. A communication through e-mail will be sent to Ms. Trantham.

V. DISCUSSION

A. Rule Changes

Ms. Gallegos discussed possible proposed rule change requests the board office would like to present. Ms. Gallegos and Ms. Vigil-Hayes will work on a proposal for the board's review.

VI. EXECUTIVE SESSION

Dr. Compton **MOTIONED** 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. Ms. Deaux **SECONDED** the motion. Roll call vote was taken: Dr. Zobel, Dr. Compton, Dr. Hamm, Dr. Paz, Mr. Martinez and Ms. Deaux were present and voted in **FAVOR** of the motion. The Board entered into executive session at 10:38 a.m.

A. Case #07-01

The Board came out of Executive Session at 11:11 a.m. Dr. Zobel stated that no matters other than those listed in the original motion were discussed in Executive Session.

VII. DECISION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

A. Case #07-01- Ms. Deaux **MOTIONED** to direct compliance officer to write a letter to the respondent requesting a response. Motion **SECONDED** by Mr. Martinez.
Motion **PASSED** by unanimous decision.

VIII. ADMINISTRATOR'S REPORT

A. Budget Presentation (Annette Thompson-Martinez) - Ms. Thompson-Martinez gave an overview of the budget and how it works. She answered questions from the Board for clarification.

IX. SCHEDULE NEXT MEETING

January meeting to be announced. AG Valicenti not available on January 12 and 13, 2009.

X. ADJOURN

Dr. Zobel **MOTIONED** to adjourn the meeting. Ms. Deaux **SECONDED** the motion. Motion **PASSED** by unanimous decision. The meeting adjourned at 12:06 p.m.

BOARD APPROVED AT THE MAY 15, 2009 MEETING