



NEW MEXICO BOARD OF EXAMINERS IN OPTOMETRY

New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

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MINUTES - REGULAR BOARD MEETING - MAY 15, 2009

Embassy Suites Hotel, 1000 Woodward Place, NE, Albuquerque, 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

MEMBERS ABSENT: 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 7:42 a.m. Roll call was taken and it was determined that a quorum was present.

II. APPROVAL OF AGENDA

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

III. APPROVAL OF BOARD MEETING MINUTES

A. November 17, 2008 - Dr. Paz **MOTIONED** to approve the minutes of November 17, 2008. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

IV. NEW BUSINESS

A. Board Certification as put forth by the JBCPT - Question on whether the Board will be sending out a public paper regarding the issue of proposed board certification as put forth by the Joint Board Certification Project Team. The Board discussed but did not take action until they receive a legal opinion.

B. PCLI Continuing Education Approval Request - Dr. Alldredge is requesting a process to be able to honor continuing education for OD surgery and clinic observation. Dr. Compton **MOTIONED** that the board support the offer of continuing education and suggested that he submit an application to the NMOA. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

C. VSP - Continuing Education Approval Request "Not as Simple as it First Appears: Challenging Diagnostic and Therapeutic Cases" – Dr. Zobel gave a brief overview with reference to a one time only, 2 hour course that will be given by Dr. Alldredge this fiscal year. Dr. Alldredge is requesting continuing education approval. The Board discussed the course but did not take action. A letter will be sent to Dr. Alldredge to refer to the ARBO website on how to get the course COPE approved.

D. 2009 Exam - Ms. Vigil Hayes gave an update on this year's clinical/practical exam

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to be held the weekend of August 7, 8, & 9, 2009. The exam will be held at New Mexico Eyecare, the same location as last year. The number of examiners currently in place is minimal and she would like to look into increasing the number of examiners for the future to create a pool in the case of an instance where an examiner cannot be available. She is requesting that a letter be sent with an application to all optometrists with their renewals for those who may be interested in becoming examiners. She is proposing to include an extensive training for these interested optometrists.

E. Don Bockin, OD – Request for Refund - Dr. Compton **MOTIONED** to write Dr. Bockin a letter informing Mr. Bockin that by statute the Board does not have the authority to honor his request for a refund. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

F. Robert Cramer OD – Request for Consideration of 16.16.4.9N NMAC – proof of completion of 20 post-graduate hours in clinical and systemic pharmacology and administration of oral pharmaceutical agents. – Dr. Cramer is requesting an exception to accept 16 hours in lieu of the 20 post graduate hours. He addressed his concerns and answered questions of the Board. The Board will discuss the issue in executive session.

G. Code of Conduct - Dr. Paz **MOTIONED** to accept the Code of Conduct Resolution. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision.

H. Open Meetings Resolution Act - Dr. Paz **MOTIONED** to accept the Open Meetings Resolution. Dr. Compton **SECONDED** the motion. Motion **PASSED** by unanimous decision.

I. Election of Officers - Dr. Compton **MOTIONED** to nominate Dr. Zobel to remain as president of the Board. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision. Dr. Hamm **MOTIONED** to nominate Dr. Compton to remain as vice-president. Dr. Paz **SECONDED** the motion. Motion **PASSED** by unanimous decision. Dr. Compton **MOTIONED** to nominate Dr. Paz to remain secretary/treasurer. Dr. Hamm **SECONDED** the motion. Motion **PASSED** by unanimous decision.

V. DISCUSSION

A. Rule Changes – The Board discussed areas of the rules that need to be worked on for a rule hearing in 2009.

VI. EXECUTIVE SESSION

Dr. Paz **MOTIONED** to enter into Executive Session pursuant to § 10-15-1 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. Hamm **SECONDED** the motion. Roll call vote was taken: Dr. Zobel, Dr. Compton, Dr. Paz, and Dr. Hamm were present and voted in **FAVOR** of the motion. The Board entered into executive session at 10:12 a.m.

- A. Case #08-01**
- B. Case #08-02**
- C. Case #08-03**
- D. Case #08-06**
- E. Case #08-07**
- F. Case #08-08**
- G. Case #08-09**
- H. Case #07-08**

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I. Case #2009-01

The Board came out of Executive Session at 10:50 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 #08-01** - Dr. Paz **MOTIONED** to close and dismiss. Issue has been resolved. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- B. Case #08-02** - Dr. Paz **MOTIONED** to close and dismiss. No violation of rules. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- C. Case #08-03** - Dr. Paz **MOTIONED** to close and dismiss. Board has no jurisdiction. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- D. Case #08-06** - Dr. Paz **MOTIONED** to refer the case to the Pharmacy Board for further investigation and a response back to the Optometry Board. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- E. Case #08-07** - Dr. Paz **MOTIONED** to refer the case to the Pharmacy Board for further investigation and a response back to the Optometry Board. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- F. Case #08-08** - Dr. Paz **MOTIONED** to close and dismiss. No violation of the rules. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- G. Case #08-09** - Dr. Paz **MOTIONED** to defer case for further investigation. A letter to be sent to Bill Harvey with the Board of Pharmacy asking that he send a letter to the respondent with reference to the attempted violation of the board rule. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- H. Case #07-08** - Dr. Compton **MOTIONED** 1) Defer for further investigation; 2) Ask Bill Harvey to send a letter to the respondent. 3) With reference to point 2, HIPPA Violation, not within Board's jurisdiction. Points 3, 4 and 5, contractual, not within Board's jurisdiction. Dr. Hamm **SECONDED** the motion. Motion **PASSED** unanimously.
- I. Case #2009-01** - Dr. Hamm **MOTIONED** the applicant will be required to obtain four additional hours of pharmacology in order to sit for the licensing exam. Dr. Paz **SECONDED** the motion. Motion **PASSED** unanimously.

VIII. ARBO Representative and President Christina M. Sorenson, O.D. Gave an overview on the Joint Board Certification Project and answered questions from the Board.

IX. ADMINISTRATOR'S REPORT – Ms. Gallegos gave an update of changes in administration.

X. SCHEDULE NEXT MEETING - August 7, 2009 at 10:00 a.m. to open up the 2009 optometry exam.

XI. ADJOURN – The meeting was adjourned at 11:20 a.m.

BOARD APPROVED AT MEETING OF AUGUST 7, 2009
MEETING