

**KANSAS BOARD OF EXAMINERS IN OPTOMETRY**  
**Minutes of the 29-29 June 2019 Meeting**

- I. 8:30 called to order by Ron Hansen, OD, President. Members of the Board present were Drs. Gerard Lozada, Rebecca Sparks and public member Gary Slimmer. Also, in attendance were Randy Forbes, Board Counsel, Jan Murray, Executive Officer, and Todd Fleischer, KOA representative.
- II. The agenda was approved by consensus.
- III. Dr Lozada motioned and Mr Slimmer seconded a motion to approve the minutes from the April 25, 2019 board meeting. Motion carried 4-0.
- IV. *Report of the President*
  - A. The Board discussed the AEG request. The board does not provide legal advice and AEG would be required to follow the optometry law.
  - B. The Board discussed corporate practice. Dr Hansen motioned and Dr Sparks seconded a motion to have legal counsel to send letters to Steve Kuhl, OD and Kevin Lenahan, OD requesting their presence at the October 11<sup>th</sup> Board meeting to explain their management agreements with non-licensed entities. Motion passed 4-0
- V. *Report of the Vice-President*
  - A. Dr Lozada gave an update on Board complaints filed with Kansas Board of Healing Arts.

*The Board recessed at 9:45 am to allow Ms Murray to start the written examination.*

*The Board reconvened at 10:05 am.*

- B. Dr Lozada moved to go into executive session at 10:07 am, to return to open session at 10:30 am. The justification was to engage in discussions protected by the attorney-client privilege and the topic being potential litigation. The motion was seconded by Dr. Hansen. The motion passed.

*The Board adjourned into executive session at 10:07 am.*

*The Board reconvened at 10:30 am*

- C. Dr Lozada discussed what he learned at the ARBO meeting June 16-18, 2019.
- VI. *Report of the Secretary/Treasurer*
    - A. Dr Sparks motioned and Dr Lozada seconded a motion to approve the COPE approved courses 04/26/2019 – 06/29/2019. Motion carried 4-0. Dr Sparks also recommended to stop reviewing COPE courses, as the COPE course classifications are very rarely inconsistent with Kansas classifications. The Board concurred.

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. Mr Forbes gave the Board an overview of the Essilor Expert designation on Essilor's website. The Board concurred at this time that the designation does not imply superiority.

X. *Report of the Executive Officer*

- A. Ms Murray reported on renewals: 375 licenses were renewed, 14 were retired and 8 were to be expired on 07/01/2019.

B. Trade Names:

1. Dr Sparks moved and Mr Slimmer seconded to approve the trade name of *Visionaries Eyecare*, 413 N Main St, Hutchinson, KS for Steve Miller OD. Motion carried 3-0 with Dr Hansen abstaining.
2. Dr Lozada moved and Dr Sparks seconded a motion to reject the trade names of: *AEG Kansas Professionals, LLC*, *AEG Kansas Practice, LLC* and *AEG Kansas Eyecare, LLC* of Neil Troyer, OD and Justin Weigel, OD, citing that the use of *Kansas* is too broad of a geographical area, and would be misleading. *AEG* is a non-licensed entity and therefore cannot be in the trade name.

C. Reciprocity

1. Dr Lozada moved and Dr Sparks seconded a motion to approve the reciprocity of Lauren Hansen, OD. Motion Carried 4-0
2. Dr Lozada motioned and Dr Hansen seconded a motion to approve the reciprocity of Alina Wheeler, OD. Motion carried 4-0.

- D. Ms Murray reported that she noticed a Kansas licensed optometrist using *INC* with his practice name instead of *LLC*, *PC*, or *PA*. The Board instructed Ms Murray to write the doctor a letter requesting his attendance at the October 11, 2019 Board meeting to explain.

- E. Ms Murray reported on a phone call/email that she had received from an individual that requesting information on whether an optometrist could perform consulting work. The Board instructed Ms Murray to explain to the individual that the Board does not provide legal advice and the individual should either contact their legal counsel or Kansas Board of Healing Arts.

XI. *Comments From the Public*

- A. Mr Fleischer commented on Corporate Practice and some of the non-compete clauses that appeared overly broad.

XII. *Next Meeting*

- A. The next meeting will be held on October 11, 2019 at the Law Offices of Frieden and Forbes, 1414 Ashworth Place, Suite 201, Topeka, KS
- B. The 2020 Annual Exam will be July 10-11, 2020.

Dr Lozada motioned and Mr Slimmer seconded a motion to recess until after the completion of the annual exam on Saturday, June 29, 2019. Motion carried 4-0.

*The Board recessed at 12:25 pm.*

*The Board reconvened on Saturday, June 29, 2019 at 1:40 pm.*

XIII. *Exam Scores*

- A. Dr Lozada motioned and Mr Slimmer seconded a motion to pass 15 candidates for licensure to practice optometry in the state of Kansas. Motion carried 4-0.

XIV. *Adjournment*

- A. Dr Lozada motioned and Mr Slimmer seconded a motion to adjourn the meeting. Motion carried 4-0. The meeting was adjourned at 1:57 pm.