

KANSAS BOARD OF EXAMINERS IN OPTOMETRY
Minutes of the 11 October 2019 Meeting

- I. 9:00 am called to order by Ron Hansen, OD President. Members of the Board present were Drs Gerard Lozada, Rebecca Sparks, Craig Newland and public member Gary Slimmer. Also in attendance were Randy Forbes, Board Counsel, and Jan Murray, Executive Officer. Members of the public were Todd Fleischer, KOA representative, Preston Gilliland, Wal-Mart Vision Centers, and Paul Jernigan, OD.
- II. The agenda was approved by consensus.
- III. *Review and Approval of the Minutes for the last meetings.*
 - A. Dr Lozada motioned and Mr Slimmer seconded a motion to approve the minutes from the June 28-29, 2019 meeting. Motion carried 5-0.
 - B. Dr Lozada motioned and Dr Newland seconded a motion to approve the minutes for the September 4, 2019 meeting. Motion carried 5-0.
- IV. *Report of the President*
 - A. Dr Hansen discussed updating the optometry regulations.
- V. *Report of the Vice-President*
 - A. Dr Lozada discussed the posting of CPT codes. No action was taken.
 - B. Dr Lozada discussed KSA 74-1504 (6)(b).
 - C. Dr Lozada gave an update on the contact lens complaints and complaints that are filed with Kansas Board of Healing Arts.
 - D. Dr Lozada gave an update on NBEO Part III restructure.
- VI. *Report of the Secretary-Treasurer*
 - A. Dr Sparks discussed an anonymous complaint that the Board office received concerning a contact lens prescription that was unlawfully filled. The Board approved sending an email to all Kansas licensees, outlining the steps to properly submit contact lens distributor complaints to the Kansas Board of Healing Arts.
- VII. *Report of the Member-at-Large*
 - A. No report
- VIII. *Report of the Public Member*
 - A. Mr Slimmer discussed the advertisement he had seen for Vision Express.
- IX. *Report of the Legal Counsel*
 - A. Mr Forbes gave a legal update
- X. *Report of the Executive Officer*

A. Reinstatement

1. Paul Jernigan, OD

Dr. Lozada moved to go into executive session to return to open session at 10:45 am the justification being to engage in discussions protected by the attorney-client privilege and the topic being potential litigation. The motion was seconded by Dr. Sparks. The motion passed.

The Board adjourned into Executive Session at 10:30 am

The Board reconvened at 10:45 am

Dr. Lozada moved to go into executive session to return to open session at 11:02 am the justification being to engage in discussions protected by the attorney-client privilege and the topic being potential litigation. The motion was seconded by Dr. Newland. The motion passed.

The Board adjourned into Executive session at 10:46 am

The Board reconvened at 11:02 am

The Board reviewed Dr Jernigan's application for reinstatement. The Board accepted Dr Jernigan's 48 hours of continuing education (January 2019 to date) as adequate. Dr Lozada motioned and Dr Newland seconded a motion to approve the reinstatement, provided Dr Jernigan takes and passes the 2019 written and law exams within the next 60 days. Dr Lozada amended his motion (seconded by Dr. Newland) to include requiring Dr Jernigan to pay all licensing fees for all years since his voluntary relinquishment of his license in 2012. The amended motion carried 5-0.

B. Trade Names:

1. Dr Sparks motioned and Dr Newland seconded a motion to approve the trade name of *Success Optometry of Manhattan*, 809 N 3rd St, Ste 200, Manhattan, KS for Steven Bartholomew, OD. Motion carried 5-0
2. Dr Newland motioned and Dr Sparks seconded a motion to approve the trade name of *The Eye Center of Shawnee*, 16100 W 65th St, Shawnee, KS for Evan Strong, OD and Jayme Fose, OD. Motion carried 5-0.
3. Dr Lozada motioned and Dr Newland seconded a motion to approve the trade name of *View Point Optometry*, 10800 E 21st North and 2727 N Maize Rd, Wichita, KS for Julie Toon, OD. Motion carried 5-0.

- C. Ms Murray discussed the PSA poster and whether the Board should design a new one. The Board instructed her to look into it and bring suggestions to the January meeting.

XI. *Comments from the Public*

- A. No comment

XII. Next Meeting

- A. The next meeting will be held on January 8, 2020 at 9:00 am. The Board instructed Ms Murray to obtain a committee room at the Kansas State House for the meeting.

Dr. Lozada moved to go into executive session to return to open session at 12:05 pm the justification being 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 11:34 am

The Board reconvened at 12:05 am

Dr. Newland moved to go into executive session to return to open session at 12:35 pm the justification being 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 12:05 pm

The Board reconvened at 12:35 am

Dr. Hansen moved to go into executive session to return to open session at 1:00 pm the justification being to engage in discussions protected by the attorney-client privilege and the topic being potential litigation. The motion was seconded by Dr. Lozada. The motion passed.

The Board adjourned into Executive Session at 12:35 pm

The Board reconvened at 1:00 pm

XIII. Adjournment

- A. Dr Newland motioned and Mr Slimmer seconded a motion to adjourn. Motion carried 5-0. The Board adjourned at 1:02 pm.