



STATE OF WISCONSIN

Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

OPTOMETRY EXAMINING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 261-5406
November 14, 2013

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

Agenda

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda

B. Approval of Minutes

- 1) July 18, 2013
- 2) September 9, 2013

C. Executive Director Matters – Discussion and Consideration

- 1) **APPEARANCE – Greg Gasper, Division Administrator** – DSPP Economic Impact Report
- 2) Staff Updates
- 3) 2014 Meeting Dates
- 4) New Board Members – Dr. Victor Connors

D. Legislative and Administrative Matters – Discussion and Consideration

- 1) Update on Opt. 2, 5, and 6 relating to Board and Profession Practices

E. Practice Matters – Discussion and Consideration

- 1) Delivery and Dispensing of Eyeglasses Under Unusual Circumstances

- F. Items Received After Publishing of the Agenda:
- 1) Introductions, Announcements, and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), final Decisions(s) and Order(s)
 - 4) Presentation of Proposed Final Decision and Order(s)
 - 5) Disciplinary Matters
 - 6) Executive Director Matters
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Class 1 Hearing(s)
 - 10) Practice Matters
 - 11) Legislation and Administrative Rule Matters
 - 12) Liaison Report(s)
 - 13) Informational Item(s)
 - 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

H. DLSC Matters

- 1) Case Status Report

I. Education and Examination Matters

- 1) On-line Continuing Education Request
 - a. Cynthia G. Johnson, OD, SC
 - b. Jason Gospodarek, OD
- 2) Continuing Education Waiver/Extension
 - a. Charles Bland, OD

J. Deliberation of Items Received After Publishing of the Agenda:

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Class 1 Hearings
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs
- 13) Motions
- 14) Petitions for Rehearing
- 15) Formal Complaints
- 16) Case Closings
- 17) Appearances from Requests Received or Renewed

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

L. Vote on Items Considered or Deliberated on in Closed Session, if Voting is Appropriate

M. Training

- 1) Board Member and Case Advisor Training

ADJOURNMENT

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**OPTOMETRY EXAMINING BOARD
MEETING MINUTES
JULY 18, 2013**

PRESENT: Ann Meier Carli (via telephone), Gregory Foster (via GoTo Meeting), Mark Jinkins (via GoTo Meeting) Robert Schulz, Brian Hammes (via GoTo Meeting)

EXCUSED: Richard Foss

STAFF: Angela Hellenbrand, Executive Director; Joshua Archiquette, Bureau Assistant; Nick Tank, Bureau Assistant, and other Department Staff

CALL TO ORDER

Gregory Foster, Chair, called the meeting to order at 9:10 a.m. A quorum of five (5) was confirmed.

ADOPTION OF AGENDA

MOTION: Ann Meier Carli moved, seconded by Brian Hammes, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Mark Jinkins moved, seconded by Ann Meier Carli, to approve the minutes of March 28, 2013 as published. Motion carried unanimously.

EXECUTIVE DIRECTOR MATTERS

NOMINATION: Ann Meier Carli nominated Richard Foss for the office of Board Secretary. Angela Hellenbrand called three times for other nominations for the office of Board Secretary.

MOTION: Gregory Foster moved, seconded by Ann Meier Carli, to approve the election as nominated. Motion carried unanimously.

MOTION: Gregory Foster moved, seconded by Mark Jinkins, to approve the liaison appointments to screening panel and CE review. Motion carried unanimously.

2013 ELECTION RESULTS	
Secretary	Richard Foss

2013 LIAISON APPOINTMENTS	
CE Review	Robert Schulz, Richard Foss and Brian Hammes
Screening Panel	Robert Schulz, Richard Foss and Mark Jinkins

LEGISLATION AND ADMINISTRATIVE RULE MATTERS

MOTION: Brian Hammes moved, seconded by Ann Meier Carli, to request DSPS staff draft a Scope Statement relating to revisions and updates to **OPT 2.01, OPT 2.03, OPT 5.11, OPT 5.12, OPT 6.02, OPT 6.03, OPT 6.04**. Motion carried unanimously.

CLOSED SESSION

MOTION: Mark Jinkins moved, seconded by Robert Schulz, to convene to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Gregory Foster read the language of the motion. The vote of each member was ascertained by voice vote. Ann Meier Carli – yes; Gregory Foster – yes; Brian Hammes – yes; Mark Jinkins – yes; and Robert Schulz – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:42 a.m.

RECONVENE TO OPEN SESSION

MOTION: Gregory Foster moved, seconded by Mark Jinkins, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 10:45 a.m.

DELIBERATION OF ADMINISTRATIVE WARNINGS

MOTION: Gregory Foster moved, seconded by Ann Meier Carli, to issue and administrative warning in the matter of case number 12 OPT 003 (N.A.S.). Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Brian Hammes moved, seconded by Mark Jinkins, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Brian Hammes moved, seconded by Mark Jinkins, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:47 a.m.

**OPTOMETRY EXAMINING BOARD
MEETING MINUTES
SEPTEMBER 30, 2013**

PRESENT: Ann Meier Carli (via GoTo Meeting), Gregory Foster (via GoTo Meeting), Mark Jinkins, Robert Schulz (via GoTo Meeting), Brian Hammes (via GoTo Meeting),

EXCUSED: Richard Foss

STAFF: Angela Hellenbrand, Executive Director; Joshua Archiquette, and other Department Staff

CALL TO ORDER

Gregory Foster, Chair, called the meeting to order at 9:07a.m. A quorum of five (5) was confirmed.

ADOPTION OF AGENDA

MOTION: Mark Jinkins moved, seconded by Brian Hammes, to adopt the agenda as published. Motion carried unanimously.

LEGISLATION AND ADMINISTRATIVE RULE MATTERS

MOTION: Mark Jinkins moved, seconded by Ann Carli Meier, to adopt Clearinghouse Rule 13-017 amending Opt 5.02 relating to lens prescriptions. Motion carried unanimously.

MOTION: Brian Hammes moved, seconded by Robert Schulz, to approve the Scope Statement to amend Opt. 2, 5, 6 relating to updating Board and profession practices for submission to the Governor's Office and publication and authorize the Chair to approve the Scope for implementation no less than 10 days after publication. Motion carried unanimously.

ADJOURNMENT

MOTION: Ann Carli Meier moved, seconded by Brian Hammes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:17 a.m.

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**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Joshua Archiquette, Bureau Assitant		2) Date When Request Submitted: 31 Oct 2013 <small>Items will be considered late if submitted after 4:30 p.m. and less than 8 work days before the meeting.</small>	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 14 Nov 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 2014 Meeting Dates	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			
Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



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Governor Scott Walker Secretary Dave Ross

MEMO

TO: Optometry Examining Board
FROM: Joshua Archiquette, Operations Program Associate
DATE: November 8, 2013
RE: 2014 Meeting & Screening Dates

Board meeting and screening panel sessions have been scheduled as follows. If a Board meeting is not held and there are cases to be screened, the Division of Legal Services and Compliance will conduct the screening panel session via telephone.

For the screening panel sessions that are not connected to a Board meeting, the Division of Legal Services and Compliance will be setting up the screening panel dates at a later date.

February 13	Screening and Meeting	TBD	Room TBD
June 18	Screening and Meeting	TBD	Room TBD
October 30	Screening and Meeting	TBD	Room TBD

Keep an eye out for additional information regarding screening meetings for those months where no board meeting is scheduled.

For any complaint intake or screening panel matters, please contact Cortney Keo at 608-261-7904 or at cortney.keo@wisconsin.gov.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Angela Hellenbrand Executive Director		2) Date When Request Submitted: 3 October 2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 14 November 2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters -New Board Members	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Dr. Victor Connors (<i>replaces Dr. Greg Foster</i>)			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Joshua Archiquette, Bureau Assistant		2) Date When Request Submitted: 31 Oct 2013 <small>Items will be considered late if submitted after 4:30 p.m. and less than 8 work days before the meeting.</small>	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 14 Nov 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Practice Matters Delivery and dispensing of eyeglasses under unusual circumstances	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <p>Dear Dr. Morer:</p> <p>We received your letter addressed to the Wisconsin Optometry Examining Board seeking clarification regarding the delivery and dispensing of eyeglasses under unusual circumstances.</p> <p>This topic was added to the agenda and will be discussed at the next Optometry Examining Board meeting on November 14, 2013.</p> <p>Please call me at 608-266-2112 if you have any questions.</p> <p>Respectfully,</p> <p>Angela Hellenbrand Executive Director, Division of Policy Development</p>			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

June 26, 2013

Gregory Foster, O.D.
Chairman, Board of Optometry
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8956

Dear Dr. Foster,

I am seeking further clarification from the board regarding the delivery and dispensing of eyeglasses under unusual circumstances. On November 17, 2000, the Board had previously responded to my inquiry regarding mailing of eyeglasses. The Board advised that it is reasonable to mail eyeglasses to a patient with the assurance that they will eventually be adjusted for final fit.

As noted in my inquiry in 2000, many optometrists find it necessary to mail a pair of eyeglasses to a patient when the patient cannot receive the glasses directly from the optometrist. These circumstances would include hospitalized, homebound, or nursing home residents who have moved or simply request that their eyeglasses are mailed.

Our question now is whether the Board would consider it acceptable to mail completed, bench-aligned, and ANSI certified and inspected pair of finished eyeglasses to patients for whom eyeglasses have been ordered but are unable to be seen for a final fit/adjustment due to the reasons noted above. The eyeglasses would be sent by a common carrier (UPS) and tracked for receipt. I am the prescriber and perform the frame selection and measurements for these patients. Mailing of eyeglasses in these circumstances would allow us to complete the recommended treatment plan for these patients who may otherwise not be able to obtain eyeglasses. In the event that the patient contacted us with a problem related to the eyeglasses, arrangements would be made for a face-to-face encounter to address the issue. In my opinion, receipt of eyeglasses by these patients is important and improves their quality of life (QOL) significantly, an important measure in the long-term care environment.

Very truly yours,



Jeffrey L. Morer, O.D.

Enclosures

Copy of Board Inquiry Letter from Jeffery L. Morer, O.D. dated October 16, 2000

Copy of Board Response letter from Ruby Jefferson-Moore dated November 17, 2000

Jeffrey L. Morer, O.D.

October 16, 2000

Chris Hubbell, O.D.
Chairman, Board of Optometry
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8956

Dear Dr. Hubbell:

I am seeking clarification from the board regarding the delivery and dispensing of eyeglasses under unusual circumstances.

Many optometrists in practice, including myself, occasionally find it necessary to mail a pair of eyeglasses to a patient when the patient can not receive the glasses directly from the optometrist. These circumstances would include hospitalized or nursing home patients, or perhaps those who have moved or simply request that their eyeglasses are mailed.

Personally, when this situation befalls me, I advise the patient that the eyeglasses may still need additional adjustment, and I reassure them I will eventually visit the patient to personally adjust their eyeglasses.

My questions are:

- 1) Is it reasonable to mail eyeglasses to a patient under these circumstances with the reassurance that they will eventually be adjusted for final fit?
- 2) If the eyeglasses fall under Title XIX reimbursement, is it reasonable to collect for a dispensing fee after the eyeglasses are finally fit and adjusted?

Thank you for attention to this matter.

Very truly yours,

Jeffrey L. Morer, O.D.
[Redacted]

11/26/2000 01:45

561-218-0159

DR. JEFFREY L. MORER

PAGE 01



Tommy G. Thompson
Governor

State of Wisconsin | DEPARTMENT OF REGULATION & LICENSING

WI
E/E

Mariene A. Cummings
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November 17, 2000

Jeffrey L. Morer, O.D.

Dear Dr. Morer:

Your correspondence, dated October 16, 2000, was considered by the Optometry Examining Board at its meeting on November 17, 2000. The Board referred your correspondence to me for response. You stated that you occasionally find it necessary to mail a pair of eyeglasses to a patient when the patient cannot receive the glasses directly from you. You inquired as to whether:

- 1) It is reasonable to mail eyeglasses to a patient under these circumstances with the reasonable assurance that they will eventually be adjusted for final fit?
- 2) If the eyeglasses fall under Title XIX reimbursement, it is reasonable to collect for a dispensing fee after the eyeglasses are finally fit and adjusted?

In reference to your first inquiry, the Board concluded that under the circumstances that you described it is reasonable to mail eyeglasses to a patient with the assurance that they will eventually be adjusted for final fit.

In reference to your second inquiry, the Board indicated that questions relating to payment for services that fall under Title XIX should be directed to the appropriate governmental officials that handle Title XIX reimbursements in the jurisdiction in which the services were rendered.

If you have any questions regarding this matter, please contact me at (608) 266-3679.

Sincerely yours,

Ruby Jefferson-Moore
Legal Counsel
Optometry Examining Board

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Engineers; Designers and Land Surveyors; Professional Geologists; Hydrologists and Soil Scientists; Auctioneers; Barbering and Cosmetology; Athletic Trainers; Chiropractors; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrators; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists; and Professional Counselors; and Veterinary.

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