



**COLORADO STATE BOARD OF  
OPTOMETRIC EXAMINERS**



**Minutes for August 8, 2007 Open Meeting.**

**One Civic Center Drive  
1560 Broadway, Suite 1380  
Denver, CO 80202**

[www.dora.state.co.us/optometry](http://www.dora.state.co.us/optometry)

**CONVENE**

1. The Colorado State Board of Optometric Examiners convened at 9:10 A.M.

**ATTENDANCE**

1. Members Present

Larry R. Kinnick, OD President  
Julia D. Kimball, OD Vice President  
Helen R. Wilson, OD Secretary  
Fred Glogiewicz, RPh Public Member  
Andrew J. Nowak, PhD Public Member  
Michelle Sancho Marlatt, OD Member

2. Members Absent

Joanne Hendrick, OD

3. Staff Present

Maulid Miskell, Program Director  
Julie Norcross, Administrative Assistant  
Pam Jackson, Assistant Attorney General  
Shelley Hitt, Section Director  
Susan Miller, Section Director  
Rose McCool, Director, Division of Registrations, Healthcare Section

**MINUTES**

1. A motion was made, seconded and carried to accept the minutes from the May 2, 2007 Board meeting as presented.

**REPORTS**

1. Susan Miller, Section Director and Rose McCool, Division of Registrations, Director, presented to the Board the restructuring changes within the Division that will affect the

Optometry Board sometime in September. Due to workload concerns, the Optometry Board will be moved from the current direction of Section Director Susan Miller and Mr. Maulid Miskell, Program Director to Shelley Hitt and a new Program Director to be hired under the Allied Health Section.

2. Shelley Hitt, Section Director introduced herself and gave a brief professional biography of her career.
3. Maulid Miskell, Program Director reported the Optometric Board was moving under the direction of a new Program area. Mr. Miskell informed the Board he would be at the next meeting and assured the Board of a smooth transition to the new Program Director. Mr. Miskell introduced Julie Norcross, as the Administrative Assistant for the Board and gave a synopsis of duties she will perform. A suggestion was made regarding the CPT CODE and policy/rules changes be shelved until the new Program Director was fully on board.
4. Pam Jackson, Assistant Attorney General announced that Mary Risko will be the new Assistant Attorney General for the Optometry Board.

**ADDITIONS TO AGENDA**

1. All agenda items have been incorporated into the Minutes.

**NEW BUSINESS**

1. The Board noted the material presented regarding the Department Of Justice drug Enforcement final rule 21 CFR part 1301 Docket No. DEA-244F.
2. A motion was made, seconded and carried to table an e-mail from Joanne Henderick dated May 29, 2007 which raised an issue regarding America's Best TV advertisements for "free exams." More information will be obtained.
3. In the same e-mail dated May 29, 2007 Joanne Henderick, OD raised a second issue regarding a settlement involving America's Best and Dr. Van Horck, OD. A motion was made, seconded and carried to table pending more information.
4. Memorandum dated July 24, 2007- Joanne Henderick, OD regarding board approved CPT codes. A motion was made, seconded and carried to approve the proposed codes as updated.

**LICENSING**

**\*\*\*Consent Items**

1. Licensees administratively approved by endorsement or examination:

a) A motion was made, seconded and carried to Accept

Issue date	License Method	License Number	Name
6/4/2007	Endorsement	2586	Autrey, Jeffrey J
5/22/2007	Endorsement	2584	Conklin, Michael David
6/20/2007	Endorsement	2589	Lew-Goltz, Joanne W.

5/22/2007	Endorsement	2585	Potter, Rachael Suzanne
7/12/2007	Endorsement	2611	Wolbert, Jamey Paula
7/12/2007	Examination	2600	Borgnini, Gina Dale
7/16/2007	Examination	2612	Childs, Tiffanie Renee
7/12/2007	Examination	2601	Cottrell, Shawn Ryan
7/12/2007	Examination	2602	Dehne, Jeannie Maureen
7/2/2007	Examination	2590	Drake, Cameran Ann
7/12/2007	Examination	2603	Drake, Jenni Corinne
7/2/2007	Examination	2591	Gibson, Rachel
5/8/2007	Examination	2582	Gill, Susie
7/2/2007	Examination	2592	Hadlock, Jared Farley
6/4/2007	Examination	2587	Hosman, Steven James
7/10/2007	Examination	2597	Johansen, Jay Michael
7/12/2007	Examination	2604	Kelly, Brendan Seamus
7/2/2007	Examination	2593	Kim, Sung Hwa
7/12/2007	Examination	2605	Kleven, Melissa Anna
7/2/2007	Examination	2594	Lahiff, Joshua Marc
7/12/2007	Examination	2606	Lee, Eric Michael
7/2/2007	Examination	2595	O'Brien, Gregory Jerome
5/8/2007	Examination	2581	Perez, Marisa Angela
7/10/2007	Examination	2598	Phinney, Brent Roy
7/12/2007	Examination	2607	Schoonover, Abby Jo
7/12/2007	Examination	2608	Schoonover, Caleb James
6/14/2007	Examination	2588	Simmons, Blake Garrett
7/12/2007	Examination	2609	Suby, Maggie Leonora
7/2/2007	Examination	2596	Teske, Meghan Carole
7/12/2007	Examination	2610	Torgerson, Eric Michael
7/10/2007	Examination	2599	Werner, Andrew John

2. Applications requiring Board guidance:

- a) Board E-mail responses to Julie Norcross concerning the review of policy granting authority for Program Director to administratively approve licenses. This new policy would be reviewed at the next Board meeting and after the new Program Director is in place. A motion was made, seconded and carried to draft a tiered policy to grant authority for the Program Director to approve such items.
- b) Joshua Aaron Woodland, OD #2583. Administratively approved by Program Director 07/10/2007. A motion was made, seconded and carried to ratify.
- c) Andrew John Werner, OD #2599. Administratively approved by Program Director 07/10/2007. A motion was made, seconded and carried to ratify.

- d) Brent Roy Phinney, OD #2598. Administratively approved by Program Director 07/10/2007. A motion was made, seconded and carried to ratify.
- e) Jay Michael Johansen, OD #2597. Administratively approved by Program Director 07/10/2007. A motion was made, seconded and carried to ratify.
- f) David Murphy, OD # 1138. After review of his response regarding a DUI, a motion was made, seconded and carried to accept renewal of licensure.
- g) Donald Conner, OD #1714. A motion was made, seconded and carried to table pending more information.
- h) Jon Nitardy, OD, a motion was made, seconded and carried to deny this application for licensure by endorsement due to the fact that the applicant's Texas license has expired.
- i) Jay Megard, OD # 1485. This item was removed from the packet since the licensee had previously provided the Board with the required information.
- j) Robert Gold, OD#2567. This matter was removed from the packet because the licensee had not provided the Board with the requested information regarding the corporate structure of his company.
- k) William Ference, OD #2164. This item was removed from the packet. The matter was resolved in 2005 and no need to discuss the item.

### **MISCELLANEOUS**

1. Craig Nelson, OD, regarding a Letter dated May 24, 2007. A motion was made, to deny this request. Mr. Nelson has until November 1, 2007 to resubmit the materials.
2. Craig Nelson, OD, Practice monitor report was rejected. A Board member will assist with letter to respondent.
3. The Board reviewed and noted the letter dated June 04, 2007 from ARBO regarding Board elections from 2007 Annual Meeting.
4. Memorandum with attachments dated April 27, 2007 from Susan Miller, Section Director, concerning Board Member Confidentiality Agreement. The members present signed this Agreement.
5. The Board reviewed and noted the e-mail dated June 13, 2007 from Alisa Moore with information on the Tampa Academy 2007 annual meeting.
6. The Board reviewed a memorandum with attachments, concerning continuing education information that had been submitted to the Board verifying the various licensees' completion of courses. The Board randomly selects 5% of Optometrist for audits of continuing education requirements and also audits continuing education completion of

all licensees who have been disciplined within the last five years. Staff will be directed to explain this policy to licensees inquiring about these issues.

### **COMPLAINTS WITH RESPONSES**

1. Anita Holley, OD license # 2121 Case #2007003432, was removed from agenda due to lack of a response.
2. Jamie Kills Crow, OD #2442 Case #2007003433. Julia Kimball, OD, Vice President of the Board, recused herself on this matter. It was then removed from the agenda due to lack of response.
3. Jason Jost, OD #2500 Case # 2007003431. A motion was made, seconded and carried to table pending additional information.
4. Allen Tomoeda, OD #938 Case # 2007003429.  
A motion was made, seconded and carried to table pending additional information.
5. Kristin Burns, OD #1598 Case #2007003434.  
A motion was made, seconded and carried to table pending additional information.
6. Neil Speer, OD license #2414 Case # 2007-003139, Helen Wilson, OD Board Secretary recused herself on this matter. A motion was made, seconded and carried to dismiss for lack of violation.
7. Brent Bruch, OD #2358 Case #2007001623 and 2007002378.  
A motion was made, seconded and carried to table pending additional information.
8. Gerald HollenBaugh, OD license #754 Case #2008-000899. This case was removed from the agenda because the licensee had not yet responded to the complaint.
9. James F Georgis, OD Case # 2008000071. A motion was made seconded and carried to dismiss for lack of violation.

### **MALPRACTICE REPORTS**

1. Settlement report dated May 1, 2007 for Larry R. Williams, OD #887.  
A motion was made, seconded and carried to request a 20-day letter for more information concerning this report.
2. Settlement report dated March 30, 2007 for Leon Miller, OD #1136. The Board noted this report.

### **OTHER DISCIPLINARY MATTERS**

1. E-mail dated June 16, 2007 from Michael G. Pharris Jr., OD.

A motion was made, seconded and carried to send Dr. Pharris a letter of acknowledgement regarding his resignation of supervision of Mr. Shapiro and refer the case of Mr. Shapiro to executive session.

#### **REPORTS OF INVESTIGATIONS**

Richard D. Anderson, OD

#### **REPORTS OF OFFICE OF EXPEDITED SETTLEMENT**

Richard D. Anderson, OD

#### **ADJOURNMENT**

#### **EXECUTIVE SESSION:**

As permitted by CRS 24-6-402 (3)(a)(II), And (III), a motion was made, seconded and carried by at least the required 2/3 majority that the Board enter into EXECUTIVE SESSION for the sole purpose of discussing matters of pending or imminent court action, other matters of attorney client privilege and matters required to be kept confidential pursuant to law. Specifically, The Board considered matters regarding Richard D. Anderson, OD and Steven Shapiro.

#### **EXECUTIVE SESSION ADJOURNMENT**

#### **MATTERS DISCUSSED IN THE EXECUTIVE SESSION-DECISIONS**

A motion was made, seconded and carried by more than the required 2/3 majorities to return to Open Session. It was announced that no more motions had been offered or passed during Executive Session.

Case Status Reports from the Office of the Attorney General.

**Richard D. Anderson, OD.** A motion was made, seconded and carried to refer the matter to the Attorney General for discipline.

**Steven Shapiro,** a motion was made, seconded and carried to refer the matter to the Office of the Attorney General to pursue a contempt citation against Mr. Shapiro.