

APPROVED 09/06/02

Minutes of  
North Carolina State Board of Optometry  
August 2 – 6, 2002  
Jane McKimmon Center  
Raleigh, North Carolina

The North Carolina State Board of Optometry met at the Jane McKimmon Center on the Campus of North Carolina State University in Raleigh, North Carolina on Friday, August 2, 2002 through Tuesday, August 6, 2002 to conduct the Summer 2002 Clinical/Practicum Examinations and for other purposes. Present were Drs. William Hendrix, President, Scott Edwards, Secretary/Treasurer, Joel Banks, David Baxter, Jim Fanelli and Ms. Trudy Mitchell, Members of the Board. Present as Staff were Dr. John D. Robinson, Executive Director of the Board and Ms. Janice Robinson, Administrative Secretary of the Board. Present as Clinical Examiners were Drs. Bonnie Aiken, Kenny Bumgarner, Michael Clark, David King, Don MacQueen, Sandra Moore, Brett Munn, William Rafferty, Robert Rosenstein, and Kerry Sullivan. Present during the consideration of the report of the Probable Cause Committee when it was presented by the Committee was Royce Powell, Esq., Attorney for the Drs. Barker and Harrold. Absent due to illness was Mr. James Richardson, a lay Member of the Board.

On Friday afternoon Drs. Aiken and Rafferty spent an hour and a half with the Board and Clinical Examiners in the review of the revised scoring methodology for the procedures stations arrived at following the workshop held in April. At the conclusion of the presentation there was adequate time for discussion and the answering of questions in order that everyone present had a clear understanding of how the procedures were to be scored.

The President called the meeting of the Board to order at 5:00 PM

On a motion by Dr. Edwards seconded by Dr. Baxter and carried unanimously the minutes of the June 5 – 9, 2002 were approved.

On a motion by Dr. Baxter seconded by Ms. Mitchell and carried unanimously the minutes of the Annual Meeting held on June 12, 2002, by conference telephone were approved

The President made no formal report. He did take the opportunity to review the high lights of the Meeting of the Association of Regulatory Boards in Optometry (ARBO) in New Orleans in June. Of special interest was the announcement by Thomas E. Eichhorst, Esq. that he would be retiring as Staff Counsel for the American Optometric Association

in September of this year. However, his retirement does not mean that he will no longer be involved in the affairs of this profession, since he has accepted a new position as the Executive Director of ARBO. The President opined that the AOA's loss will be ARBO's gain and that he was delighted that Mr. Eichhorst's "wise counsel" will remain available to this profession as he assumes his new position.

The Secretary/Treasurer presented the Budget Report for the periods 07/01/01 through 06/30/02 and 07/01/02 through 07/31/02. It was explained that the budget deficit for fiscal year 2001-02 was due in large measure to two factors, legal expenses incurred because of the contact lens prescription release issues arising from the law suit between the Vistakon Contact Lens Division of Johnson and Johnson, Inc. and 1 800 ContactLens and the increase in the meeting and examination expenses arising from increases in the amount of the per diems paid by the Board that became effective on January 1, 2002.

Following the answering of questions and a brief discussion, there was a motion by Dr. Fanelli seconded by Dr. Banks that the report of the Secretary-Treasurer be accepted. The motion carried unanimously.

The report of the Executive Director was brief. It was expected that as many as 6 Consent Orders would be ready to present to the Board at this meeting; however, the attorneys involved in the matters were unable to complete the task of finalizing the documents in time for this meeting. They should be ready for the Board's consideration and action when it meets in September.

There are several complaints that have been recently received, the most serious of which might be considered sexual in nature. Investigations are pending.

On a motion by Dr. Fanelli and seconded by Dr. Baxter the report of the Executive Director was unanimously accepted.

Dr. Robinson, on behalf of the Probable Cause Committee consisting of himself, Dr. Baxter and Mr. Loper, distributed a letter dated July 31, 2002 from Mr. Loper to Mr. Royce Powell along with attachments that lay out the transaction contemplated between Mr. Powell's clients, the Optometric Eye Care Center, P.A. (OECC). and OptiCare Health Systems, Inc. and PrimeVision, Inc. (Copy attached)

Mr. Powell briefly reviewed his clients present position in their attempts to recover and maintain control over the assets of OECC, their past history of business dealings with Corporate Managed Care Providers, the difficulties they found themselves in following the entering of the earlier Consent Order by the Board and Drs. Barker's and Harrold's desire now to end their business relationship with these corporations. In order to accomplish that goal it will be necessary for the Board to formally approve the position set out in the letter from Mr. Loper to Mr. Powell dated July 31, 2002.

Following a number of questions and Mr. Powell's clarification of issues that were of concern to various Board Members, Dr. Edwards moved and Ms. Mitchell seconded a

motion that the Board approve the position set out in the letter of its counsel, Johnny M. Loper, Esq., addressed to D. Royce Powell, Esq. dated July 31, 2002. The motion carried unanimously.

The President appointed Dr. Baxter to continue to serve with the Executive Director and the Board Attorney as the Probable Cause Committee in the continuation of the Matter of Drs. Barker and Harrold and the Optometric Eye Care Center, P.A.

On a motion by Dr. Fanelli seconded by Dr. Baxter and carried unanimously, the Board voted to pay each Clinical Examiner 5 per diems in addition to their travel, meal and hotel expenses.

The following individuals, their applications having been approved, appeared for examination:

Joyce N. Adeleke, O.D.  
Kirsten E. Albrecht, O.D.  
John M. Assell, O.D.  
Amanda L. Barker, O.D.  
Dwight W. Barnes, O.D.  
Sherry E. Briggs, O.D.  
Eric C. Bryant, O.D.  
Eric M. Burns, O.D.  
Gilbert S. Catino, O.D.  
Kelly L. Catino, O.D.  
Tiffany L. Chase, O.D.  
Bonnie P. Chen, O.D.  
Eric C. Dudley, O.D.  
Angela B. Ellerman, O.D.  
Terry W. Ellington, O.D.  
Jamal J. Fox, O.D.  
Christopher P. Glupker, O.D.  
Daniel P. Gray, O.D.  
Thomas S. Helfrich, O.D.  
Allison L. Hilburn, O.D.  
Darren W. Hilburn, O.D.  
Gary S. Holtzman, O.D.  
Robert K. Horner, O.D.  
Jeffrey T. Joy, O.D.  
Asma S. Khan, O.D.  
Kevin W. Lafone, O.D.  
Irma L. Lopez, O.D.  
Andrew J. Lovsin, O.D.  
Ethan D. Ly, O.D.  
Kelly C. MacDonnell, O.D.

Dustan C. Martin, O.D.  
Firoz H. Mohammed, O.D.  
Perry C. Motsinger, O.D.  
Jane S. Ogawa, O.D.  
Lisa A. Parke, O.D.  
Vonda R. Perkins, O.D.  
Rhonda G. Peters, O.D.  
Craig M. Poole, O.D.  
Lee J. Raykovicz, O.D.  
Amy L. Reed, O.D.  
Michelle L. Sall, O.D.  
Jeffrey P. Schultz, O.D.  
Jon B. Scott, O.D.  
Jeffrey A. Sterling, O.D.  
Gregory J. Stockbridge, O.D.  
Russell B. Stone, O.D.  
Quyen T. Immoos, O.D.  
Scott A. Trefts, O.D.  
Paul D. Ware, O.D.  
Melissa J. Wilkowski, O.D.  
Joshua T. Ziebell, O.D.

The following individual failed to appear for examination:

Kristopher McFee, O.D.

The next meeting of the Board will be in Wallace, North Carolina on September 6 – 8,  
2002

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Wallace, North Carolina