

# ARIZONA STATE BOARD OF DISPENSING OPTICIANS TELECONFERENCE BOARD MEETING MINUTES

October 2, 2024

The Arizona State Board of Dispensing Opticians held a Teleconference meeting.  
The Board meeting commenced at 10:34 a.m.

BOARD MEMBERS PRESENT: D. Nyblade, Chairman, Licensed Optician  
S. Coleman, Vice-Chairman, Licensed Optician  
S. Mayes, Secretary, Licensed Optician  
E. Pettit, Licensed Optician  
T. Brown, Licensed Optician  
D. Bright, Public Member  
M. Searle, Public Member

BOARD MEMBERS ABSENT:

OTHERS PRESENT: Megan Darian, Executive Director

1. Call to Order and Roll Call

Chairman Nyblade called the telephonic meeting to order at a.m. In addition, a roll call was taken. Board members present at this time were Chairman Nyblade, Vice-Chairman Coleman, Secretary Mayes, Board Member Pettit, Board member Bright, Board member Searle, and Board member Brown.

2. Conflicts of Interest

None

3. Review, Discussion, and Approval of Minutes

Vice-Chairman Coleman moved to approve the minutes of the September 4, 2024, telephonic board meeting, open session.

Secretary Mayes seconded the motion, and unanimously, it carried.

4. Agency Operations:

Executive Director Megan Darian reported:

- A. AZ Dispensing Opticians Licensee's renewal for 2024 started on October 1 for 905 active LDOs, of whom 371 have Continuing Education due this year. Detailed instructions on renewing were sent to all the LDOs. 39 of them have already renewed their licenses.

5. Applications for License Optician:

Vice-Chairman Coleman made a motion to approve the License Optician applications for:

Davina Perez  
Erron Mayfield  
Jill Flatt

Secretary Mayes seconded the motion, and unanimously, it carried.

Applications for Optical Establishment:

Vice-Chairman Coleman made a motion to approve the Optical Establishment application for:

Southwestern Eye Center Westridge - Phoenix  
Southwestern Eye Center Willcox - Willcox

6. Compliant against USV Optical - JC Penney Optical #1404, LOE-001427

Vice-Chairman Coleman, the liaison to the Board reported:

James McClafferty investigated JCPenney Optical #1404 at 10:30 AM on September 6, 2024. Both active establishment and LDO licenses were displayed at this location. He found patient records at this location unsecured and not filed or organized. Mr. McClafferty made a follow-up comparison visit to the JCPenney Optical located at the Superstition Mall in Mesa on September 14. He found the Superstition location to have patient records organized and properly filed. The majority of problems found at location #1404 appeared to be violations of HIPAA regulations and are not under the purview of this board. One potential rule violation could be a failure to maintain records under R4-20-118 since the records were not readily available because they were not filed or organized.

Vice-Chairman Susan Coleman after discussion and review of the case moved to dismiss complaint no. 2024-003, against USV Optical – JC Penny Optical #1404, Licensed Optical Establishment no. 001427 finding no violation of state statute or rule, but to refer the potential violations of HIPPA disclosure laws to the US Department of Health and Human Services civil rights division. Additionally, the Board moved to include the reference for failure to maintain records in the dismissal letter.

Secretary Mayes seconded the motion, and unanimously, it carried.

7. Future Agenda Items

8. Call the Public  
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Meeting Adjournment with no further business, the meeting adjourned at 10:51 a.m.

Submitted by:

Megan Darian  
Executive Director

Approved: *Megan Darian*

Date: 11/6/2024