

Ohio State Board of Optometry
77 S. High St., 16th Floor
Columbus, Ohio 43215-6108

ANNUAL REPORT

Calendar Year 2011

January 31, 2012

Governor John Kasich
State of Ohio
77 S. High St., 30th Floor
Columbus, Ohio 43215

Dear Governor Kasich and Members of the 129th General Assembly:

On behalf of the Ohio State Board of Optometry, we are pleased to submit this annual report for calendar year 2011. This annual report highlights the work of the six-member Board, supported by a staff of three employees.

All activities have been directed towards fulfillment of the Board's mission, to assure professionally competent optometrists in the State of Ohio by regulating examinations and licensure, enforcing continuing education compliance, monitoring continuing education quality, renewal of licensure and enforcement of the Ohio Optometry Laws and Administrative Rules as found in Chapter 4725 of the Ohio Revised Code. The Optometry Board is dedicated to handling public concerns in a timely fashion and providing prompt, friendly service to the citizens of Ohio and licensees.

This report reflects the efforts made by the Board to ensure that all persons licensed by the Board are properly qualified to provide the appropriate care to the citizens of Ohio. In addition to providing information on the financial picture of the Board, this report summarizes licensure activities and enforcement activities undertaken during the previous year.

We thank you for your on-going support of the Board's efforts to enforce Chapter 4725 of the Ohio Revised Code.

Respectfully yours,



Dennis Roark, O. D.
Board President – 2011



Jeffrey W. Greene
Executive Director

DR/nlo

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President's
Letter

2011 proved to be another interesting and challenging year for the State Board of Optometry. Budgetary, regulatory and staff issues have demanded much of our time. Jeffery Greene was hired as our Executive Director. He, Nancy Ott, Administrative Assistant, and Jeff May, Chief Investigator have proved to be an effective, responsible, and caring administrative team that works well together to serve the needs of the citizens and optometrists of Ohio. It as been an honor and pleasure to work with them as Board President.

It has been equally gratifying to work with our dedicated and capable Board Members. Two members, Thomas Bobst and Jeff Fogt were appointed in 2011. The Board reviewed our rules and policies and many changes were considered. These will be acted upon in 2012. We are considering how we can effectively use computer technology to improve office efficiency. The Board is also following the debate concerning board certification and continuing competency that is occurring within our profession at the state and national levels.

The board and staff continued to maintain our website, publish the board newsletter, investigate consumer complaints, monitor licensure issues, approve continuing education courses and respond to optometrists' inquires. We value our positive relationships with the Ohio Optometric Association, the Ohio State University College of Optometry, the Association of Regulatory Boards of Optometry, and the Ohio Ophthalmological Society.

Dr. Larry Barger completed his second five year term on the Board in 2011. Larry was well respected by our Board and staff and was a valuable liaison with ARBO for several years.

It has been a pleasure to serve as Board President and to work with the Board and administrative staff. The citizens and optometrists of Ohio should know that their cares and concerns are foremost in our thoughts and decision making.

Respectively submitted,



Dennis Roark, O.D.

Introduction,
Mission
Statement
& The Board

Introduction

The Ohio State Board of Optometry is a state government agency established by the legislature in 1919 to regulate the practice of optometry and provide consumer protection.

The Board is responsible for examining and licensing optometrists and enforcing the provisions of Chapter 4725 of the Ohio Revised Code as adopted by the Ohio General Assembly and Chapter 4725 of the Ohio Administrative Code as approved by the Joint Committee on Agency Rule Review.

Mission Statement

The mission of the Ohio State Board of Optometry is to assure professionally competent optometrists in the State of Ohio by regulating examinations and licensure, enforcing continuing education compliance, monitoring continuing education quality, renewal of licensure and enforcement of the Ohio Optometry Laws and Administrative Rules as found in Chapter 4725 of the Ohio Revised Code. The Optometry Board is dedicated to handling public concerns in a timely fashion and providing prompt, friendly service to the citizens of Ohio and licensees.

Composition of the Board

The Board is composed of six members, five of whom shall be persons actually engaged in the practice of optometry for five years preceding appointment and one of whom shall be a member of the public who is at least sixty years of age. Terms of office shall be for five years. No person shall serve as a member for more than two terms. Board members are compensated hourly only for time devoted to the Board's affairs, and are reimbursed for expenses incurred in the performance of their official duties.

Legislation/Rule Changes

HB 153, which became effective for Fiscal Year 2012, included an increase for optometry fees. Renewal fees were increased from \$110 to \$130 and \$135 to \$175. Late fees were also increased from \$75 to \$125.

The Board also made some rule changes for continuing education. Ohio optometrists are now permitted to obtain two hours of either practice management or ethics jurisprudence. Also the allowable hours for observation was changed so that an optometrist could obtain all eight hours in one day.

2011 Highlights

- Dr. Larry Barger represented the Board at the Association of Regulatory Boards of Optometry 2011 Annual Meeting in Salt Lake City, Utah in June. Meeting highlights included discussion on Board Certification, OE Tracker, Citizen Advocacy, continuing education, new legislation and optometry accelerated programs.
- Our Executive Director for the past seven years, Mike Everhart, retired in June. His replacement, Jeffrey Greene, joined the Board staff on August 8th.
- Mr. Greene attended the East/West Conference in Cleveland, Ohio in October and the OSU College of Optometry accreditation process in November.
- Dr. Larry Barger finished his second five year term in October. He was replaced by Jeff Fogt, O.D. of Defiance, Ohio.

Board Members

Dennis O. Roark, O.D.

President Term 10/25/02 - 9/25/12

Dr. Roark, licensed since 1970, is a Past President of the Ohio Optometric Association. He currently practices with four other optometrists in Springfield, Ohio.

Karen A. Riccio, O.D.

Secretary Term 10/3/08 – 9/25/13

Dr. Riccio, licensed since 1982, is currently in private practice in New Albany, Ohio. Dr. Riccio previously practiced at the Veteran's Administration, Cincinnati Eye Institute and the OSU College of Optometry. Dr. Riccio is a Past President of the Ohio Optometric Association.

Lawrence J. Barger, O.D.

Member Term 3/2/01 - 9/25/11

Dr. Barger, licensed since 1968, is currently in private practice in Akron, Ohio. Dr. Barger is a Past President of the Ohio Optometric Association.

Thomas Bobst, O.D.

Member Term 6/1/11 – 9/24/15

Dr. Bobst, licensed since 1983, currently practices in North Olmsted, Ohio and resides in Rocky River, Ohio.

Jeffrey Fogt, O.D.

Member Term 10/27/11 – 9/24/16

Dr. Fogt, licensed since 1989 currently practices and resides in Defiance, Ohio.

Ms. Patricia M. Scharf

Member Term 10/25/02 - 9/25/12

Ms. Scharf who is a retired educator was appointed to the Board as the public member in October, 2002. She resides in Toledo, Ohio.

Stanley Warn, O.D.

Member Term 11/19/09 – 9/24/14

Dr. Warn has been licensed since 1981. He currently practices in Cleveland, Ohio and resides in Beachwood, Ohio.

Organizational
Chart

GOVERNOR
JOHN R. KASICH



SIX MEMBERS
BOARD/COMMISSION MEMBER I
Dennis Roark, O.D. President
Karen Riccio, O.D., Secretary
Larry Barger, O.D.
Thomas Bobst, O.D.
Ms. Patricia Scharf
Stanley Warn, O.D.



BOARD COMMISSION SECRETARY 2
Jeffrey W. Greene



ADMINISTRATIVE ASSISTANT 3
Nancy L. Ott



ADMINISTRATIVE ASSISTANT 2
Jeff A. May

**Board
Member
Responsibilities**

Dr. Roark	Supervision of patient complaints and other investigations
Dr. Barger	Liaison to the Association of Regulatory Boards of Optometry and the National Board of Examiners in Optometry
Dr. Barger	Supervision of continuing education matters
Dr. Riccio, Dr. Warn	Legislative matters
Ms. Scharf, Dr. Riccio	Budgetary issues
Dr. Warn	Monitor drug induced incident cases and report to the Board on pharmacology matters

Board Meetings

January 12, 2011	Columbus, Ohio	Board Meeting
April 13, 2011	Columbus, Ohio	Board Meeting & Public Hearing
June 22, 2011	Columbus, Ohio	Subcommittee Meeting
July 6, 2011	Columbus, Ohio	Board Meeting
October 12, 2011	Columbus, Ohio	Board Meeting
December 7, 2011	Columbus, Ohio	Board Meeting

Licensing

Licensing is the process by which an agency of government grants to individuals the right to engage in certain professions, occupations or businesses. Licensure is also an effective tool used for the protection of the citizens of the State of Ohio. This is done by assuring that the persons licensed have the required skills, training and qualifications to practice that profession. In order to be licensed in Ohio, optometrists must complete at least six years of college, be a graduate of an accredited College of Optometry and pass the required testing..

The State Board of Optometry is granted its authority under Chapter 4725 of the Ohio Revised Code. This chapter determines who may engage in the practice of optometry. The practice of optometry has been greatly enhanced by the use of diagnostic, therapeutic and limited Schedule III drugs. The laws that provide the authority for the Board to grant licenses also provide the necessary administrative mechanisms whereby such authority to practice can be renewed, suspended, permanently revoked or limited. Fines may also be imposed. Accordingly, persons granted authority by the Board to engage in the practice of optometry also are monitored to determine whether they should be permitted to continue in such activity.

Licensure
breakdown

Licensed optometrists as of 12/31/10:	2,146
Optometrists deceased in 2011:	3
Optometrists filing for inactive status for 2011:	44
Delinquent optometrists in 2011:	8
New optometry licensees issued:	94
Licensure reinstatements:	7
Licensure by endorsement:	5
Licensed optometrists as of 12/31/11:	2,197

Licensees by
license type

Optometrists holding therapeutic certification:	2,131
Optometrists holding diagnostic certification:	33
Optometrists licensed in general optometry only:	33

Licensees by
location

Optometrists practicing in Ohio:	1,914
Optometrists licensed in Ohio, but practicing out of state:	273
Optometrists on active military duty:	10

Continuing Education

During 2011 all licensed optometrists were required to submit proof of attendance for twenty five hours of annual continuing education. The continuing education programs are directed to patient care, the utilization of new techniques, scientific and clinical advances and the diagnosis and treatment of eye disease. The submission of continuing education is closely monitored by the Board. Applications for renewal are not processed for licensees until the required hours of continuing education are submitted to the Board. Failure to complete continuing education by September 30th and/or submit continuing education by October 20th each year results in a \$125.00 penalty fee unless a time waiver has been approved by the Board. In 2011 there were four various waiver requests approved.

During 2011 the Optometry Board members reviewed a total of 239 proposed continuing education programs.

Financial
Report

Statement of Revenues and Expenditures
July 1, 2010 - June 30, 2011

FY 2011 Revenues

Licensure/renewal fees	\$294,825.00
Late/reinstatement fees	12,150.00
Miscellaneous fees	<u>574.80</u>
	\$307,549.80

FY 2011 Expenditures

Payroll & Benefits (Board & Staff)	\$284,712.68
Purchased Personal Services (Hearing officer, court reporter, Insurance, dues, etc.)	2,205.00
Expendable Goods & Services (Staff & Board travel, lodging, parking, conference fees, expendable office supplies)	48,950.34
Equipment (Computers, furniture, etc.)	649.50
Refunds	<u>.00</u>
	\$336,517.52
Unspent funds	\$ 9,667.48
<u>FY 2011 Budget</u>	\$346,185.00

Historical Revenues and Expenditures

<u>Year</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Unspent Funds</u>
2010	\$346,185	\$300,025	\$317,928	\$28,257
2009	351,071	297,945	331,015	20,056
2008	344,571	295,811	325,185	19,386

Investigations

The role of the Investigator for the Ohio State Board of Optometry is clearly defined as a position that was created to serve Ohio citizens through the enforcement of Ohio Optometry Board Laws and Administrative Rules. While the primary function of the Investigator is the investigation of patient complaints, the Investigator also conducts unannounced on-site inspections of optometry offices to check for compliance with Board Laws and Rules relating to licenses and name display, equipment requirements, and other Board regulations. The Board Investigator also enforces laws concerning advertising by Ohio optometrists and conducts Laws and Rules sessions for newly licensed optometrists.

During 2011, the Board forwarded 59 sets of complaint forms to patients who had contacted the Board regarding problems with optometrists. Patients filed a total of 15 formal complaints in addition to 1 complaint initiated by the Board for investigation. During the year 10 of the 16 formal complaints were investigated and finalized with the remaining 6 pending either further investigation, a hearing or final review. Additionally, 117 on-site inspections were conducted statewide. Advertising violation notification letters to optometrists were sent in 4 advertising matters. In all instances, responses were received that proper corrective action was being taken to address the problems. The Board Investigator made 24 laws and rules presentations with 107 licensees in attendance.

During 2011 one disciplinary action was taken by the Board. The discipline was a Consent Agreement for violation of drug/alcohol addiction which resulted in a 30 day suspension, treatment program, counseling, testing and five year probation. Refunds in complaint resolutions to consumers totaled \$430.00 for the year.

Investigator's
Activity

	<u>2010</u>	<u>2011</u>
Complaints Investigated	26	16
Miscellaneous Investigations (office inquiries, office complaints)	25	22
Advertising Violation Investigations	5	4
Total Investigations	56	42
On-Site Inspections	130	117

OHIO STATE BOARD OF OPTOMETRY

Investigator's Activity

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Complaints Investigated	21	18	26	16
Miscellaneous Investigations	25	21	25	22
Advertising Violation Investigations	4	4	5	4
Total Investigations	50	43	56	42
On-Site Inspections of Optometric Locations	180	120	130	117
Violations Detected During Inspections	43	23	25	27
Miles Traveled	8288	4297	5075	4543

Spring 2011 Newsletter

Ohio State Board of Optometry
77 South High Street, 16th Floor, Columbus, OH 43215-6108
Phone: (614)466-5115 Fax: (614)644-3937 Toll Free: 1-888-565-3044
E-Mail: optometry.board@exchange.state.oh.us Website: www.optometry.ohio.gov

Board Members

Our current Board members are:

Dennis Roark O.D., Board President
Karen Riccio, O.D., Board Secretary
Larry Barger, O.D.
Patricia Scharf
Stanley Warn, O.D.

Continuing Education

Board members have **proposed** the following changes to the current continuing education rules:

- Ohio optometrists would be permitted to include a maximum of two hours of continuing education in the area of “practice management (PM) and/or ethics jurisprudence (EJ).” This would be two out of the total of twenty-five hours.
- “Webinars” would be permitted in the area of “electronic media.” These hours would be a part of the maximum of ten hours in the category of written home study or electronic media.
- Previously, optometrists were permitted up to eight hours of grand rounds or surgery observation in any one year with no more than four hours credit in any one day. Now, there is no limitation on how the maximum of eight hours are accumulated.

These rules, if approved by the Joint Committee on Agency Rule Review (JCARR), **would not go into effect until OCTOBER 1, 2011.**

Patient Dilation

The Board has received several inquiries recently concerning charging for patient dilation. The current rule states:

“(C) In conducting a standard eye examination the use of dilating agents or topical ocular pharmaceutical agents will be included in the usual and customary fee and not identified as a separate or additional cost. This in no way limits or prohibits the charge of an additional fee to a patient for extended tests or procedures which require the use of these agents and are deemed necessary as a result of the standard eye examination. The use of dilating agents or topical ocular pharmaceutical agents in conducting an eye examination will be at the professional judgment of the examining optometrist.”

The complete rule, 4725-5-17, can be viewed at the Board’s website.

Fee Increase

During the October 20, 2010 meeting the Board was provided with an update of the upcoming biennial budget. In short, the Board's current annual appropriation is greater than the annual revenue. There has been an intentional effort to "spend down" the current reserve in the regulatory fund to cover the deficit between the appropriation level and the annual revenue. However, with the current state budget deficit projected at anywhere from 4 to 8 billion, the Board has been informed any current reserve in the Board's fund will be taken and applied to the deficit. We will now be required to ensure we generate enough revenue to cover any appropriation. A review of previous fee increases indicated the Board has not increased any licensure fees since 1995. Based on the current annual revenue projection of approximately \$297,500 and an average appropriation of approximately \$352,000 for the next biennium, the following fee increases were deemed appropriate by the Board:

- Increase the initial application or renewal of a certificate of optometric licensure from \$110 to \$130.
- Increase the topical ocular or therapeutic agents certificate from \$25 to \$45.
- Increase the fees for late C.E. completion, late C.E. submission and/or late licensure renewal from \$75 to \$125.

Board Certification

The Board continues to receive inquiries on Board Certification and its relationship to licensing. The Board has previously stated that both Board Certification and/or maintenance of certification are independent of established license and regulatory boards and does not confer any legal qualification, privilege or license to practice optometry. However, while the process of certification is not currently tied to licensure, the Board is interested in the perspective of our licensed optometrists. Please review the following questions and consider voluntarily responding to the Board either through regular mail at 77 S. High St., 16th Floor, Columbus, OH 43215 or e-mail at optometry.board@exchange.state.oh.us no later than May 11, 2011.

- Are you in favor of voluntary Board Certification? (Add any comments)
- Do you believe that continued competence of optometrists should be a part of licensure? How do you think this should be accomplished?
- Do you believe that the current system for maintenance of licensure (C.E.) is adequate in reassuring the public an optometrist is maintaining competence? Are there any additional requirements you would recommend?

These questions are part of a national survey of regulatory boards and should not be construed or interpreted as any effort by this Board to require certification as a part of licensure. The Board is sincerely interested in the licensee's perspective of this contemporary issue. Responses can be anonymous

November, 2011

Dear Doctor:

By way of introduction, my name is Jeff Greene. I became the Executive Director of the Ohio State Board of Optometry in August. I have big shoes to fill, replacing Michael Everhart, who served the Board for seven years and did an outstanding job. I am extremely fortunate to work with a Board of professionals and a knowledgeable, dedicated staff.

I am writing this letter in lieu of a fall newsletter. My goal is to make a personal contact (via this letter) in hopes of bringing some information to you that you may find helpful.

Some of the things I'd like to bring to your attention are:

Reminder of the fee increase that went into effect July 1, 2011. It is the first time in over 15 years that the fees have increased and unfortunately necessary due to budgeting constraints.

- New licensure application fee \$175
- Renewal of optometric license \$130
- Renewal of diagnostic/therapeutic license \$175
- Late C.E. completion, late C.E. submission and/or late licensure renewal \$125.

This brings me to my next point. We are closely scrutinizing all the paperwork that goes through our office with regards to continuing education. We are always looking for ways to save money since we are on a tight budget. In Ohio, we have 2146 licensed Optometrists who must complete their continuing education between October 1st through September 30th of the following year. The East/West Conference is in October and many of you attended and obtained, most, if not all the continuing education hours you would need for renewal. My point is that we sent out over 1600 reminder cards in August asking that the documents be forwarded to us by September 30th to avoid a late penalty. Postage for those 1600 cards was over \$350.00 and was really an unnecessary expenditure for us. I will be bringing this matter and other items before the board in an attempt to cut down our overhead.

Also, regarding continuing education, over the next several months we are going to review how we are currently collecting and auditing the information and consider ways to streamline the operation in hopes of making it easier for you and for more efficient ways to kill less trees, because there is a lot of paper being wasted.

Annex C

We desire to make our website more personalized and are soliciting photographs of our doctors (you) in action. Please have someone take pictures of testing/exams/interaction with patients, etc., and email them to us at: optometry.Board@exchange.state.oh.us

Please note that we have sent the renewal applications this year requesting all of your current information, including a space for your email address. We will be using this to forward you important updates, reminders, etc. *Please be sure to give us an email address as we will again be trying to cutback on the paper and save some money by utilizing electronic mail. There will be NO junk mail sent to you at anytime I assure you.*

Reminder that with the new continuing education period which began October 1st:

- Ohio optometrists are permitted to include a maximum of two hours of continuing education in the area of "practice management (PM) and/or ethics jurisprudence (EJ)." This would be two out of the total of twenty-five hours.
- Previously, optometrists were permitted up to eight hours of grand rounds or surgery observation in any one year with no more than four hours credit in any one day. Now, there is no limitation on how the maximum of eight hours are accumulated.

Lastly, please consider attending one of our four Board meetings in 2012. We'd appreciate having you attend if the opportunity ever presents itself for you. The dates are as follows:

January 11, 2012 April 11, 2012 July 11, 2012 October 10, 2012

I feel honored and privileged to be in this position and have the opportunity to work with such fine, professional individuals. I look forward to serving you and the Board for many years to come. I have included my personal email, if you have any comments, suggestions, etc.

Sincerely,

Jeffrey W. Greene
Executive Director
77 S. High St. 16th Floor
Columbus, Ohio 43215-6108
(614) 466-5115
Email: jeff.greene@exchange.state.oh.us