

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

ANNUAL REPORT



Calendar Year 2015

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Ohio State Board of Optometry
77 S. High St., 16th Floor, Columbus, OH 43215-6108 (614)466-5115

January 29, 2016

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

Dear Governor Kasich and Members of the 131st General Assembly:

On behalf of the Ohio State Board of Optometry, we are pleased to submit this annual report for calendar year 2015. 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,

Handwritten signature of Jeffrey Fogt in black ink.

Jeffrey Fogt, O.D.
Board President – 2015

Handwritten signature of Jeffrey W. Greene in black ink.

Jeffrey W. Greene
Executive Director

JF/alw
File 6-5

President's
Letter

The calendar year 2015 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. Jeff Greene has completed his fourth year as our Executive Director. Nancy Ott, Administrative Assistant of 34 years, retired in April. Adela Lopez-Wellman was hired as the new Administrative Assistant. David Bailey was hired as the Board's Investigator. Both Adela and Dave have quickly become a vital part of the Board staff. It has been an honor and pleasure to work with them as Board President. Our Board is extremely fortunate to have such a dedicated, hard-working staff and I have appreciated working closely with them.

It has been equally gratifying to work with our dedicated and capable Board Members. Mr. Michael Everhart was the Board's Public Member for the past two years, but was forced to resign due to a policy by the Ohio Public Employees Retirement System. Mike was formerly the Executive Director for the Board and was a wealth of knowledge and a pleasure to work with. He'll be sorely missed and his replacement has yet to be named. Dr. Thomas Bobst was reappointed for his second and final 5 year term, which was very good news. He provides great insight and leadership for the Board.

The Board has continued to realize the many advantages and efficiencies of computer technology, now utilizing IPADS during our meetings, which provides us quick and easy access to our laws and rules and the internet. We have continued to utilize ARBO's OE Tracker to help keep track of CE credits and improve the efficiency of auditing 100% of continuing education submitted to the State Board.

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

It has been a pleasure to serve as Board President and to work with the Board and administrative staff. The mission of the Board is to serve the citizens of the State of Ohio and that will always be the primary focus of our thoughts and decision making.

Respectfully submitted,



Jeffrey Fogt, O.D.
Board President

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 fifty 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.

2015 Highlights

- Dr. Thomas Bobst, Board Member and a member of the ARBO Cope Review Committee represented the Board at the Association of Regulatory Boards of Optometry 2015 Annual Meeting in Seattle in June. Meeting highlights included an update on the North Carolina Dental Board decision, processing of delinquent licenses, where fines are deposited when received, whether an inactive licensee can be disciplined. Other items covered license application questions, including

discipline from an educational facility, OE Tracker, accreditation of continuing education, new legislation and optometry accelerated programs. Dr. Bobst was also appointed to the National Board Exam Review Committee and attended meetings in North Carolina.

- Public Board Member, Michael Everhart resigned due to a conflict with the Ohio Public Employees Retirement System and to date, his position has not been filled. Dr. Thomas Bobst was reappointed to the Board for his second 5 year term.
- Mr. Greene served on the Association of Regulatory Board of Optometry Director's Committee for a second year.
- After over 34 years of service to the Board of Optometry and the State of Ohio, Administrative Assistant Nancy Ott retired in April. Adela Lopez-Wellman was hired to fill the position and has already become an integral part of the Board staff. David Bailey was also hired in June as the Board Investigator. Dave recently retired from the Lancaster Police Department after serving over 33 years and the last 7 years as Chief. Dave has also quickly become a valuable part of the Board staff.
- In July, the State's Budget Bill (H.B. 64) passed for FY 16 & 17. There is language in this bill that requires the Sunset Review Committee for the 131st General Assembly evaluate whether the Board of Optometry should absorb the Optical Dispenser's Board. This review should be completed by June, 2016.
- The Board also conducted 1 Administrative Hearing and consequently permanently revoked an optometrist's license to practice in the State of Ohio.

Board
Members

Jeffrey Fogt, O.D.

Board President Term 9/25/11 – 9/24/16

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

Thomas Nye, O.D.

Board Secretary Term 9/25/12 – 9/24/17

Dr. Nye, licensed since 1987 currently practices and resides in Hamilton, Ohio.

Cheryl Archer, O.D.

Member Term 9/25/13 – 9/24/18

Dr. Archer, licensed since 1984 currently practices in Lima, Ohio and resides in Bowling Green, Ohio.

Thomas Bobst, O.D.

Member Term 9/29/15 – 9/24/20

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

LaMar Zigler, O.D.

Member Term 9/25/14 – 9/24/19

Dr. Zigler, licensed since 1981 currently practices in Columbus, Ohio and resides in Columbus, Ohio.

Vacant

Public Member Term

Organizational
Chart

GOVERNOR
JOHN R. KASICH

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SIX MEMBERS
BOARD/COMMISSION MEMBER I
Jeff Fogt, O.D., President
Thomas Nye, O.D., Secretary
Cheryl Archer, O.D.
Thomas Bobst, O.D.
LaMar Zigler, O.D.
Public Member

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EXECUTIVE DIRECTOR
Jeffrey W. Greene

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ε

ADMINISTRATIVE PROFESSIONAL 4
Adela Lopez-Wellman

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ε

INVESTIGATOR
David W. Bailey

Board
Member
Responsibilities

Dr. Fogt	Supervision of patient complaints and other investigations
Dr. Bobst	Liaison to the Association of Regulatory Boards of Optometry and the National Board of Examiners in Optometry
Dr. Archer	Supervision of continuing education matters
Dr. Nye	Legislative matters
Dr. Fogt	Budgetary issues
Dr. Zigler	Monitor drug induced incident cases and report to the Board on pharmacology matters

Board Meetings

March 11, 2015	Columbus, Ohio	Board Meeting and Public Hearing on rules
April 23, 2015	Columbus, Ohio	Public Hearing on rules
June 10, 2015	Columbus, Ohio	Board Meeting
September 16, 2015	Columbus, Ohio	Board Meeting
December 9, 2015	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 12/31/14:	2,245
Optometrists deceased in 2015:	6
Optometrists filing for inactive status for 2015:	65
Delinquent optometrists in 2015:	4
New optometry licensees issued:	83
Licensure reinstatements:	11
Licensure by endorsement:	0
Licensed optometrists as of 12/31/15:	2,264

Licensees by
license type

Optometrists holding therapeutic certification:	2,229
Optometrists holding diagnostic certification:	16
Optometrists licensed in general optometry only:	19

Licensees by
location

Optometrists practicing in Ohio:	1,978
Optometrists licensed in Ohio, but practicing out of state:	275
Optometrists on active military duty:	11

Continuing Education

During 2015 all licensed optometrists were required to submit proof of attendance for twenty five hours of annual continuing education or inform the Board to audit their hours on OE Tracker. 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 2015 there were two various waiver requests approved.

During 2015 the Optometry Board members reviewed a total of 219 proposed continuing education programs.

The Board Staff continued to expand the use of the OE Tracker Program for auditing of the continuing education. The OE Tracker Program is a highly recognized program developed by the Association of Regulatory Boards of Optometry. This program can be utilized by the Board Staff at no additional cost and will save optometrists from having to forward all certificates to the Board, thus saving time, paper and costs associated with our 100% auditing of continuing education. Although not mandatory, most optometrists are participating and we continue to receive extremely favorable feedback regarding the change in policy.

Financial
Report

Statement of Revenues and Expenditures
July 1, 2014 - June 30, 2015

FY 2015 Revenues

Licensure/renewal fees	\$390,970.00
Late/reinstatement fees	29,550.00
Miscellaneous fees	<u>890.00</u>
	\$421,410.00

FY 2015 Expenditures

Payroll & Benefits (Board & Staff)	\$256,636.68
Purchased Personal Services (Hearing officer, court reporter, insurance, dues, etc.)	3,706.50
Expendable Goods & Services (Staff & Board travel, lodging, parking, conference fees, expendable office supplies, equipment, computers, furniture, etc.)	58,356.76
Refunds	<u>.00</u>
	\$318,699.94
Unspent funds	\$ 28,578.06
<u>FY 2015 Budget</u>	\$347,278.00

Historical Revenues and Expenditures

<u>Year</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Unspent Funds</u>
2014	\$347,278	\$410,165	\$337,533	\$ 9,725
2013	\$347,278	\$400,849	\$346,145	\$ 1,132
2012	\$356,914	\$404,745	\$326,716	\$30,198

Investigations

The investigator for the Ohio State Board of Optometry serves the public through enforcement of Ohio Revised Code sections related to optometry and board rules. While the primary function of the investigator is the examination of patient complaints, the investigator also conducts unannounced on-site inspections of optometry offices throughout the state. These visits ensure compliance with applicable laws and rules relating to practice of optometry. During these inspections, the investigator focuses on the overall condition of the office, equipment requirements, and other practice related matters. The investigator also inspects advertising by optometrists for compliance. The investigator presents laws and rules training sessions for newly licensed optometrists throughout the year and biannually at The Ohio State University College of Optometry.

During 2015, there were a total of sixteen formal complaints received, including four complaints that were initiated by the board for investigation. Fifteen complaints were investigated and finalized, with one case remaining open after referral to the Ohio Attorney General's office. Thirty eight on-site inspections were performed statewide during the year 2015.

No advertising violation notification letters were sent to optometrists during 2015. There were thirty three informal (office) complaints received in 2015. All of these informal complaints were satisfactorily resolved through mediation or referral to other agencies.

The board investigator presented laws and rules training sessions to fifteen licensees on various dates throughout the year, plus one session for the OSU College of Optometry. A newly developed PowerPoint presentation now serves as the medium for the laws and rules presentations. A new on-site inspection form was developed during 2015, plus the investigatory records were reorganized.

There were two formal disciplinary actions taken by the board for the year. A patient complaint investigation resulted in one optometrist entering into a consent agreement with the board, while the other case resulted in the permanent revocation of an optometrists' license, as a result of a sex crime conviction.

Investigator's
Activity

	<u>2014</u>	<u>2015</u>
Complaints Investigated	22	16
Miscellaneous Investigations (Office complaints)	12	33
Advertising Violation Investigations	8	0
Total Investigations	42	49
On-Site Inspections	37	38