

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

ANNUAL REPORT



Calendar Year 2016

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

January 29, 2017

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 2016. 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,

A handwritten signature in black ink that reads "Thomas E. Nye, O.D.".

Thomas E. Nye, O.D.
Board President – 2016

A handwritten signature in black ink that reads "Jeffrey W. Greene".

Jeffrey W. Greene
Executive Director

President's
Letter

It has been a pleasure and privilege to serve as Board President in 2016 and to work with the Board staff. Jeff Greene has completed his fifth year as our Executive Director. Adela Lopez-Wellman, our Administrative Assistant and David Bailey, the Board Investigator are both in their second year. The Board staff continues to handle the daily duties professionally and diligently.

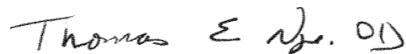
It has been equally gratifying to work with our dedicated and capable Board Members. Dr. Jeffrey Fogt's first five year term was completed in September and at this time he has not been reappointed or replaced. The Board has been without a Public Member for over eighteen months. We are hopeful this will be rectified in the very near future.

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 is working closely with DAS in training and development of the new e-Licensing system which should go live in 2017. New computers were needed and purchased to interact with the new system properly.

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' 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,



Thomas E. Nye, 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.

2016 Highlights

- Dr. Thomas Bobst, Board Member and a member of the ARBO Cope Review Committee and Executive Director Jeff Greene represented the Board at the Association of Regulatory Boards of Optometry 2016 Annual Meeting in Boston in June. Meeting highlights included an update on current regulatory board cases across the nation, update on accreditation of continuing education, new legislation, and other pertinent issues to the profession of Optometry. Dr. Bobst

also maintained his position on National Board Exam Review Committee and attended meetings in North Carolina.

- Board member Jeffrey Fogt's first term expired in September. Thus far, he has not been reappointed or replaced. The Public Board Member has remained vacant since 2015.
- The Sunset Review Committee for the 131st General Assembly met regarding whether the Board of Optometry should absorb the Optical Dispenser's Board. This review was completed in June and no action was taken. In December, House Bill 617 and Senate Bill 366 were introduced during the lame duck session of the 131st General Assembly to combine our Board with the Optical Dispenser's Board, Hearing Aide Dealer's Board and the Board of Speech-Language Pathology and Audiology. The legislation did not pass before session ended.
- The Board took administrative action against two licensees in the form of consent agreements for improper conduct and improper prescribing. A third licensee who violated their consent agreement for substance abuse and was consequently arrested subsequently surrendered his license to practice optometry in the State of Ohio.
- The Board staff began working Deloitte and DAS regarding the new licensing system and the build out for going live in June, 2017. The Board had to purchase new computers for the staff for the new system.
- The Board is anticipating the language in House Bill 523 (Medical Marijuana Bill) and how it will relate to our licensees. The language should be completed in 2017.

Board
Members

Thomas Nye, O.D.

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

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

Cheryl Archer, O.D.

Board Secretary Term 9/25/13 – 9/24/18

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

Jeffrey Fogt, O.D.

Member Term 9/25/11 – 9/24/16

Dr. Fogt, licensed since 1989 currently practices and resides in Defiance, 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
Thomas E. Nye, O.D., President
Cheryl Archer, O.D., Secretary
Jeffrey Fogt, 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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ADMINISTRATIVE PROFESSIONAL 4
Adela Lopez-Wellman

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ε

INVESTIGATOR
David W. Bailey

Board
Member
Responsibilities

Dr. Nye	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. Zigler	Supervision of continuing education matters
Dr. Archer	Legislative matters
Dr. Fogt	Budgetary issues
Dr. Archer	Monitor drug induced incident cases and report to the Board on pharmacology matters

Board Meetings

March 30, 2016	Columbus, Ohio	Board Meeting
May 25, 2016	Columbus, Ohio	Board Meeting
September 14, 2016	Columbus, Ohio	Board Meeting
December 14, 2016	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 12/31/15:	2,264
Optometrists deceased in 2016:	15
Optometrists filing for inactive status for 2016:	65
Delinquent optometrists in 2016:	3
New optometry licensees issued:	90
Licensure reinstatements:	7
Licensure by endorsement:	2
Licensed optometrists as of 12/31/16:	2,280

Licensees by
license type

Optometrists holding therapeutic certification:	2,249
Optometrists holding diagnostic certification:	15
Optometrists licensed in general optometry only:	16

Licensees by
location

Optometrists practicing in Ohio:	1,993
Optometrists licensed in Ohio, but practicing out of state:	245
Optometrists on active military duty:	11

Continuing Education

During 2016 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 2016 there were five various waiver requests approved.

During 2016 the Optometry Board members reviewed a total of 204 proposed continuing education programs.

The Board Staff has 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.

In December, House Bill 290 was passed and will become law April 4, 2017. This legislation allows for up to eight hours of continuing education for volunteering health care services to indigent and uninsured persons at a rate of one credit hour for each sixty minutes spent providing services.

Financial
Report

Statement of Revenues and Expenditures
July 1, 2015 - June 30, 2016

FY 2016 Revenues

Licensure/renewal fees	\$392,720.00
Late/reinstatement fees	12,100.00
Miscellaneous fees	<u>840.00</u>
	\$405,660.00

FY 2016 Expenditures

Payroll & Benefits (Board & Staff)	\$262,726.56
Purchased Personal Services (Association of Regulatory Boards of Optometry, Inc.)	900.00
Expendable Goods & Services (Staff & Board travel, lodging, parking, conference fees, expendable office supplies, equipment, computers, furniture, etc.)	57,825.23
Refunds	<u>125.00</u>
	\$321,576.79
Unspent funds	\$ 25,701.21
<u>FY 2016 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>
2015	\$347,278	\$421,410	\$318,699	\$28,578
2014	\$347,278	\$410,165	\$337,533	\$ 9,725
2013	\$347,278	\$400,849	\$346,145	\$ 1,132

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 the 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 2016, there were a total of thirty-four formal complaints received, including two complaints that were initiated by the Board for investigation. Thirty-three complaints were investigated and finalized, with one case remaining open. There were twenty-five informal complaints received in 2016. All of these informal complaints were satisfactorily resolved through mediation or referral to other agencies.

Thirty-six on-site inspections were performed during the year 2016 in eighteen different counties across the state. No advertising violation notification letters were sent to optometrists during 2016.

The board investigator presented laws and rules training sessions to twenty-six licensees on various dates throughout the year, plus sixty-four students were trained at the OSU College of Optometry during two separate evening sessions. Twenty-two licensees received laws and rules training electronically using a PowerPoint presentation designed for that purpose.

There were three 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, as a result of improper conduct with the patient. Another doctor entered into a consent agreement, after the Board discovered that he was prescribing prohibited drugs. An optometrist, under an existing consent agreement, was suspended for multiple violations. The Board assisted hundreds of patients after this doctor closed two busy practices in northeast Ohio. The Board helped patients retrieve records, optical products, and prescriptions from these shuttered offices. Some of this assistance had to be conducted on-site and involved transporting patient optical products to another area licensee for dispensing.

Investigator's
Activity

	<u>2015</u>	<u>2016</u>
Complaints Investigated	16	34
Miscellaneous Investigations (Office complaints)	33	25
Advertising Violation Investigations	0	0
Total Investigations	49	59
On-Site Inspections	38	36