

**Ohio State Board of Optometry  
Board Meeting**

**Vern Riffe Center  
77 S. High Street  
Columbus, Ohio**

**March 8, 2017 at 9:30 a.m.**

**President Presiding**

Board President, Cheryl Archer, O.D. convened the meeting at 9:30 a.m. The meeting was held in the 31<sup>st</sup> floor Boardroom of the Vern Riffe Center.

**Roll Call**

Present for the meeting were:

Cheryl Archer, O.D., Board President  
LaMar Zigler, O.D., Board Secretary  
Thomas Bobst, O.D., Board Member  
Thomas E. Nye, O.D., Board Member  
Mr. Jeffrey Greene, Executive Director  
Mr. David Bailey, Investigator  
Mrs. Lopez-Wellman, Administrative Assistant

The following persons were also in attendance at the meeting: Judy Martin representing Luxottica; Keith Kerns and Tim Fries representing the Ohio Optometric Association; Jennifer Flatter representing the Ohio Ophthalmological Society; and Ms. Emily Pelphrey from the Attorney General's Office.

**Approve Minutes**

Dr. Archer called for a motion on the minutes of the December 14, 2016 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Zigler. The motion was then passed by the Board.

**New Licensees**

Dr. Archer advised that there was five completed applications for licensure with an effective date of March 8, 2017. After review of the packets, Dr. Nye made a motion that the applicants be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Bobst and passed by the Board.

The Board also reviewed an endorsement application for licensure submitted by Jeffery A. LaMarre, O.D. Dr. Nye moved that Dr. Jeffery A. LaMarre be granted Ohio

optometric and therapeutic licensure. Motion was seconded by Dr. Zigler and passed by the Board.

The Board then reviewed two applications for reinstatement. Dr. Zigler moved that Dr. Jeffery L. Morer and Dr. Dennis L. Randolph be granted reinstatement of their Ohio optometric and therapeutic licenses. Motion was seconded by Dr. Bobst and passed by the Board.

### **Continuing Education**

Dr. Nye made a motion that courses 2017-094P through 2017-119P be approved as listed. Motion was seconded by Dr. Bobst and passed by the Board.

The Board reviewed and approved language in the Ohio Administrative Code Section 4725-09-03 Board Approval of Continuing Education adding language to address House Bill 290 from the 131<sup>st</sup> General Assembly allowing up to eight hours of continuing education credit for volunteer health care services and four hours continuing education credit for the Continued Professional Development in Optometry exam offered by NBEO once every two years. Mr. Greene will file the amended rule with JCARR and CSI.

### **Therapeutic Optometry Matters**

Dr. Zigler reported that there were no Drug Induced Side Effects to Report (DISER).

### **Administration**

NBEO Reports: Dr. Bobst had nothing to report.

The ARBO Annual Meeting is to be held June 18-20, 2017 in Washington, D.C. Dr. Archer said she would like to attend this year. The Board discussed who would be representing the Ohio Board at this meeting. Mr. Greene said it is likely that the Board's budget will have the funds for all three to attend the conference. A motion was made by Dr. Nye and seconded by Dr. Zigler to send Dr. Archer, Dr. Bobst and Mr. Greene as our representatives and to pay their travel expenses. Motion was passed.

AOA Report – No discussion.

OOA Report: Keith Kerns

Mr. Kerns addressed the Board regarding several issues including:

He provided the Board an update of lobbying efforts regarding the consolidation of the Board of Optometry with three other state boards, language contained in the current budget bill in the House of Representatives.

He provided a legislative update for ongoing legislation related to optometry including:

House Bill 116

April 5, 2017, is the next "Lobby Day."  
May 3, 2017, is the next PMI.

Mr. Greene presented the following to the Board:

Budget Testimony was provided on February 16, 2017, to the State Government and Agency Review, Finance Sub-Committee. The Board reviewed the testimony and the LSC analysis of the Executive Budget (Redbook).

The Board members were provided with a copy of the 2016 Annual Report for their review.

There was one inquiry regarding scope of practice and practice issues that the Board reviewed from John Wachter, O.D. The Board decided to revisit at a later date after receiving more information.

The Board was given information from the Ethics Commission regarding annual ethics training through a one hour webinar. All Board members were asked to complete this training by the December Board meeting.

The Board was given an update on the new licensing system with a brief on-line demonstration.

The Board was updated about the response from the email Mr. Greene sent in December to all licensees.

The Board was advised that the Office of Budget Management is currently conducting the bi-annual audit. Estimated cost is \$10,900.

The Board reviewed the updated Revenue, Non-payroll, Expenditures, and Travel and Purchase order Policies. Dr. Zigler moved that the Board approve the policy as written and seconded by Dr. Nye. The motion was passed by the Board.

The Board viewed the Active Aggressor video from the Department of Public Safety Homeland Security. Dr. Bobst moved that the Board approve the Active Aggressor policy as written and seconded by Dr. Zigler. The motion was passed by the Board.

President Archer called for a motion for the Board to enter Executive Session to discuss an investigative matter. Dr. Zigler moved that the Board enter Executive Session and asked that Ms. Pelphrey, Mr. Greene, Mrs. Lopez-Wellman and Mr. Bailey remain in the room. Dr. Bobt seconded the motion. Mr. Greene took a roll call vote with four members being in attendance. The motion was passed and the Board entered Executive Session at 11:30 a.m.

After discussion the Board returned to the public meeting at 12:00 p.m. President Archer called for a motion to adjourn Executive Session. Dr. Nye made a motion to adjourn Executive Session. Dr. Zigler seconded the motion. Motion passed.

Motion was made by Dr. Bobst to approve Consent Agreement number 2016-32. Dr. Nye seconded the motion. Motion was passed.

### **Patient Complaint Investigations**

The board members reviewed the summary of patient complaints (7a & b) received since December 14, 2016. Five new complaints were received during this time period. Three of these new complaints have already been resolved, with two remaining active and open. Four additional complaints, from earlier in 2016, were resolved during this time period as well. One of these resulted in disciplinary action against a licensee.

The Investigator Activity Report (7c) was reviewed by the board members. Six on-site inspections were conducted during this time period. No advertising letters were sent during this period. Ten informal complaints were received and finalized. The investigator traveled approximately 663 miles during this period.

### **Optometric Advertising Violations**

No formal advertising complaints were received during this time period.

### **Other Investigative Matters**

The Board received requests for investigative support from the Ohio Attorney General's Office and the Ohio Department of Insurance regarding two licensees.

### **Approve Expenses**

A motion was made by Dr. Zigler and seconded by Dr. Nye to approve the Board member's expenses for this meeting. The motion was passed by the Board.

### **Adjourn**

Dr. Nye made a motion to adjourn the meeting which was seconded by Dr. Zigler. The Board passed the motion and the meeting adjourned at 12:30 p.m.

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Cheryl Archer, O.D.  
Board President

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LaMar Zigler, O.D.  
Board Secretary