

**Ohio State Board of Optometry
Board Meeting**

**Vern Riffe Office Tower
77 S. High St., 31st Floor
Columbus, Ohio**

January 16, 2008 at 9:30 a.m.

President Presiding

Beth Workman, O.D., Board President, convened the meeting at 9:45 a.m. after signing certificates of licensure and payroll at the Board office. The meeting was held in East B, 31st floor of the Vern Riffe Office Tower.

Roll Call

Present for the meeting were:

Beth Workman, O.D., Board President
Rhonda Riles, O.D., Board Secretary
Larry Barger, O.D., Board Member
Gary Hyde, O.D., Board Member
Dennis Roark, O.D., Board Member
Ms. Patricia Scharf, Board Member
Mr. Mike Everhart, Executive Director
Mr. Jeff May, Investigator
Mrs. Nancy Ott, Administrative Assistant

The following persons were also in attendance at the meeting: Mr. Rick Cornett, Ms. Linda Fette and Todd Clark, O.D. representing the Ohio Optometric Association, Greg Nixon, O.D. from the Ohio State University, College of Optometry, Mr. Todd Baker from the Ohio Ophthalmological Society and Aaron Epstein from the Attorney General's Office.

Approve Minutes

President Workman called for a motion on the minutes of the October 17, 2007 Board meeting. Dr. Hyde made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Roark seconded the motion and it was passed by the Board.

New Licensees

Mr. Everhart advised that there were 2 applications for licensure as listed in Annex A. After review of the packets Dr. Barger made a motion that the applicants listed in Annex

A be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Hyde and passed by the Board.

There were three applicants for licensure by endorsement, Leonard Goldstein, O.D. from New York, Andrew Lorand, O.D. from California and John Nametz, O.D. from Michigan. After review of the packets, Dr. Roark made a motion to grant Ohio optometric and therapeutic licensure by endorsement to Dr. Goldstein. Motion was seconded by Dr. Riles. Included in that motion was the approval of licensure via endorsement to Dr. Lorand and Dr. Nametz after receipt of their missing material. The motion was passed by the Board.

The Board next reviewed three applicants for licensure reinstatement. Dr. Hyde moved that Cara Condon, O.D. be granted reinstatement of her Ohio optometric and therapeutic license which was seconded by Dr. Riles and passed by the Board. Dr. Barger moved that James Havens, O.D. be granted reinstatement of his Ohio optometric and therapeutic license which was seconded by Dr. Hyde and passed by the Board.

Dr. Roark moved that the Board, prior to the reinstatement of Kenneth Gortz, O.D., require that he meet the requirement contained in section (B)(2) of ORC 4725.171 in that he would need to pass Part III of the examination administered by the National Board of Examiners in Optometry. Motion was seconded by Dr. Barger. Motion passed by Board.

Continuing Education

Dr. Riles explained the recap on continuing education courses received at the Board office since the October 17, 2007 meeting. (Annex B.) There were 2 courses reviewed for 2006-2007 and 35 courses reviewed with one of those courses not approved for 2007-2008.

Dr. Roark made a motion that courses 2007-241P through 2007-242P and 2008-049P through 2008-083P (with the exception of 2008-081) be approved as listed. Motion was seconded by Dr. Barger and passed by the Board.

Therapeutic Optometry Matters

Dr. Barger provided an overview of four drug-induced side effect reports since the October 17, 2007 meeting. (Annex C.)

Licensure Matters

President Workman called for a motion for the Board to enter Executive Session to consider the investigation of charges or complaints against a licensee. Dr. Hyde moved that the Board enter Executive Session to consider the investigation of charges or complaints against a licensee. Mr. Epstein, Mr. Everhart and Mr. May were asked to remain in the room. Dr. Barger seconded the motion.

President Workman asked Mr. Everhart to please take a roll call vote: President Workman, yes; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes. The motion was passed and the Board entered Executive Session at 12:05 p.m.

At the conclusion of Executive Session President Workman called for a motion to move back into open session. Dr. Hyde moved that the Board end this Executive Session and move back into open meeting. Dr. Barger seconded the motion.

President Workman asked Mr. Everhart to take a roll call vote: President Workman, yes; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes. The motion was passed and the Board returned to open session at 12:26 p.m.

Dr. Riles moved to send a Notice of Opportunity to an Ohio licensed optometrist who has been convicted of a felony in case 2007-15. Dr. Hyde seconded the motion. President Workman called for discussion of the motion. President Workman called for a vote on the motion. President Workman, abstain; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes. The motion was passed.

Administration

Dr. Workman discussed the upcoming NBEO clinical exam at Ohio State University on April 5th and 6th. She encouraged anyone available to volunteer to assist with the testing.

Mr. Cornett briefed the Board on many activities at the OOA. He talked about the significance of the working goodwill with organized medicine on HB 149. That goodwill is now being seen working collaboratively on other issues important to the various professions. Mr. Cornett stated the initial turnout for the zone meetings on the new scope bill has been very positive. The dates are February 6th in Columbus, February 12th in Cleveland, February 26th in West Chester, February 28th in Canton, March 4th in Columbus and March 12th in Toledo. All optometrists are invited to attend but must register with the OOA.

The Board reviewed a packet of administrative rules that could be considered for change as a result of HB 149 and the five year rule review. Those rules are:

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| Rule 4725-5-07 | Infectious disease |
| Rule 4725-5-14 | Procedures for reporting clinically induced reactions and ORC 4725.41 Licensee to report drug-induced side effect in patient |
| Rule 4725-7-01 | ORC 4725.28 and 16 CFR Part 3/5 definition of contact lens prescription |
| Rule 4725-7-06 | Prescription release |

- Rule 4725-9-01 Hours required; study compliance year
- Rule 4725-15-03 Continuing education in pharmacy
- Rule 4725-16-01 Additional topical ocular pharmaceutical agent
- Rule 4725-16-02 Additional oral therapeutic pharmaceutical agents
- Rules for conducting criminal background checks as a result of passage of HB 104
- Rules for prescribing schedule III drugs as a result of passage of HB 149
- Rule 4725-9-02 Approved education requirements
- Rule 4725-9-03 Board approval of continuing education programs will be determined as follows
- Rule 4725-9-05 Certificate of attendance
- Rule 4725-15-04 Board approval of pharmacology and ocular disease continuing education course
- Rule 4725-15-05 Certificate of course completion; application for approval for pharmacology continuing education courses

During the review of 4725-9-01 the Board discussed the implementation of 25 hours of C.E. as required in HB 149. The motion was made by Dr. Barger and seconded by Dr. Hyde to make this requirement effective October 1, 2008. Motion was passed. This will mean that optometrists will not be required to complete 25 hours of continuing education until the C.E. period of 10-1-08 to 9-30-09.

The Board directed the staff to prepare proposed language and changes for their consideration at the next meeting on each of the above listed rules.

The Board members were provided a copy of the Annual Report for their review, consideration and approval. Any changes are to be communicated to the staff by January 25, 2008.

The Board had a brief discussion concerning maintaining the CPT Codes on the Board's website. The decision was made to remove the codes. Motion was made by Dr. Riles to remove the codes, seconded by Dr. Barger and unanimously approved.

Board members were reminded that they would be receiving their annual Financial Disclosure Statements in the mail very soon. These must be completed and filed by the deadline of April 15, 2008.

Board members considered a request from ARBO to approve Marjean Kulp, O.D. and Jeff Walline, O.D. to be COPE reviewers of continuing education. Dr. Barger moved to approve Drs. Kulp and Walline. Dr. Hyde seconded the motion and it was approved by the Board.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the October 17, 2007 Board meeting. Seven new complaints were received during this period with all of the complaints being finalized. Six complaints were pending prior to the October 17, 2007 meeting and two were completed at or prior to this meeting with the remaining four pending further investigation or administrative action. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the seven complaints that were filed, forty-nine on-site inspections were conducted and ten office inquiries/office complaints were initiated and completed. The staff traveled 1,596 miles during the period. The Board members also reviewed the summary of completed complaints and had no questions concerning the complaints.

Optometric Advertising Violations

There were no optometric advertising violations.

Other Investigative Matters

Mr. May presented an overview of the current status of the 2008 license renewals. Sixty-five optometrists had failed to either submit the required continuing education or pay their renewal fee for 2008. Upon contact by the Board with the 65 doctors, 34 paid their fees, 13 went inactive, 13 are out of state and will be sent certified letters, and the remaining 5 were contacted and are not practicing optometry until properly licensed.

Approve Expenses

A motion was made by Dr. Riles and seconded by Dr. Roark to approve the Board member expenses for this meeting. The motion was passed by the Board.

Date of the Next Board Meeting

The Board was reminded that April 16, 2008 is the next scheduled Board meeting.

Board Member Assignments

Dr. Workman announced the assignment of Board member responsibilities for 2008 which are as follows:

Investigation of Complaints	Dr. Rhonda Riles, Dr. Larry Barger
ARBO, COPE and NBEO Liaison	Dr. Larry Barger, Dr. Beth Workman
Continuing Education	Dr. Dennis Roark
Legislation	Dr. Beth Workman, Dr. Dennis Roark
Budget	Ms. Patricia Scharf, Dr. Gary Hyde
OSU Senior Class Re: Laws and Rules	TBA
Pharmacology Matters	Dr. Gary Hyde

Adjourn

Dr. Barger made a motion to adjourn the meeting which was seconded by Dr. Roark. The Board passed the motion and the meeting adjourned at 1:05 p.m.

Beth Workman, O.D.
Board President

Rhonda Riles, O.D.
Board Secretary