

**Ohio State Board of Optometry
Board Meeting**

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

January 20, 2010 at 9:30 a.m.

President Presiding

Larry Barger, O.D., Board President, convened the meeting at 9:40 a.m. The meeting was held in Room South A, 31st floor of the Vern Riffe Center. Dr. Barger introduced and welcomed our newest Board member, Stanley Warn, O.D.

Roll Call

Present for the meeting were:

Larry Barger, O.D., Board President
Dennis Roark, O.D., Board Secretary
Karen Riccio, O.D., Board Member
Rhonda Riles, O.D., Board Member
Stanley Warn, O.D., Board Member
Mr. Mike Everhart, Executive Director
Mrs. Nancy Ott, Administrative Assistant
Mr. Jeff May, Investigator

The following persons were also in attendance at the meeting: Rick Cornett, Linda Fette, Gil Pierce, O.D., Terri Gossard, O.D., Keith Brooks and Dan Leite representing the Ohio Optometric Association; Michael Beekhoizer, Jeff Lipps and David Leland representing the National Association of Optometrists and Opticians; Patrick Phelan representing Luxottica Retail; David Corey representing LensCrafters, Ms. Kristen Starr from the Attorney General's Office, Todd Baker from the Ohio Ophthalmological Society and Ms. Nancy Manns from the Optical Dispensers Board.

Ms. Patricia Scharf, Board Member, was absent.

Approve Minutes

President Barger called for a motion on the minutes of the October 14, 2009 Board meeting. Dr. Riles 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 two completed applications for licensure as listed in Annex A. After review of the packets Dr. Roark made a motion that the two applicants listed in Annex A with all material submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Riles and passed by the Board.

Dr. Riles made a motion that Jeffrey Rautio, O.D. be granted Ohio optometric and therapeutic licensure via endorsement. Dr. Riccio seconded the motion and it was passed by the Board.

The Board next reviewed two applicants for licensure reinstatement. Dr. Riccio moved that Larry Siders, O.D. be granted reinstatement of his Ohio optometric and therapeutic license. Motion was seconded by Dr. Riles and passed by the Board. Dr. Roark then moved that Kimberly Spangler, O.D. be granted reinstatement of her Ohio optometric and therapeutic license upon receipt of her missing license verifications. Motion was seconded by Dr. Riles and passed by the Board.

Continuing Education

Dr. Riccio explained the recap on continuing education courses received at the Board office since the October 14, 2009 meeting. (Annex B) There were 50 courses reviewed and approved. One course was approved only in part.

Dr. Riccio made a motion that courses 2009-211P and 2010-050P through 2010-098P be approved as listed. Motion was seconded by Dr. Riles and passed by the Board.

Therapeutic Optometry Matters

There were no drug-induced side effect reports received since the October 14, 2009 meeting.

Licensure Matters

The Board considered two applications for waiver of continuing education requirements. The first request was due to a prolonged illness. After review of the waiver Dr. Roark moved to approve the application. Dr. Riles seconded the motion and it was approved by the Board. The second request was due to the optometrist being out of the country for an extended period of time. The doctor was requesting to complete 17 hours on line toward her total of 25 hours. Dr. Riles moved to approve the request and Dr. Riccio seconded the motion which was then approved by the Board.

Administration

The Board had recently filed rules related to OAC 4725-5-06 "Splitting of fees" and OAC 4725-5-10 "Practicing under unlicensed control." These were not new rules and the

additional language was only meant to clarify and provide examples of the intent of the existing language. As a result of the Board's actions there were several groups that had requested to address the Board with their concerns. David Leland and Jeffrey Lipps spoke on behalf of the National Association of Optometrists and Opticians Inc. (NAOO.) David Phelan, representing Luxottica, provided information concerning their retail establishments and objections to the rules. Specific rule changes and written comments provided on behalf of NAOO are contained in Annex C of these minutes. At the conclusion of this presentation the Board decided to reconvene the original subcommittee to consider the additional input. The subcommittee consists of Dr. Riles, Dr. Roark and Dr. Riccio. Dr. Warn was also requested to be a part of this subcommittee. Mr. Everhart was directed to facilitate a date and location for the group to meet. This will be a public meeting as was the original subcommittee meeting.

Dr. Barger spoke to the Board about the new COPE standards for commercial support in continuing education. Board members were provided with a copy of the changes from ARBO. Dr. Barger then spoke to the Board concerning two of the resolutions presented at the 2009 House of Delegates. The resolutions are provided here in their entirety:

American Board of Optometry Resolution

WHEREAS, the mission of the Association of Regulatory Boards of Optometry (ARBO) is to represent and assist member licensing agencies in regulating the practice of optometry for the public welfare; and

WHEREAS, it is the responsibility of the regulatory boards, by statutory authority, to ensure continued competence of licensees within their jurisdictions; and

WHEREAS, it is the responsibility of each healthcare profession to promote improve mechanisms of ensuring ongoing continued competence and maintenance of competence; now, therefore be it

RESOLVED, that the Association of Regulatory Boards of Optometry, at this 90th Annual Meeting, recognize its responsibility to work with the profession and other stakeholders to establish an enhanced mechanism for maintenance of competence that truly protects the public we serve by setting acceptable standards in the formation, governance, requirements, and assessment; and be it further

RESOLVED, that the Association of Regulatory Boards of Optometry, at this 90th Annual Meeting, will only support a mechanism that has adequate oversight from the regulatory boards of the optometric profession; and be it further

RESOLVED, that the Association of Regulatory Boards of Optometry, at this 90th Annual Meeting, has equitable representation as does the American Optometric Association (AOA) on the American Board of Optometry (ABO) or any similarly created entity.

Continued Competence of the Optometric Profession Resolution

WHEREAS, the mission of the Association of Regulatory Boards of Optometry (ARBO) is to assist our member boards in the protection of the public; and

WHEREAS, it is the duty of the regulatory boards to assure the public of the continued competence of our licensed professionals throughout their careers; and

WHEREAS, all regulatory jurisdictions have in place a system of mandatory continuing education to insure continued competence; and

WHEREAS, whereas recent indications from public advocacy groups, government agencies and profession-wide stakeholder groups have suggested that the current continuing education system is inadequate in proving this assurance; now, therefore be it

RESOLVED, that the Association of Regulatory Boards of Optometry, at this 90th Annual Meeting, accepts these issues as valid and a call to action; and be it further

RESOLVED, that the Association of Regulatory Boards of Optometry, at this 90th Annual Meeting, supports the development of an improved system of demonstrating continued competence for the benefit of the public; and be it further

RESOLVED, that the Association of Regulatory Boards of Optometry, at this 90th Annual Meeting, acknowledges that this improved system could be utilized by a national program or individual jurisdictions to demonstrate maintenance of competence for the public welfare.

The Board was provided with the necessary information to register with COPE in order to submit events for COPE approval. Also, a listing of the new event fees.

The Board reviewed several pieces of correspondence concerning the American Board of Optometry and the issue of "board certification." More specifically, the Board was asked "would anything in Ohio law or rule (for instance the prohibition against the use of certain terms as "puffery") preclude an Ohio licensed optometrist who elects to obtain board certification through the American Board of Optometry from informing third parties (insurers, hospitals, etc.) of that fact as part of their credentialing process and then send those third parties proof of that certification?" The Board discussed the fact that the ABO is only currently implementing a national model for board certification (BC) and maintenance of certification (MOC). The Board intends to listen and be inclusive, however, it was determined they would need more specific information on BC and MOC to make informed decisions. Any decisions or opinions on this matter will be put on hold pending further specifics from the ABO.

Mr. Cornett addressed the Board concerning matters relative to the OOA. He discussed the American Optometric Society, American Board of Optometry, adult vision services in the current state budget, and vision services as it relates to Individual Education Plans (IEP.)

Mr. Everhart provided the Board members with a copy of the Annual Report. They were asked to review the report and make any recommendations for changes by January 27, 2010.

The Board reviewed a letter from Mr. David Ellis, Assistant Director at OBM, addressed to Bob Hinkle at Auditor of State Mary Taylor's office. The letter addressed the many concerns that have surfaced as a result of the Auditor's decision to move from biennial

audits to annual audits. Previously, these audits were paid for with an appropriation to the Department of Administrative Services to cover “the costs of biennial audits of [state agenc[ies].” A real concern is that the decision to impose annual audits will double these unbudgeted expenses and create further financial difficulties.

Ms. Starr briefed the Board on a recent Ohio Court of Appeals decision dealing with resignations by employees and the need to delegate this authority to the Executive Director. Based on this information Dr. Riccio made the following motion “I would move that the Board delegate to its Executive Director the authority to perform the following administrative duties on behalf of the Board, including but not limited to: hiring, termination, accepting employee resignations, employee evaluations, payroll and approval of leave requests.” Dr. Roark seconded the motion which was then passed by the Board.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the October 14, 2009 Board meeting. Seven new complaints were received during this period with six of the complaints being finalized. Five complaints were pending prior to the October 14, 2009 meeting and three were completed prior to this meeting and two remain pending further investigation. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the seven complaints that were filed, thirty-one on-site inspections were conducted, one advertising violation letter was sent out and completed and one pending advertising violation was completed. Three office inquiries/office complaints were initiated and completed. The staff traveled 1,500 miles during the period. The Board members also reviewed the summary of completed complaints and had no questions concerning the complaints.

Optometric Advertising Violations

The one advertising violation notification letter that had been sent out and the one pending letter were responded to by the doctors that corrective action was being taken. A list of the violations was provided to the Board for their information. (Annex F.)

Other Investigative Matters

Mr. May presented an overview of the current status of the 2010 renewals. Thirty optometrists had failed to either submit the required continuing education or pay their renewal fee for 2010. Upon contact by the Board eleven doctors paid their fees, three went inactive, fifteen are out of state (certified letters will be sent) and one requested a waiver. No evidence of any doctors practicing without a license.

Board Member Assignments

Dr. Barger provided a listing of the following Board member assignments for 2010.

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

Approve Expenses

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

Date of the Next Board Meetings

The date of the next Board meeting is April 21, 2010.

Adjourn

Dr. Riles made a motion to adjourn the meeting which was seconded by Dr. Roark. The Board passed the motion and the meeting adjourned at 11:35 a.m.

Larry Barger, O.D.
Board President

Dennis Roark, O.D.
Board Secretary