

**Ohio State Board of Optometry  
Board Meeting**

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

**October 12, 2011 at 9:30 a.m.**

**President Presiding**

President Roark convened the meeting at 9:41 a.m. The meeting was held in Room West B & C, 31<sup>st</sup> floor of the Vern Riffe Center.

A correction in the agenda was called to the attention of all in attendance. Item 3.c. will be discussed during Administration.

**Roll Call**

Present for the meeting were:

Dennis Roark, O.D., Board President  
Karen Riccio, O.D., Board Secretary  
Larry Barger, O.D., Board Member  
Thomas Bobst, O.D., Board Member  
Patricia Scharf, Board Member  
Stanley Warn, O.D., Board Member  
Mr. Jeffrey Greene, Executive Director  
Mr. Jeff May, Investigator  
Mrs. Nancy Ott, Administrative Assistant

The following persons were also in attendance at the meeting: Rick Cornett and Linda Fette representing the Ohio Optometric Association; Jennifer Flatter from The Success Group; David Corey representing Luxottica; and Ms. Yvonne Tertel from the Attorney General's Office.

**Approve Minutes**

President Roark called for a motion on the minutes of the July 6, 2011 Board meeting. Dr. Barger moved to approve the minutes which was seconded by Dr. Riccio. The motion was then passed by the Board.

**New Licensees**

Mrs. Ott advised that there were eight completed applications for licensure as listed in Annex A. After review of the packets Dr. Riccio made a motion that the eight applicants listed in Annex A with all materials submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Bobst and passed by the Board.

There were two applications with missing material. After review, Dr. Riccio moved that the two applicants listed in Annex A with missing material be granted Ohio optometric and therapeutic licensure upon receipt of the necessary items. Ms. Scharf seconded the motion which was passed by the Board.

There were three applications with missing NBEO scores. After review, Dr. Barger moved that the three applicants listed in Annex A with missing NBEO scores be granted Ohio optometric and therapeutic licensure upon receipt of passing NBEO scores. Dr. Riccio seconded the motion which was passed by the Board.

There were two applicants for endorsement. Dr. Barger moved that James Brooks, O.D. from Massachusetts and Barry Friedman, O.D. from Massachusetts be granted Ohio optometric and therapeutic licensure via endorsement. Motion was seconded by Dr. Warn and passed by the Board.

### **Continuing Education**

Dr. Barger explained the recap on continuing education courses received at the Board office since the July 6, 2011 meeting. (Annex B) There were 86 courses reviewed and approved. Dr. Barger made a motion that courses 2011-209P through 2011-239P and 2012-001P through 2012-055P be approved as listed. Motion was seconded by Dr. Riccio and passed by the Board.

The Board reviewed a waiver of continuing education requirements. The waiver was related to an optometrist who has been experiencing some health problems. Dr. Riccio moved to approve the waiver which was seconded by Dr. Bobst and then passed by the Board. This doctor is still required to obtain ten hours of pharmacology continuing education.

### **Therapeutic Optometry Matters**

There were no drug-induced side effect reports received since the July 6, 2011 meeting.

### **Administration**

There were no new updates for the NBEO or ARBO.

There was discussion about who would succeed Dr. Barger in attending the ARBO Annual Meeting since this was his last day serving on the Board. Dr. Riccio volunteered to attend the Annual Meeting next year June 24-26, 2012, in Chicago.

There was no report for the AOA, but there was discussion surrounding correspondence about a four page letter from North Carolina addressing the AOA House of Delegates resolution wanting to adopt the Accreditation Counsel on Optometric Education (ACOE). The Optometry Board in North Carolina has come out against the AOA forming such an organization. After discussion by the Board no action was taken.

Mr. Rick Cornett provided the OOA report. He discussed the upcoming East/West Eye Conference and that it will be the largest attended in the history. He also addressed

correspondence regarding a new directive from the ODJFS in which it classifies optometrists being eligible to provide "physician services" in regards to Medicaid. It also provides an incentive program as of January 1, 2012 for optometrists who have the federal electronic health records system.

The Board was presented several items for discussion from the Director, including some suggested rule changes or revisions.

- Rescind rule 4725-15-06 regarding fees that were changed on July 1, 2011
- House Bill 93 – Standards and procedures of Ohio Automated Rx Reporting System
- Lapse of practice issues – Wording from our current rules as compared to other similar Boards
- Ethical conduct regarding optometrists and our current rules
- Continuing Education/OE Tracker – is there a better way for us?
- Fall Newsletter – Personal letter from the Director – review
- Suggestion about forming sub-committees

After much discussion, it was obvious more investigation of the issues presented was needed and that a Strategic Planning Meeting would be conducted in December to address the various issues and possible rule changes and/or revisions.

The Board then reviewed a very positive letter from Dr. Melissa McCauley.

The Board was advised at the January, 2012 meeting an hour long Ethics Training would be conducted for all members using a DVD from the Ethics Commission.

Assistant Attorney General Yvonne Tertel addressed the Board regarding making the case review process more formal to include her input in all cases presented to the Board prior to the quarterly meeting.

A. A. G. Tertel also discussed the lapse of practice specific issue with regards to a pending reinstatement application and after discussion with the Board, a motion was made by Dr. Riccio and seconded by Dr. Barger to approve the reinstatement application of Mimi Perng Lai, O.D. upon receipt of her license verification from California. Dr. Lai had not practiced for the past six years and her license was currently inactive, however, she had kept up with her continuing education. Motion was passed.

At 11:24 a.m. a motion was called for by Dr. Roark to enter Executive Session. Dr. Barger made the motion to enter Executive Session regarding an active Consent Agreement. Motion was seconded by Dr. Riccio. Ms. Tertel, Mr. Greene, Mr. May and Mrs. Ott all were asked to remain in the Executive Session.

At 11:43 a.m. the Executive Session was complete and the regular meeting was continued. No motions were presented at the conclusion of the Executive Session.

### **Patient Complaint Investigations**

The Board members reviewed the recap of patient complaints received since the July 6, 2011 Board meeting. One new complaint was received during this period with the complaint being finalized. Four complaints were pending prior to the July 6, 2011 meeting. One was completed prior to this meeting and three remain pending further investigation. (Annex C.)

The Investigator's Activity Report, Annex D, was reviewed by the Board members. In addition to the one complaint that was filed, twenty-six on-site inspections were conducted. Six office inquiries/office complaints were initiated and completed. The staff traveled 1,339 miles during the period. The Board members also reviewed the summary of completed complaints and had no questions concerning the complaints.

### **Optometric Advertising Violations**

No advertising violation notification letters were sent out. A list of the recently completed violations was provided to the Board for their information. (Annex E.)

### **Other Investigative Matters**

Mr. May informed the Board that the OSU College of Optometry laws and administrative rules session will be presented October 19, 2011 from 6:00 p.m. to 9:00 p.m. at the college of optometry.

### **Approve Expenses**

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

### **Board Meeting Dates**

The following dates were selected for Board meetings in 2012: January 11, April 11, July 11 and October 10, 2012.

### **Election of Officers**

Dr. Roark called for a motion for nomination of a Board President for 2012. Dr. Barger nominated Dr. Riccio and Ms. Scharf seconded the motion which was then passed by the Board. Dr. Roark then called for a motion to nominate a Board Secretary for 2012. Dr. Riccio nominated Dr. Warn which was seconded by Dr. Barger. The motion was then passed by the Board.

**Adjourn**

Dr. Warn made a motion to adjourn the meeting which was seconded by Dr. Riccio. The Board passed the motion and the meeting adjourned at 12:05 p.m.

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Dennis Roark, O.D.  
Board President

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Karen Riccio, O.D.  
Board Secretary