

**Ohio State Board of Optometry
Board Meeting**

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

October 14, 2009 at 9:30 a.m.

President Presiding

Rhonda Riles, O.D., Board President, convened the meeting at 9:47 a.m. after conducting a Public Hearing on the amended, rescinded and proposed administrative rules. The meeting was held in Room West B & C, 31st floor of the Vern Riffe Center.

Roll Call

Present for the meeting were:

Rhonda Riles, O.D., Board President
Larry Barger, O.D., Board Secretary
Karen Riccio, O.D., Board Member
Dennis Roark, O.D., Board Member
Ms. Patricia Scharf, Board Member
Beth Workman, 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: Mr. Rick Cornett representing the Ohio Optometric Association, Ms. Kristen Starr from the Attorney General's Office, Todd Baker from the Ohio Ophthalmological Society and David Corey from PACA Inc.

Approve Minutes

President Riles called for a motion on the minutes of the July 8, 2009 Board meeting. After a brief discussion Dr. Roark made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Workman seconded the motion and it was passed by the Board.

New Licensees

Mr. Everhart advised that there were four completed applications for licensure as listed in Annex A. After review of the packets Dr. Barger made a motion that the four applicants listed in Annex A with all material submitted be granted Ohio optometric and

therapeutic licensure. The motion was seconded by Dr. Workman and passed by the Board.

Dr. Workman made a motion that the three applicants listed in Annex A with missing NBEO scores be granted Ohio optometric and therapeutic licensure upon receipt of passing scores. Dr. Riccio seconded the motion and it was passed by the Board.

Dr. Roark made a motion that the one applicant listed in Annex A with missing material be granted Ohio optometric and therapeutic licensure upon receipt of her license verification from Pennsylvania. Dr. Riccio seconded the motion and it was passed by the Board.

Dr. Barger made a motion that Craig Ford, O.D. and Chanda Wall, O.D. be granted Ohio optometric and therapeutic licensure via endorsement. Dr. Roark seconded the motion and it was passed by the Board.

The Board next reviewed three applicants for licensure reinstatement. Dr. Riccio moved that Michele Andrews, O.D. and Daniel Hallforth, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses upon receipt of their missing license verifications. Motion was seconded by Dr. Barger and passed by the Board. After some discussion Dr. Roark moved that Regine Bataille-Gossard, O.D. be granted reinstatement of her Ohio optometric and therapeutic license upon receipt of a valid good standing verification from Pennsylvania. Motion was seconded by Ms. Scharf and passed by the Board.

Continuing Education

Dr. Riccio explained the recap on continuing education courses received at the Board office since the July 8, 2009 meeting. (Annex B) There were 72 courses reviewed and approved.

Dr. Riccio made a motion that courses 2009-187P through 2009-210P and 2010-002P through 2010-049P be approved as listed. Motion was seconded by Dr. Roark and passed by the Board.

Therapeutic Optometry Matters

There were no drug-induced side effect reports received since the July 8, 2009 meeting.

The Board considered applications from Kenneth Gortz, O.D., Dennis Knowles, O.D. and Patrician Noonan, O.D. for therapeutic certification. All three are awaiting release of TMOD scores. Dr. Barger made a motion to approve the applications upon receipt of a passing score from NBEO. Dr. Riccio seconded the motion and it was approved by the Board.

Licensure Matters

The Board considered an application for waiver of continuing education requirements. The request was based on a medical condition/surgery and the optometrist had only completed 20 of the required 25 hours for the current C.E. period. Dr. Roark made a motion to approve the waiver. Dr. Riccio seconded the motion and it was approved by the Board.

The Board reviewed a request from a licensee to modify certain terms of a Consent Agreement. After review of circumstances leading up to the Consent Agreement and the optometrist's ongoing compliance Dr. Roark moved to make no changes in the current terms of the consent and recommended that the optometrist re-address the issue with the Board in one year. Dr. Riccio seconded the motion and it was approved by the Board.

Administration

Mr. Everhart informed the Board that Dr. Roger D. Pabst has been appointed as the ARBO liaison to Ohio for 2009-2010.

The Board reviewed an e-mail from ARBO regarding OE Tracker and their ability to conduct electronic audits for a fee. We were informed that ARBO just started charging a \$20 fee per optometrist for their use of the OE Tracker continuing education tracking database.

Mr. Everhart provided the Board with several examples of COPE discrepancies that the staff is currently attempting to resolve. The Board also reviewed several other e-mails related to ARBO and the ABO.

The Board considered an offer by NBEO to provide an on-line state law exam where candidates would be charged \$25. The Board already provides a complete law review in person, at no charge, and will continue with current practice. Ohio law does not require a state law exam.

A letter from the North Carolina State Board of Optometry was reviewed by the Board. NCSBO concluded that the program of board certification through ABO would not be indicative of any significant degree of competence or specialization beyond that possessed by any other licensee of this Board.

Correspondence from the general counsel of the American Optometric Society was sent to the Board expressing their concern with how the AOA/ABO defined their issuance of "board certification" to a doctor of optometry. The letter was reviewed by the Board and a decision was made to place this item back on the January 2010 agenda for further discussion.

Mr. Everhart requested the Board review the current fees and process for obtaining a replacement/lost renewal card, certificate of licensure or therapeutic certificate (copy of proposed policy given to Board members.) After review Dr. Roark moved to approve the fees and policy. Ms. Scharf seconded the motion and it was approved by the Board.

The Board was provided a copy of the Controlling Board fund/appropriation request. Mr. Everhart explained the request, which was approved, increased the Board's spending authority by \$21,000. The Board currently has an adequate balance in the 4K9 fund to cover the increase.

A letter from Mary Taylor, Auditor of State, was reviewed by the Board. The letter indicates appropriate funding had not been authorized to conduct required audits for various state agencies including this Board. As a result, when the Auditor's Office conducts the required audits, the agency being audited will be billed for the service. A representative from the Auditor's Office has advised this will cost the Board approximately \$6,000 per audit which would necessitate another Controlling Board request. Mr. Everhart advised he would keep the Board updated on any changes or new information on this matter.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the July 8, 2009 Board meeting. Four new complaints were received during this period with all four of the complaints being finalized. Seven complaints were pending prior to the July 8, 2009 meeting and two were completed prior to this meeting and five remain pending further investigation. (Annex C.)

The Investigator's Activity Report, Annex D, was reviewed by the Board members. In addition to the four complaints that were filed, eleven on-site inspections were conducted. Two advertising violation letters were sent out with one being completed and the other still pending. Nine office inquiries/office complaints were initiated and completed. The staff traveled 154 miles during the period. The Board members also reviewed the summary of completed complaints and had no questions concerning the complaints.

Optometric Advertising Violations

Of the two advertising violation notification letters that had been sent out, one has been responded to by the doctor that corrective action was being taken and the other is pending a response from the doctor. A list of the violations was provided to the Board for their information. (Annex E.)

Other Investigative Matters

There were no "Other Investigative Matters" to discuss at this meeting.

Approve Expenses

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

Dates of the Next Board Meetings

The Board selected the following meeting dates for 2010: January 20; April 21; July 7; and October 20.

Election of Officers

Dr. Riles called for a motion for nomination of a Board President for 2010. Dr. Workman nominated Dr. Barger. Dr. Riccio seconded the motion which was then passed by the Board. Dr. Riles then called for a motion to nominate a Board Secretary for 2010. Dr. Barger nominated Dr. Roark which was seconded by Dr. Riccio. The motion was then passed by the Board.

Adjourn

Dr. Barger made a motion to adjourn the meeting which was seconded by Ms. Scharf. The Board passed the motion and the meeting adjourned at 11:35 a.m. The Board then took the opportunity to recognize Dr. Beth Workman's 10 years of dedicated service and her many contributions to the Board and the profession of optometry.

Rhonda Riles, O.D.
Board President

Larry Barger, O.D.
Board Secretary