

**Ohio State Board of Optometry  
Board Meeting**

**Cleveland Convention Center  
500 E. Lakeside Drive  
Cleveland, Ohio**

**October 2, 2008 at 9:30 a.m.**

**President Presiding**

Rhonda Riles, O.D., Board Secretary, convened the meeting at 9:50 a.m. The meeting was held at the Cleveland Convention Center.

**Roll Call**

Present for the meeting were:

Beth Workman, O.D., Board President (arrived at 10:10 a.m. due to severe traffic congestion)

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

Mrs. Nancy Ott, Administrative Assistant

Mr. Jeff May, Investigator

The following persons were also in attendance at the meeting: Mr. Rick Cornett and Karen Riccio, O.D. representing the Ohio Optometric Association and Ms. Kristen Starr from the Attorney General's Office.

**Approve Minutes**

Secretary Riles, filling in for the delayed President Workman, called for a motion on the minutes of the July 9, 2008 Board meeting. Dr. Barger 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 three applications for licensure as listed in Annex A. After review of the packets Dr. Hyde made a motion that the applicants listed in Annex A with all material submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Roark and passed by the Board.

Dr. Barger made a motion that the one applicant listed in Annex A with missing material be granted Ohio optometric and therapeutic licensure pending receipt of the required material. Dr. Roark seconded the motion and it was passed by the Board.

Dr. Barger made a motion that Thomas R. Kelley, O.D. be granted Ohio optometric and therapeutic licensure via endorsement pending receipt of his required missing material. Dr. Roark seconded the motion and it was passed by the Board.

The Board next reviewed one applicant for licensure reinstatement. Dr. Barger moved that Holly Currey, O.D., be granted reinstatement of her Ohio optometric and therapeutic license which was seconded by Dr. Hyde and passed by the Board.

The Board also reviewed two applicants for licensure reinstatement who still had missing material as of the date of this meeting. Dr. Roark moved that Angelica Sup, O.D. and Juan Galdamez, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses upon receipt of the missing material. Seconded by Dr. Hyde and passed by the Board.

### **Continuing Education**

Dr. Roark explained the recap on continuing education courses received at the Board office since the July 9, 2008 meeting. (Annex B.) There were 58 courses reviewed with one of those courses approved only in part.

Dr. Roark made a motion that courses 2008-173P through 2008-204P and 2009-002P through 2009-027P be approved as listed. Motion was seconded by Dr. Barger and passed by the Board.

The Board reviewed one application for a continuing education waiver. Dr. Roark made a motion to approve the waiver and the motion was seconded by Dr. Hyde and passed by the Board.

### **Therapeutic Optometry Matters**

Dr. Hyde provided an overview of one drug-induced side effect report since the July 9, 2008 meeting. (Annex C.)

### **Licensure Matters**

President Workman called for a motion for the Board to enter Executive Session to consider the investigation of charges against a licensee(s). Dr. Hyde moved that the Board enter Executive Session to consider the investigation of charges against a licensee(s). He requested that Ms. Starr, Mr. Everhart and Mr. May remain in the room. Dr. Barger seconded the motion.

President Workman directed Mr. Everhart to take a roll call vote: President Workman, yes; Secretary Riles, yes; Dr. Barger, yes; Dr. Roark, yes; Dr. Hyde, yes; Ms. Scharf, yes. The motion was passed and the Board entered Executive Session at 10:25 a.m. Executive Session ended at 11:20 a.m. and the Board returned to open session.

Mr. Everhart advised the Board that they had before them a Consent Agreement on Case 2007-14 involving an optometrist who was found guilty of Ohio Revised Code 2913.47(B)(1), Insurance Fraud, a felony of the fifth degree. President Workman called for a motion on the proposed Consent Agreement. Dr. Roark moved to accept the proposed Consent Agreement in Case 2007-14. Ms. Scharf seconded the motion. President Workman directed Mr. Everhart to take a roll call vote on the motion. President Workman, abstain; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes.

Mr. Everhart advised the Board that they had before them a Consent Agreement involving Case 2007-09 and Case 2008-11 which addresses the addiction issues of an Ohio optometrist.

President Workman called for a motion on the proposed Consent Agreement. Dr. Riles moved to accept the proposed Consent Agreement in Cases 2007-09 and 2008-11. Dr. Barger seconded the motion. President Workman directed Mr. Everhart to take a roll call vote on the motion. President Workman, abstain; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes.

### **Administration**

Mr. Cornett, representing the OOA, addressed the Board concerning issues related to "board certification," third party issues and the Health Simplification Act.

The Board was presented with two requests to establish temporary office locations. The first request was from Remote Area Medical (RAM) Volunteer Corps to provide free eye health care through volunteer optometrists on May 2-3, 2009 at Cuyahoga County Fairgrounds. Dr. Barger made a motion to approve the request. Dr. Hyde seconded the motion and it was approved by the Board.

The second request was from the Ohio Optometric Foundation for projects at John F. Kennedy School in Kettering, Ohio on October 27-28, 2008 and at Hilliard Weaver Middle School in Hilliard, Ohio on October 29-30, 2008. Volunteer optometrists would be providing gratis eye exams to students who had failed an initial screening and had not been provided recommended follow up. Dr. Hyde moved to approve the request which was seconded by Dr. Barger and approved by the Board.

The Board discussed an inquiry from Ophtherion Inc., a New Haven, Connecticut based biotech company that is developing diagnostic and disease modifying products for the management and treatment of macular degeneration. The questions related to the permissibility of Ohio optometrists to order genetic testing and then to "report and counsel on the results of these tests." The Board discussed the lack of knowledge and experience for Ohio optometrists in this specific area and how this testing is such a new and evolving arena. Mr. Everhart was directed to prepare correspondence on this matter for President Workman's review and approval.

The Board was provided a copy of the letter from the Drug Enforcement Administration regarding the authority of Ohio optometrists to obtain a Drug Enforcement Administration registration to prescribe controlled substances in schedule III. The Board originally sent the

requesting correspondence on March 5, 2008 and received the approval letter on September 2, 2008.

Mr. Everhart confirmed to the Board that the operating budget for FY 2010 and 2011 had been submitted to our budget analyst for review. There was no requested fee increases and the budget remained the same as in FY 2009. This will certainly result in some very close monitoring of our funds since operating costs will undoubtedly increase but funding allocations remain the same over a three year period of time.

The Board discussed the use of webinars and/or webcasts for providing optometric continuing education. This type of presentation would be listed as internet both by COPE and the Board and as such would require a written test.

An Ohio optometrist had requested the Board reconsider the rule regarding C.E. credit for moderators and speakers (at least for one instance per course per year). The Board discussed issues related to compensation for speakers, tracking one instance per course per year and keeping our rules consistent with COPE. At the conclusion of the discussion the consensus of the Board was not to change the rule, OAC 4725-9-03(E).

At a previous Board meeting on July 11, 2007 the Board approved the waiving of annual renewal fees for Ohio optometrists on active military duty. Mr. Everhart requested clarification on this waiver to ensure an Ohio optometrist on active military duty had an active license and could actually practice optometry in a private setting during this waived period. After some discussion it was confirmed the Board wanted the licensee to be active with full practicing authority.

### **Patient Complaint Investigations**

The Board members reviewed the recap of patient complaints received since the July 9, 2008 Board meeting. Four new complaints were received during this period with one of the complaints being finalized. Four complaints were pending prior to the July 9, 2008 meeting and two were completed at to this meeting with approval of Consent Agreements. Two complaints are still pending with one offered a Consent Agreement and the other pending investigation by another state agency. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the four complaints that were filed, thirty-five on-site inspections were conducted, one advertising violation letter was sent out and completed and eight office inquiries/office complaints were initiated and completed. The staff traveled 1,776 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 has been responded to by the doctor that corrective action was being taken. A list of the violation was provided to the Board for their information. (Annex F.)

### **Other Investigative Matters**

The Board will be providing the Laws and Rules seminar at the OSU College of Optometry on November 24, 2008 at 6:00 p.m.

A doctor inquired about prescribing Fioricet for the effects from a welding flash. Fioricet is a drug for treatment of complex and muscle contraction headaches. The drug is not a controlled substance but it has no direct use for the visual system and there is no FDA indicator for ocular use. He was advised not to prescribe Fioricet.

### **Approve Expenses**

A motion was made by Dr. Barger and seconded by Dr. Roark 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 2009: January 21; April 22; July 8; and October 14.

### **Election of Officers**

Dr. Workman called for a motion for nomination of a Board President for 2009. Dr. Barger nominated Dr. Riles. Dr. Hyde seconded the motion which was then passed by the Board. Dr. Workman then called for a motion to nominate a Board Secretary for 2009. Dr. Hyde nominated Dr. Barger which was seconded by Dr. Roark. The motion was then passed by the Board.

### **Adjourn**

Dr. Hyde made a motion to adjourn the meeting which was seconded by Dr. Riles. The Board passed the motion and the meeting adjourned at 12:15 p.m.

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Beth Workman, O.D.  
Board President

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Rhonda Riles, O.D.  
Board Secretary