

**Ohio State Board of Optometry  
Board Meeting**

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

**December 10, 2014 at 9:30 a.m.**

**President Presiding**

Board President, Thomas Bobst, O.D. convened the meeting at 9:48 a.m. The meeting was held in the 31<sup>st</sup> floor Boardroom of the Vern Riffe Center.

**Roll Call**

Present for the meeting were:

Thomas Bobst, O.D., Board President  
Jeff Fogt, O.D., Board Secretary  
Cheryl Archer, O.D., Board Member  
Michael Everhart, Board Member  
Thomas Nye, O.D., Board Member  
Mr. Jeffrey Greene, Executive Director  
Mr. Brian Landis, Investigator  
Mrs. Nancy Ott, Administrative Assistant

As of today's meeting the Governor's Office had not made a decision regarding Dr. Stanley Warn's reappointment so he was not in attendance at the meeting.

The following persons were also in attendance at the meeting: Hartwell Marable from The Success Group; David Corey representing Luxottica; Rick Cornett, Linda Fette and David Anderson, O.D. representing the Ohio Optometric Association; Ms. Emily Pelphrey from the Attorney General's Office, and John Lahr, O.D. from Eye Med.

**Approve Minutes**

Dr. Bobst called for a motion on the minutes of the September 17, 2014 Board meeting. Dr. Fogt moved to approve the minutes which was seconded by Dr. Archer. The motion was then passed by the Board.

**New Licensees**

Dr. Bobst advised that there were two completed applications for licensure. After review of the packets, Mr. Everhart made a motion that Jennifer Annon, O.D. and Kelly Seibert, O.D. be granted Ohio optometric and therapeutic licensure with an effective date of December 10, 2014. The motion was seconded by Dr. Archer and passed by the Board. (Annex A)

Dr. Bobst advised that there was one more completed application for licensure who requested an effective date of January 2, 2015. After review of the packet Dr. Fogt made a motion that Shannon Schug, O.D. be granted Ohio optometric and therapeutic licensure with an effective date of January 2, 2015. The motion was seconded by Dr. Archer and passed by the Board. (Annex A)

The Board then reviewed two applications for licensure with missing material. Dr. Archer moved that Katari Campbell, O.D. and Michelle Walchuck, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of their missing material and with an effective date of January 2, 2015. Motion was seconded by Mr. Everhart and passed by the Board. (Annex A)

The Board next reviewed one completed application for licensure reinstatement. Dr. Fogt moved that Samantha Hornberger, O.D. be granted reinstatement of her Ohio optometric and therapeutic license with an effective date of December 10, 2014. Motion was seconded by Dr. Archer and passed by the Board.

The Board then reviewed three complete applications for licensure reinstatement. After some discussion, Mr. Everhart moved that LeVelle Jenkins, O.D., Jason Singh, O.D. and Rebecca Swartzentruber, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses with an effective date of January 2, 2015. Motion was seconded by Dr. Archer and passed by the Board.

### **Continuing Education**

Mr. Everhart explained the recap on continuing education courses received at the Board office since the September 17, 2014 meeting. (Annex B) Mr. Everhart made a motion that courses 2014-214P through 2014-218P and 2015-025P to 2015-079P be approved as listed. Motion was seconded by Dr. Fogt and passed by the Board.

The Board reviewed a request for waiver of continuing education requirements. The waiver was related to an optometrist who was experiencing some undue hardship and was requesting a waiver of 3 hours with the remaining 22 hours all done on line. Mr. Everhart moved to approve the waiver. Motion was seconded by Dr. Archer and then passed by the Board.

### **Therapeutic Optometry Matters**

Dr. Fogt reported that there were no drug-induced side effect reports received since the September 17, 2014 Board meeting.

### **Administration**

NBEO Reports – No discussion.

ARBO Report – No discussion.

OOA Report - Mr. Cornett brought with him Dr. David Anderson, who is a member of the OOA Board. He provided a legislative update for several ongoing bills related to optometry including:

Fireworks  
Telemedicine  
Online Refractions  
Insurance Reform

He also discussed the OOA's Scholarship Program and the positive use at the East/West Eye Conference.

Dr. John Lahr presented information to the Board regarding a request from Eye Med to set-up temporary clinics at the request of large scale employers who provide Eye Med to their employees. There was a great deal of discussion and questions. Dr. Lahr is going to address the Board's questions and concerns and Assistant Attorney General Emily Pelphrey is going to research our laws and rules regarding this request.

Jacques Erdos, Esq., mailed a request to the Board from an Ohio licensed optometrist who was inquiring about retaining the use of a consulting firm to improve aspects of their optometry practice. The firm would receive a percentage of the optometrist's gross receipts and the licensee would contribute quarterly to fund a cooperative marketing program established and administered by the consulting firm. The Board referred the matter to AAG Emily Pelphrey to research our laws and rules and reach an opinion.

The Board reviewed our updated Payroll Procedures Policy. A motion was made by Dr. Fogt to approve the changes. Seconded by Mr. Everhart and passed by the Board.

Mr. Greene presented the following to the Board:

Senate Bill 258 passed and is awaiting the Governor's signature and has the language in the bill correcting the prescribing changes regarding Hydrocodone and Tramadol. Once the bill is signed it will be effective after 90 days. Mr. Greene provided changes to OAC Rule 4725-16-03 to mirror the law change in ORC 4725.091 and 4725.01. Motion was made by Mr. Everhart to approve the changes in Rule 4725-16-03. Motion was seconded by Dr. Archer. Motion passed.

The Board reviewed further information regarding online refractions and the actions Michigan and other states have taken to deter their use and protect public welfare. Mr. Greene presented a Policy Statement addressing Ohio licensed optometrists participation in these activities. After review, discussion and some minor changes, a motion was made by Dr. Fogt and seconded by Mr. Everhart to approve the Policy Statement which will be sent to all licensees and posted on our website. Motion was passed by the Board. Mr. Cornett advised the Ohio Optometric Association's support of the Board Policy Statement.

Mr. Greene then presented an Adjudication Order from Case No. 2011-05. Dr. Archer made a motion to rescind the order based on a reduction in charges by the Court of Appeals, 3<sup>rd</sup> Appellate District. Motion seconded by Dr. Fogt and passed by the Board.

President Bobst called for a motion for the Board to enter Executive Session to discuss an investigative matter. Dr. Archer moved that the Board enter Executive Session and asked that Ms. Pelphrey, Mr. Greene, Mrs. Ott and Mr. Landis remain in the room. Dr. Fogt seconded the motion. Mr. Greene took a roll call vote with all members being in attendance. The motion was passed and the Board entered Executive Session at 12:11 p.m.

After discussion the Board returned to the public meeting at 12:50 p.m. President Bobst called for a motion to adjourn Executive Session. Dr. Nye made a motion to adjourn Executive Session. Mr. Everhart seconded the motion. Motion passed.

Mr. Everhart made a motion to approve the summary suspension of an Ohio licensed optometrist, Case No. 2011-05. Seconded by Dr. Nye and passed by the Board. A motion was then made by Dr. Fogt to issue a Notice of Opportunity for Hearing at the direction of AAG Pelphrey. Seconded by Dr. Archer and passed by the Board.

### **Patient Complaint Investigations**

The Board reviewed the recap of patient complaints which were received since the last Board meeting on September 17, 2014. Five new complaints were received during this period with one complaint which remained pending. Two complaints have been finalized during this same period. The pending complaints were discussed with the Board member supervising and will be finalized in the future. The complaint which was pending since the last meeting will require judicial action before a decision will be made regarding completion. (Annex C)

The Investigator's Activity Report (Annex D) was reviewed with the Board members. In addition to the 22 complaints which have been opened this year to date, there were 37 on-site inspections completed which resulted in four with minor violations noted. The mileage traveled by staff members has been 2,150 year to date for calendar year 2014.

### **Optometric Advertising Violations**

There were two advertising violations reported during this period. These violations were reported or discovered in a number of ways throughout this three month period. Each matter has been discussed with the optometrist involved and they are working with their advertising agencies to remedy the issue. The two advertising violations were pending at the time of the Board meeting. (Annex E)

### **Other Investigative Matters**

There has only been one miscellaneous complaint investigation during calendar year 2014. There were 76 licensees who were provided with the Laws and Rules training during the year through December 10, 2014.

### **Approve Expenses**

A motion was made by Dr. Fogt and seconded by Dr. Archer to approve the Board member's expenses for this meeting. The motion was passed by the Board.

### **Board Meeting Dates**

The date of the next meeting is March 11, 2015.

### **Election of Officers**

Dr. Bobst made a motion for nomination of Board President for 2015. He nominated Dr. Fogt for Board President. Dr. Archer seconded the motion which was then passed by the Board.

Dr. Archer made a motion for nomination of Board Secretary for 2015. She nominated Dr. Nye for Board Secretary. Dr. Fogt seconded the motion which was then passed by the Board.

### **Adjourn**

Mr. Everhart made a motion to adjourn the meeting which was seconded by Dr. Archer. The Board passed the motion and the meeting adjourned at 12:55 p.m.

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Thomas Bobst, O.D.  
Board President

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Jeff Fogt, O.D.  
Board Secretary