

**Ohio State Board of Optometry
Board Meeting**

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

December 7, 2011 at 9:30 a.m.

President Presiding

President Roark convened the meeting at 9:35 a.m. The meeting was held in Room 1918 on the 19th floor of the Vern Riffe Center.

Dr. Roark welcomed our new Board Member, Jeff Fogt, O.D., who replaced Larry Barger, O.D. whose term expired.

Roll Call

Present for the meeting were:

Dennis Roark, O.D., Board President
Karen Riccio, O.D., Board Secretary
Thomas Bobst, O.D., Board Member
Jeff Fogt, 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; and Ms. Yvonne Tertel from the Attorney General's Office.

Also present during the OE Tracker presentation were W. Ernest Schlabach, O.D. and Jacqueline Nette from the Association of Regulatory Boards of Optometry.

Approve Minutes

President Roark called for a motion on the minutes of the October 12, 2011 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Riccio. The motion was then passed by the Board.

New Licensees

Dr. Roark advised that there was one completed application for licensure as listed in Annex A. After review of the packet Dr. Riccio made a motion that the one applicant listed in Annex A with all materials submitted be granted Ohio optometric and therapeutic licensure

with an effective date of January 3, 2012. The motion was seconded by Dr. Bobst and passed by the Board.

There were four applications with missing material. After review, Dr. Bobst moved that the four applicants listed in Annex A with missing material be granted Ohio optometric and therapeutic licensure upon receipt of the necessary items with an effective date of January 3, 2012. Dr. Riccio seconded the motion which was passed by the Board.

Continuing Education

Dr. Warn explained the recap on continuing education courses received at the Board office since the October 12, 2011 meeting. (Annex B) There were 35 courses reviewed and approved. Dr. Warn made a motion that courses 2012-056P through 2012-090P 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. Motion was seconded by Ms. Scharf and then passed by the Board. This doctor has already obtained the required ten hours of pharmacology continuing education.

Dr. Schlabach and Ms. Nette gave a power point presentation on the benefits of OE Tracker and how audits of continuing education can be done through OE Tracker. The Board asked questions of them. The Board would discuss OE Tracker during their Strategic Planning.

Therapeutic Optometry Matters

There were no drug-induced side effect reports received since the October 12, 2011 meeting.

There was one Application for Therapeutic Certification for approval. Motion was made by Dr. Riccio and seconded by Ms. Scharf to approve the application for Patricia Noonan, O.D. upon receipt of her passing TMOD scores. Motion was passed by Board.

Administration

There were no new updates for the NBEO, ARBO and AOA.

Mr. Rick Cornett provided the OOA report. He discussed the Affordable Care Act, School Nurses Symposium, current legislation issues, level of licensure and proper charging of sales tax. He also invited everyone to attend the Practice Management Institute on May 2, 2012. He briefly explained some Medicare changes and third party issues.

At 11:55 a.m. a motion was called for by Dr. Roark to enter Executive Session. Dr. Bobst made the motion to enter Executive Session to discuss the investigation of charges or complaints against a licensee. Motion was seconded by Dr. Riccio. Motion passed and the Board entered Executive Session. Ms. Tertel, Mr. Greene, Mr. May and Mrs. Ott all were asked to remain in the Executive Session.

At 12:23 p.m. the Executive Session was complete and the regular meeting was continued.

Mr. Greene advised the Board that they had before them a Consent Agreement on Case 2011-05 involving an optometrist who was found guilty of Ohio Revised Code Section 2907.05(A)(1) Gross Sexual Imposition, a felony of the fourth degree. President Roark called for a motion on the proposed Consent Agreement. Dr. Bobst moved to accept the proposed Consent Agreement in Case 2011-05. Ms. Scharf seconded the motion. President Roark directed Mr. Greene to take a roll call vote on the motion. President Roark, abstain; Secretary Riccio, yes; Dr. Bobst, yes; Dr. Fogt, yes; Dr. Warn, yes; Ms. Scharf, yes.

A motion was also made by Dr. Riccio that if the Consent Agreement involving Case 2011-05 is not signed by December 14, 2011 then the Board would issue a Notice of Opportunity to the optometrist involved. Dr. Bobst seconded the motion. Motion was passed with Dr. Roark abstaining.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the October 12, 2011 Board meeting. Two new complaints were received during this period with both pending investigation. Three complaints were pending prior to the October 12, 2011 meeting. One complaint was completed prior to this meeting, one Consent Agreement was approved at this meeting and one complaint remains pending further investigation. (Annex C.)

The Investigator's Activity Report, Annex D, was reviewed by the Board members. In addition to the two complaints that were filed, twenty-two on-site inspections were conducted. Four office inquiries/office complaints were initiated and completed. The staff traveled 1,075 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 since the last Board meeting.

Other Investigative Matters

There were no items for Other Investigative Matters.

Approve Expenses

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

Board Meeting Dates

The next Board meeting is scheduled for April 11, 2012.

Board Meeting Assignments

Dr. Riccio passed out the member assignments for 2012.

Ethics Training

Mr. Greene provided Ethics Training to all members of the Board and the Board staff utilizing the DVD and Facilitator's Manual provided by the Ohio Ethics Commission.

Strategic Planning

Mr. Greene provided to the Board items for discussion and review:

- **OE Tracker.** The Board discussed the information provided to them on OE Tracker.
- **Rule 4725-15-06 - Fees for renewal and reinstatement of a therapeutic pharmaceutical agents certificate or a certificate to administer topical ocular pharmaceutical agents.** This was presented to the Board to be rescinded due to the fee change and that it is unnecessary since our fees are outlined in the Ohio Revised Code
- **House Bill 93 – 4725-16-04** was proposed for the Board's review and discussion regarding wording in HB 93 that "the State Board of Optometry shall adopt rules in accordance with chapter 119, of the Revised Code that establish standards and procedures to be followed by an optometrist who holds a therapeutic pharmaceutical agents certificate regarding the review of patient information available through the drug database."
- **4725.171 Reinstatement application** – New wording was discussed to add to 4725.171 of the Revised Code regarding providing the Board more discretion when approving a license application.
- **4725.19 Disciplinary Actions** – Discussion was conducted regarding current wording in our laws regarding ethical conduct. The Board reviewed wording from other Board's laws that is more specific and provides the Board more authority over ethical conduct issues.
- **4725.21 Duty to Report Unprofessional Conduct or Addiction – Complaints**
The Board also reviewed other Board's wording for the duty to report or self-report unprofessional conduct or addiction.
- **4725-5-06 Splitting of Fees – 4725-5-10 Practicing under unlicensed control prohibited** - Discussion was conducted regarding prior proposed rule changes regarding practicing under unlicensed control and an opinion provided by the Ohio Attorney General.

Adjourn

Dr. Bobst made a motion to adjourn the meeting which was seconded by Dr. Riccio. The Board passed the motion and the meeting adjourned at 2:35 p.m.

Dennis Roark, O.D.
Board President

Karen Riccio, O.D.
Board Secretary