

**Ohio State Board of Optometry
Board Meeting**

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

December 9, 2015 at 9:30 a.m.

President Presiding

Board President, Jeff Fogt, O.D. convened the meeting at 9:45 a.m. The meeting was held in the 31st floor Boardroom of the Vern Riffe Center.

Roll Call

Present for the meeting were:

Jeff Fogt, O.D., Board President
Thomas Nye, O.D., Board Secretary
Cheryl Archer, O.D., Board Member
Thomas Bobst, O.D., Board Member
LaMar Zigler, O.D., Board Member
Mr. Jeffrey Greene, Executive Director
David Bailey, Investigator
Mrs. Lopez-Wellman, Administrative Assistant

The following persons were also in attendance at the meeting: David P. Corey, PACA; Keith Kerns, representing the Ohio Optometric Association; Hartwell Marable, The Success Group and Ms. Emily Pelphrey from the Attorney General's Office.

Approve Minutes

Dr. Fogt called for a motion on the minutes of the September 16, 2015 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Archer. The motion was then passed by the Board.

New Licensees

Dr. Fogt advised that there were two applications for licensure with December 9, 2015 licensure date. After review of the packets, Dr. Zigler made a motion that the licenses be granted to Michelle, M. Esmaili, O.D. and Laurence Rahardjanoto, O.D. The motion was seconded by Dr. Bobst and passed by the Board.

Dr. Fogt advised that there were 3 more completed applications for licensure who requested an effective date of January 4, 2016. After review of the packets Dr. Archer made a motion that Krista E. Cline, O.D., Jessica L. Lambert, O.D., Karen E. Manko O.D. and Tawna L. Roberts, O.D., be granted Ohio optometric and therapeutic licensure with an effective date of January 4, 2016. The motion was seconded by Dr. Nye and passed by the Board.

The Board next reviewed one completed application for licensure reinstatement. After review of the packet, Dr. Fogt moved that Dr. Royland A. Samms, O.D., be granted reinstatement of his Ohio optometric and therapeutic license. Dr. Zigler made a motion that the license be reinstated. Motion was seconded by Dr. Bobst and passed by the Board.

Continuing Education

Board had discussion about the process of approving continuing education courses. It was decided the Board member who oversees continuing education (Dr. Zigler in 2016) would review all applications prior to Board approval.

The Board approved 2 continuing education waivers for CE year 2015.

Therapeutic Optometry Matters

Dr. Zigler reported that there was one drug-induced side effect report received since the September 16, 2015 Board meeting. This incident occurred on December 2, 2015 and was reported on December 7, 2015. The incident involved the administration of a topical ocular pharmaceutical agent with a non-life threatening reaction. In response to questions from the board staff, Dr. Zigler also stated that the use of autologous serum for the treatment of dry eye is within the scope of practice for Ohio optometrists and that Ohio optometrists have the ability to prescribe all anti-viral drugs as stated in the Ohio Revised Code.

Administration

NBEO Report: Dr. Bobst advised the Board he attended the National Board Exam Review Committee meeting in Charlotte, North Carolina November 30-December 3, 2015. He advised the Board on several items of discussion, including the CPDO exam provided by the NBEO. Dr. Bobst advised Director Jack Terry, O. D., suggested attending the March 30, 2016 Board meeting to give a presentation on the CPDO exam. Director Greene will reach out to Dr. Terry regarding the presentation.

ARBO Report: Dr. Bobst advised there was nothing new to report.

AOA Report: The Board reviewed an article from the AOA regarding contact lens legislation in Arizona.

OOA Report: Keith Kerns provided a legislative update for several ongoing bills related to optometry including:

- House Bill 275 – regarding vision care providers and health insuring corporations
- House Bill 213 – regarding changing the CE year and renewal from 1 year to every 2 years.
- Senate Bill 216 – Sales Tax Bill

Senate Bill 129 – Prior Authorization Standards
Senate Bill 33 – Cultural Competency
Healthcare Transparency Act

Mr. Greene presented the following to the Board:

Provided the Board with a copy of the language contained in House Bill 213 and also House Bill 258 from the 130th General Assembly regarding contact lens dispensing.

Advised the Board that at this time there was nothing new to report regarding the Sunset Review Committee and the Board absorbing the Optical Dispenser's Board.

All members of the Board completed their ethics training for 2015.

The Board reviewed a memorandum from Megan Fitzmartin, Director of Boards & Commissions regarding antitrust issues related to licensing or regulatory actions.

The Board was provided an update about the new e-licensing 3 program, which we our scheduled in Release #5 sometime in the first half of 2017.

Assistant Attorney General Emily Pelphrey had some discussion with the Board about Certified Optometric Vision Therapists.

Patient Complaint Investigations

The board members reviewed the summary of patient complaints (7a & b) received since September 16, 2015. Three new complaints were received during this time period. One complaint from August of 2015 was closed through the imposition of a consent agreement, and one complaint from May of 2015 remains open. This open investigation (#2015-05) is assigned to the Ohio Attorney General's Medicaid Fraud Unit.

The Investigator Activity Report (7c) was reviewed by the board members. Twenty on-site inspections were conducted. No advertising letters were sent during this period. Seventeen office/informal complaints were received and finalized. The investigator traveled approximately 1181 miles during this period.

Optometric Advertising Violations

There were no advertising violations reported during this period.

Other Investigative Matters

There were no other investigative matters for this meeting.

Approve Expenses

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

Board Meeting Dates

Date of next meeting:

There was discussion to change the March and June Board meetings in 2016.

The March meeting was changed to March 30th due to a conflict with both Dr. Archer and Dr. Zigler. The June meeting was moved up to May 25th to accommodate the graduating class at the Ohio State University College of Optometry. The other remaining dates of September 14th and December 14th will remain the same.

Election of Officers

The Board approved the election of officers for 2016. Dr. Nye will serve as Board President and Dr. Archer will serve as Board Secretary.

A motion was made by Dr. Bobst and seconded by Dr. Zigler to approve the Board Election of Officers for this meeting. The motion was passed by the Board.

Adjourn

Dr. Zigler made a motion to adjourn the meeting which was seconded by Dr. Nye. The Board passed the motion and the meeting adjourned at 11:45 a.m.

Jeff Fogt, O.D.
Board President

Thomas Nye, O.D.
Board Secretary