

**Ohio State Board of Optometry  
Board Meeting**

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

**December 14, 2016 at 9:30 a.m.**

**President Presiding**

Board President, Thomas E. Nye, O.D. convened the meeting at 9:30 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 E. Nye, O.D., Board President  
Cheryl Archer, O.D., Board Secretary  
Thomas Bobst, O.D., Board Member  
LaMar Zigler, O.D., Board Member  
Mr. Jeffrey Greene, Executive Director  
Mr. David Bailey, Investigator  
Mrs. Lopez-Wellman, Administrative Assistant

The following persons were also in attendance at the meeting: Dr. Scott J. Henry; David Corey representing Luxottica; Mark Glasper representing Opticians Association of Ohio; Keith Kerns and Linda Fette representing the Ohio Optometric Association; Jennifer Flatter representing the Success Group; and Mr. Henry Appel from the Attorney General's Office.

**Approve Minutes**

Dr. Nye called for a motion on the minutes of the September 14, 2016 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. Nye advised that there was one completed application for licensure with an effective date of December 14, 2016. After review of the packet, Dr. Archer made a motion that the applicant be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Bobst and passed by the Board.

Dr. Nye advised that there were 8 completed applications for licensure who requested an effective date of January 3, 2017. After review of the packets, Dr. Archer made a motion that the applicants be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Bobst and passed by the Board.

The Board then reviewed one incomplete application with missing material for licensure Dr. Bobst moved that Micah J. Kinney, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of missing material. Motion was seconded by Dr. Archer and passed by the Board.

The Board also reviewed an application for licensure submitted by Scott J. Henry, O.D. from West Virginia. Dr. Scott applied for Ohio licensure via endorsement, the application was tabled for discussion in executive session. Upon return from executive session, Dr. Zigler moved that Dr. Scott J. Henry be granted Ohio optometric and therapeutic licensure. Motion was seconded by Dr. Bobst and passed by the Board.

The Board then reviewed two incomplete applications for licensure reinstatement. Dr. Archer moved that Dr. Barry A. Aronson and Dr. Austin L. Tanner be granted reinstatement of their Ohio optometric and therapeutic licenses upon receipt of missing material. Motion was seconded by Dr. Zigler and passed by the Board.

### **Continuing Education**

Dr. Zigler made a motion that courses 2017-034P through 2017-093P be approved as listed. Motion was seconded by Dr. Bobst and passed by the Board.

The Board reviewed one continuing education waiver for CE year 2017. Dr. Zigler made a motion to approve the waivers. Motion was seconded by Dr. Bobst and passed by the Board.

### **Therapeutic Optometry Matters**

Dr. Archer reported that there was no Drug Induced Side Effects to Report (DISER).

### **Administration**

NBEO Reports: Dr. Bobst updated the Board on changes on Part 1 and other information regarding NBEO and the council meeting.

AOA Report – No discussion.

OOA Report: Keith Kerns

Mr. Kerns addressed the Board regarding several issues including:

House Bill 617 and Senate Bill 366  
House Bill 275

The overtime bill is currently on hold.  
April 5, 2017, is the next "Lobby Day."  
May 3, 2017, is the next PMI.  
There was discussion about the Cultural Competency bill, also.

President Nye recognized Linda Fette, the OOA's Administrative Assistant, who is retiring February 3, 2017. Linda has worked closely with the State Board and will be sorely missed.

Mr. Greene presented the following to the Board:

The Board reviewed and discussed a company working in the J. C. Penney Optical in Mason, Ohio, named U. S. Vision. U. S. Vision uses a technician to perform tests that should be being conducted by a licensed optometrist or a licensed ophthalmologist. Our investigator, David Bailey, conducted an investigation and forwarded information to the Optical Dispenser's Board for follow-up. Our Assistant Attorney General Henry Appel advised he would look into the matter further. Information was also forwarded to the Ophthalmological Society.

There were questions regarding scope of practice and practice issues the Board reviewed:

One doctor had submitted an email regarding incentives for patients who are co-managed. The Board did not take any action and advised that the doctor should seek their own legal counsel for an opinion.

Another question was regarding homeopathic eye drops. The Board advised the doctor should check with the FDA regarding their use.

Mr. Greene reminded the Board members to complete their Ethics training prior to December 31<sup>st</sup>. Two members are still pending completion.

The Board also reviewed two anonymous letters regarding the sale of trial contact lenses and illegal billing of patients by another optometrist. The Board took no action.

The Board also reviewed a letter regarding payment of the late CE fee. Again, the Board took no action.

Mr. Greene also provided the Board with an update of the new licensing system and the fact that at this time next year we will have online renewal.

The Board entered into Executive Session for discussion several investigative issues and one endorsement application at 11:50 a.m.

At 12:35 the Board exited the Executive Session.

There was a motion passed to accept the consent agreement #2016-29 regarding a

licensee who was prescribing improperly.

### **Patient Complaint Investigations**

The board members reviewed the summary of patient complaints (7a & b) received since September, 14, 2016. Eight new complaints were received during this time period. Three of these new complaints have already been resolved, with five remaining active and open. Three additional complaints from earlier in 2016 were resolved during this time period as well.

The Investigator Activity Report (7c) was reviewed by the board members. Seven on-site inspections were conducted during this time period. No advertising letters were sent during this period. Five informal complaints were received and finalized. The investigator traveled approximately 654 miles during this period.

### **Optometric Advertising Violations**

No formal advertising complaints were received during this time period.

### **Other Investigative Matters**

There are none to report.

### **Approve Expenses**

A motion was made by Dr. Zigler 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**

The dates for the Board meetings for 2017 are as follows:

March 8, 2017  
May 24, 2017  
September 13, 2017  
December 13, 2017

### **Election of Officers**

The Board approved the election of officers for 2017. Dr. Archer will serve as Board President and Dr. Zigler will serve as Board Secretary.

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

**Adjourn**

Dr. Archer made a motion to adjourn the meeting which was seconded by Dr. Zigler. The Board passed the motion and the meeting adjourned at 12:45 p.m.

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Thomas E. Nye, O.D.  
Board President

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Cheryl Archer, O.D.  
Board Secretary