

**Ohio State Board of Optometry  
Subcommittee Meeting  
March 10, 2010**

A subcommittee of the Ohio State Board of Optometry met on March 10, 2010 at 10:00 a.m. on the 31<sup>st</sup> floor of the Riffe Building. The subcommittee continues to review the Optometry laws, rules and policies as they relate to offering services through authorized business entities. The meeting was intended to further review and consider information provided on behalf of the National Association of Optometrists and Opticians, Inc. at the January 20, 2010 Board Meeting as well as to hear from any other interested parties.

Present at the meeting were:

Michael R. Everhart, Executive Director  
Jeffrey A. May, Investigator  
Karen Riccio, O.D., Board Member  
Rhonda Riles, O.D., Board Member  
Dennis Roark, O.D., Board Member  
Stanley Warn, O.D., Board Member  
Ms. Kristen Starr, Assistant Attorney General  
Rick Cornett, Ohio Optometric Association  
Linda Fette, Ohio Optometric Association  
Don Antrim, Ohio Optometric Association  
David Corey  
Patrick Phalen  
David Leland

Dr. Riles opened the meeting at 10:07 a.m. and welcomed everyone. Dr. Riles called for a motion to enter Executive Session to discuss a matter that is subject to imminent or pending court action. Mr. Everhart, Mr. May and Ms. Starr were requested to remain in the room.

Dr. Roark moved that the Board should enter Executive Session to discuss a matter that is subject to imminent or pending court action. The motion was seconded by Dr. Riccio. Dr. Riles called for a roll call vote by Mr. Everhart: Dr. Riccio; yes, Dr. Riles; yes, Dr. Roark; yes, Dr. Warn; yes. The Board entered Executive Session at 10:08 a.m. and returned to public session at 10:24 a.m.

Dr. Riles then provided a brief overview of various actions related to the Board's overview of these rules. She started in December 2008 when Ms. Starr received written correspondence related to the perceived conflict with a proposed lease agreement and our existing rules and ended in October 2009 relative to written comments that were forwarded to JCARR concerning opposition to the Board's proposed rules. Dr. Riles

advised the subcommittee had reconvened at this time to allow input from interested parties prior to making any recommendations to the full Board about any changes. During the next two hours there was a very open dialogue concerning the proposed rules. All Board members posed numerous questions to Mr. Patrick Phalen. Mr. Phalen was very cordial in answering the inquiries as well as providing great detail and insight into the "business model" utilized by Luxottica.

Mr. Cornett stated that the OOA strongly encouraged the Board to remove any ambiguity and confusion from the rule as it now exists.

At the conclusion of the discussion both the Board and Mr. Phalen agreed to consider what was discussed, to look at several of the proposals and then return to the April 21, 2010 Board meeting with any additional recommendations and/or information. Dr. Roark then made a motion to adjourn the meeting. Dr. Riccio seconded the motion which was approved by all members.

Meeting adjourned at 12:31 p.m.