

**Ohio State Board of Optometry  
Board Meeting**

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

**March 12, 2014 at 9:30 a.m.**

**President Presiding**

Board President, Thomas Bobst, O.D. was ill so Board Secretary, Jeff Fogt, O.D. convened the meeting at 9:43 a.m. The meeting was held in room 1918 of the Vern Riffe Center. Prior to the beginning of the regular scheduled meeting a Public Hearing was conducted related to changes in the Optometry Board rules.

Dr. Fogt introduced our new Assistant Attorney General, Emily Pelphrey, to the Board members.

**Roll Call**

Present for the meeting were:

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

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

Prior to the beginning of the regular scheduled meeting a Public Hearing was conducted related to changes in the Optometry Board rules.

**Approve Minutes**

Dr. Fogt called for a motion on the minutes of the December 11, 2013 Board meeting. Dr. Archer moved to approve the minutes which was seconded by Mr. Everhart. The motion was then passed by the Board.

### **New Licensees**

Dr. Fogt advised that there were two completed applications for licensure. After review of the packets Dr. Warn made a motion that Ross Goukler, O.D. and James Wachter, O.D. be granted Ohio optometric and therapeutic licensure. The motion was seconded by Mr. Everhart and passed by the Board. (Annex A)

Dr. Fogt advised that there was one application for licensure with missing material. Dr. Nye moved that Matthew Howell, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of his missing material. Dr. Warn seconded the motion and motion was passed. (Annex A)

Dr. Fogt advised that there was one application for licensure via endorsement. Dr. Archer moved that Gary Roberts, O.D. be granted Ohio optometric and therapeutic licensure. The motion was seconded by Mr. Everhart and passed by the Board. (Annex A)

The Board next reviewed one completed application for licensure reinstatement. Dr. Warn moved that Ralph Cordero, O.D. be granted reinstatement of his Ohio optometric and therapeutic licenses. Motion was seconded by Mr. Everhart and passed by the Board.

The Board then reviewed two applications for licensure reinstatement with missing material. Dr. Nye moved that Alvin Ginier, O.D. and Matt Horton, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses upon receipt of their missing material. Motion was seconded by Mr. Everhart and passed by the Board.

### **Continuing Education**

Mr. Everhart explained the recap on continuing education courses received at the Board office since the December 11, 2013 meeting. (Annex B) Mr. Everhart made a motion that courses 2014-085P through 2014-133P (excluding 2014-116P which was canceled) be approved as listed. Motion was seconded by Dr. Archer and passed by the Board.

### **Therapeutic Optometry Matters**

Dr. Fogt reported that there were no drug-induced side effect reports received since the December 11, 2013 Board meeting.

Dr. Fogt advised that there was one Ohio licensee who has submitted an application for therapeutic certification. Mr. Everhart made a motion that Patricia Noonan, O.D. be granted therapeutic certification. Motion was seconded by Dr. Warn and passed by the Board.

### **Administration**

NBEO Reports – Discussion over the recent correspondence from NBEO regarding their Board Certification program and about the Board adopting a policy statement

regarding the ability to answer “yes” in certain circumstances as it relates to Board Certification questions. Board policy statement will be amended and brought back at the next meeting in June.

ARBO Reports – Dr. Archer moved that the travel expenses for Drs. Bobst and Warn and Mr. Greene to attend the ARBO Annual Meeting in June in Philadelphia be approved. Motion was seconded by Mr. Everhart and passed by the Board.

OOA Reports – Rick Cornett shared the following information:

- Discussed
  - 3<sup>rd</sup> Party Payer Summit
  - Accountable Care Organization
  - Telemedicine
  - PMI May 7<sup>th</sup>
  
- Legislative updates
  - SB 224 – Sales Tax Bill
  - HB 472
  - HB 466
  - HB 314

Mr. Greene presented the following to the Board:

The Board reviewed information for an amended rule pertaining to military training and licensing, 4725-3-09. They were also provided the most recent information received from the Governor's Executive Workforce Board which was just received regarding additional requirements in HB 472. Dr. Nye recommended contacting the Armed Forces Optometric Society to get them information for state requirements for licensing and possibly all military bases in Ohio to get information to them for veteran optometrists who may be interested in practicing off-base in Ohio.

The Board reviewed a managed care contract (IPA) and had discussion regarding the legality of the IPA as it relates to our laws and rules. The Board recommended the IPA contact the Department of Insurance for further information and review.

Reviewed information from the AOA regarding the FDA moving Hydrocodone from Schedule III controlled substance to Schedule II and the ramifications it would have on our current laws and rules. The Board reviewed possible language for a law and rule amendment, should this go through. Mr. Cornett provided additional insight on this issue.

Provided an update on the on-going five year rule review.

The Board was updated about the Human Trafficking information that was forwarded to all licensees and posted on the Board's website.

The Board was given information from the Ethics Commission regarding annual ethics training through a one hour webinar. All Board members were asked to complete this training by the September Board meeting.

The Board was provided additional information from House Bills 341 and 466 in regards to the discussion with Mr. Cornett.

A motion was called for by Dr. Fogt to enter Executive Session. Dr. Archer made the motion to enter Executive Session to discuss an investigative matter. Motion was seconded by Mr. Everhart. Ms. Pelphrey, Mr. Greene, Mr. Landis and Mrs. Ott all were asked to remain in the Executive Session.

Dr. Fogt directed Mr. Greene to take a roll call vote: Secretary Fogt, yes; Dr. Archer, yes; Dr. Nye, yes; Dr. Warn, yes; Mr. Everhart, yes. The motion was passed and the Board entered Executive Session at 11:44 a.m. Executive Session ended at 11:56 a.m. and the Board returned to open session.

Motion was made by Dr. Archer to approve a Consent Agreement in case 2013-23. Mr. Everhart seconded the motion. Motion was passed

### **Patient Complaint Investigations**

The Board reviewed the recap of patient complaints which were received since the last Board meeting on December 11, 2013. Five new complaints were received during this period with two complaints being finalized and five pending. The pending complaints have been discussed with the supervising Board member and will be finalized in the future. (Annex C)

The Investigator's Activity Report (Annex D) was reviewed with the Board members. In addition to the five complaints there were 24 on-site inspections completed which resulted in four with minor violations noted. The mileage traveled by staff members has been 962 year to date this first quarter of calendar year 2014.

### **Optometric Advertising Violations**

There was one advertising violation reported during this period. (Annex E)

### **Other Investigative Matters**

There was discussion during Executive Session as to placing an optometrist on a Consent Agreement for disciplinary actions levied as a result of addiction issues. The Consent Agreement was recommended during open session and unanimously accepted through Board vote.

### **Approve Expenses**

A motion was made by Mr. Everhart and seconded by Dr. Warn 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 June 11, 2014. The Board meeting scheduled for September 10<sup>th</sup> was moved to September 17<sup>th</sup> so that Dr. Archer and Dr. Fogt could attend a continuing education course out of state the week of September 10<sup>th</sup>.

### **Adjourn**

Dr. Archer made a motion to adjourn the meeting which was seconded by Dr. Warn. The Board passed the motion and the meeting adjourned at 12:15 p.m.

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Thomas Bobst, O.D.  
Board President

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Jeff Fogt, O.D.  
Board Secretary