

Ohio State Board of Optometry
Board Meeting

Vern Riffe Office Tower
77 S. High St., 31st Floor
Columbus, Ohio

March 21, 2007 at 9:30 a.m.

President Presiding

Gary Hyde, O.D., Board President, convened the meeting at 9:40 a.m. after signing certificates and payroll at the Board office. The meeting was held in Room 1924, 19th floor of the Vern Riffe Office Tower.

Roll Call

Present for the meeting were:

Gary Hyde, O.D., Board President
Beth Workman, O.D., Board Secretary
Larry Barger, O.D., Board Member
Rhonda Riles, O.D., Board Member
Dennis Roark, O.D., Board Member
Ms. Patricia Scharf, Board Member
Mr. Mike Everhart, Executive Director
Mr. Jeff May, Investigator

Mr. Rick Cornett, representing the Ohio Optometric Association was present. Todd Baker representing the Ohio Ophthalmological Society and Assistant Attorney General Todd Newkirk from the Attorney General's Office were also in attendance.

Approve Minutes

President Hyde called for a motion on the minutes of the January 17, 2007 Board meeting. Dr. Roark made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Workman seconded the motion and it was passed by the Board.

New Licensees

Mr. Everhart advised that there were five applications for licensure as listed in Annex A. After review of the packets Dr. Barger made a motion that the applicants listed in Annex A be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Workman and passed by the Board.

Dr. Riles made a motion to approve applicant Preston Linley, O.D. for Ohio optometric and therapeutic licensure contingent upon receipt of licensure verification from the State of Texas and applicant Kathryn Smith, O.D. upon verification of CPR training. The motion was seconded by Dr. Barger and passed by the Board.

There was one applicant for licensure by endorsement, Lannie Busey, O.D. from Kentucky. After review of the packet, Dr. Roark made a motion to grant Ohio optometric and therapeutic licensure by endorsement to Dr. Busey. The motion was seconded by Dr. Riles and passed by the Board.

Continuing Education

Dr. Riles explained the recap on continuing education courses received at the Board office since the January 17, 2007 meeting. (Annex B.) There were 34 courses reviewed with two of those courses only approved in part.

Dr. Riles made a motion that courses 2007-119P through 2007-153P be approved as listed. Motion was seconded by Dr. Roark and passed by the Board.

The Board reviewed a continuing education waiver submitted by Susan Sabers, O.D. Dr. Sabers currently works overseas as a Red Cross Volunteer/Optometrists in a military clinic and was requesting to obtain all her continuing education through correspondence/internet courses during the upcoming year. Dr. Roark moved to approve the waiver. Dr. Barger seconded the motion which was then passed by the Board.

Therapeutic Optometry Matters

Dr. Barger discussed the summary of Drug-Induced Side Effect reports that the Board office has received since the past Board meeting (Annex C.) There was one report during this period and there were no unusual occurrences or problems that were not resolved.

Licensure Matters

Dr. Larry Mirto had previously requested to appear before the Board at the March meeting. Dr. Mirto updated the Board on his efforts since his release and to apologize for his inappropriate actions.

Administration

Dr. Workman reported the NBEO was administering Part III this weekend at OSU.

The Board next discussed the annual ARBO meeting which will occur in June. It was the consensus of the Board that Dr. Hyde would attend as the voting delegate. Also, Dr. Barger would attend due to his position as chair of the continuing education committee and Mr. Everhart would attend for the updates to the executive directors.

The Board was provided a copy of a recent article from the AOA pertaining to a lawsuit filed by a Texas optometrist against WalMart Stores, Inc. Although the case was settled prior to going to court, the matter dealt with the issues related to an optometrist's professional autonomy.

The Board reviewed an article from the AOA News which highlighted an Iowa court decision that ordered the makers of the "See Clearly Method" vision improvement system to halt all sales in the state and pay a fine for consumer restitution.

A copy of the report of the actions taken by the Accreditation Council on Optometric Education at its winter meeting was provided for the Board's review.

The Board reviewed AOA Bulletin No. 21 from the Federal Relations Committee. The subject matter related to the Social Security Administration Final Rules on Optometrists as "Acceptable Medical Sources." The new rule will expand situations in which optometrists are to be considered "acceptable medical sources" for the purposes of disability and blindness determinations and decisions.

Mr. Everhart advised the Board that the proposed fingerprinting issue was introduced as HB 104 on March 13, 2007. Mr. Everhart will provide proponent testimony for this matter on March 22, 2007.

The Board, along with A.A.G. Todd Newkirk, had a brief discussion concerning the definition of "active license" compared to "active military license." Mr. Newkirk advised he would research this matter further and report back to the Board at the May meeting.

The Board was provided a copy of the April newsletter for their review. They were requested to get back with the staff by March 28th with corrections, deletions or additions.

The correspondence from the Office of Budget and Management concerning the temporary freeze on meal expenditures was discussed. The Board directed Mr. Everhart to continue to provide coffee and pastries for the meetings. The expenses for these items will be paid by the Board members and Mr. Everhart.

A news article describing another product recall by Bausch and Lomb was provided to the Board. The manufacturer is recalling about 1.5 million bottles of ReNu MultiPlus because trace amounts of iron could cause the cleaner to lose effectiveness earlier than normal.

Each Board member was provided a copy of the Governor's new "Department of Boards and Commissions Questionnaire." This new questionnaire is to be completed by anyone interested in applying for a position on the Board, including reappointments.

Next, the Board discussed the new ethics training proposed by Governor Strickland. Members and employees of any board or commission that files annual ethics disclosure

forms must complete two hours of training every other year. The Board will be notified as soon as the training is scheduled.

The Board, along with A.A.G. Newkirk, received an inquiry reference the HIPAA Privacy Act. Since HIPAA is actually federal legislation, Mr. Newkirk informed the Board it would be inappropriate for the state to render an opinion on the federal law. Mr. Everhart was directed to inform the licensee.

Mr. Everhart advised the Board he would be presenting testimony on the Board's budget on Thursday, March 22nd before the House Higher Education Subcommittee. Each member was provided a copy of the prepared testimony.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the January 17, 2007 Board meeting. Two new complaints were received during this period with both pending investigation. One complaint was pending prior to the January 17, 2007 meeting and was completed prior this meeting. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the two complaints that were filed, thirty-six on site inspections were conducted, one advertising violation letter was sent out and is pending a response, and six office inquiries/office complaints were initiated and completed. The staff traveled 1,752 miles during the period. The Board members also reviewed the summary of completed complaints and had no questions concerning the complaints.

Optometric Advertising Violations

The one advertising violation notification letter that had been sent out has not been responded to by the doctor prior to this Board meeting. A list of the violation was provided to the Board for their information. (Annex F.)

Other Investigative Matters

There were no matters to discuss.

Approve Expenses

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

Dates of the Next Board Meetings

The next Board meeting date is May 16, 2007.

Adjourn

Dr. Roark made a motion to adjourn the meeting which was seconded by Dr. Workman.
The Board passed the motion and the meeting adjourned at 11:50 a.m.