

**Ohio State Board of Optometry
Board Meeting**

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

April 11, 2012 at 9:30 a.m.

President Presiding

President Riccio convened the meeting at 9:35 a.m. The meeting was held in Room East B on the 31st floor of the Vern Riffe Center.

Dr. Riccio welcomed our new Assistant Attorney General, Lisa Eschbacher.

Roll Call

Present for the meeting were:

Karen Riccio, O.D., Board President
Stanley Warn, O.D., Board Secretary
Thomas Bobst, O.D., Board Member
Jeff Fogt, O.D., Board Member
Dennis Roark, O.D., Board Member
Patricia Scharf, Board Member
Mr. Jeffrey Greene, Executive Director
Mr. Jeff May, Investigator
Mrs. Nancy Ott, Administrative Assistant

The following persons were also in attendance at the meeting: Jennifer Flatter from The Success Group; David Corey representing Luxottica; Ms. Lisa Eschbacher and Ms. Barb Pfeiffer from the Attorney General's Office and Val Lindon.

Douglas J. Wine, O. D. Goldman Hearing

At 9:45 a.m. the Adjudicatory Hearing was held by Assistant Attorney General Lisa Eschbacher before the Ohio State Board of Optometry. Dr. Wine was not present.

The Ohio State Board of Optometry reviewed and considered the record including the following exhibits:

#1 – Notice of Opportunity of Hearing

#2 – Certified copy of the Jury's finding of guilty to the charge of Gross Sexual Imposition, Felony 4th Degree dated October 28, 2011

#3 – Order of Sentence from the Auglaize County Common Pleas Court for a 15 month prison sentence dated December 14, 2011

#4 – Affidavit of Nancy Ott advising Dr. Wine had not requested a hearing before the Board pursuant to the Notice of Opportunity of Hearing dated April 10, 2012

The Ohio State Board of Optometry made the following Finding of Fact:

Dr. Douglas J. Wine was found guilty of a felony, regardless of the jurisdiction in which the act was committed.

The Ohio State Board of Optometry made the following Conclusions of Law and Recommendation in this matter:

Dr. Douglas J. Wine violated Section 4725.19 (B) (4) of the Ohio Revised Code, thereby subjecting his license to disciplinary action. WHEREFORE, for the reasons outlined in the Notice of Opportunity of Hearing dated December 14, 2011, the Ohio State Board of Optometry voted to permanently revoke Douglas J. Wine, O.D.'s license to practice as an optometrist. Motion to permanently revoke Dr. Wine's license was made by Dr. Bobst and seconded by Ms. Scharf with Dr. Roark abstaining. Motion passed.

Hearing was concluded at 10:00 a.m.

The agenda was moved up to 6.h. so that Val Lindon, a nursing student from Capital University, could present information to the Board regarding Remote Area Medical (RAM) which provides free primary health care through volunteer services. Her presentation included discussion on the requirement for out-of-state providers to obtain full licensure and the time and expense this causes. This was brought to the Board for their information as legislation will be forthcoming regarding this matter.

Approve Minutes

President Riccio called for a motion on the minutes of the December 7, 2011 Board meeting. Dr. Roark moved to approve the minutes which was seconded by Dr. Bobst. The motion was then passed by the Board.

New Licensees

Dr. Riccio advised that there were two completed applications for licensure as listed in Annex A. After review of the packets Dr. Bobst made a motion that the two applicants listed in Annex A with all materials submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Roark and passed by the Board.

The Board next reviewed an applicant for licensure reinstatement. Dr. Roark moved that Maya Meadows, O.D. be granted reinstatement of her Ohio optometric and therapeutic license. Motion was seconded by Ms. Scharf and passed by the Board.

Continuing Education

Dr. Warn explained the recap on continuing education courses received at the Board office since the December 7, 2011 meeting. (Annex B) There were 81 courses reviewed, one received partial approval and the remaining were all approved. Dr. Warn made a motion that courses 2012-091P through 2012-171P be approved as listed. Motion was seconded by Dr. Fogt and passed by the Board.

Therapeutic Optometry Matters

There was one drug-induced side effect report received since the December 7, 2011 meeting. Dr. Roark briefly reviewed the report with the whole Board.

Administration

There were no new updates for the NBEO.

ARBO Reports – Motion was made by Dr. Roark to approve the attendance and expenses for Dr. Bobst and Mr. Greene at the Annual Meeting in Chicago, Illinois June 24-26, 2012. Motion seconded by Dr. Warn and passed.

A motion was made by Dr. Roark and seconded by Ms. Scharf allowing the Board to receive the \$500 scholarship money provided by ARBO for attendees of the Annual Meeting. Money to be deposited into the Board's 4K90 fund. Motion passed.

AOA Reports – Mr. Greene presented a proposed bylaw amendment for discussion from the AOA regarding the Accreditation Council of Optometric Education wanting the authority to accredit providers of continuing professional optometric education.

OOA Reports - Rick Cornett was unable to attend.

Policy changes which were enacted from our most recent audit were reviewed and approved by the Board with a motion by Dr. Roark and seconded by Dr. Riccio.

Discussion was conducted regarding the Ohio Opens Meeting Act.

Discussion was conducted regarding the licensing of military spouses proposed legislation.

Discussion was conducted regarding a spring newsletter.

The following laws & rules changes/corrections were discussed and each item was voted on by the Board and passed:

Rule changes/amendments:

4725-5-06 & 4725-5-10 To better clarify splitting of fees and practicing under unlicensed control

Motion by Dr. Roark, seconded by Dr. Bobst. Passed by the Board.

4725-15-06 Rule to be rescinded. Incorrect fee and not necessary.

Motion by Dr. Warn, seconded by Dr. Roark. Passed by the Board.

4725-16-04 Add rule due to House Bill 93

Motion by Dr. Roark, seconded by Ms. Scharf. Passed by the Board.

Law amendments:

4725.16 To incorporate the wording so that email can be used in place of U. S. Mail where possible. Also, discussion of necessity to provide CE course list when it is already on the website.

Motion by Dr. Fogt, seconded by Dr. Warn. Passed by the Board.

4725.171 Add wording regarding reinstatement

Motion by Dr. Roark, seconded by Dr. Bobst. Passed by the Board.

4725.21 Add wording regarding self-reporting

Motion by Dr. Roark, seconded by Dr. Fogt. Passed by the Board.

4725.24 Clarify and add wording regarding automatic suspension of license

Motion by Dr. Fogt, seconded by Dr. Warn. Passed by the Board.

At 11:55 a.m. a motion was called for by Dr. Bobst to enter Executive Session. Dr. Bobst made the motion to enter Executive Session to discuss the investigation of charges or complaints against a licensee. Motion was seconded by Dr. Roark. Motion passed and the Board entered Executive Session. Ms. Eschbacher, Mr. Greene, Mr. May and Mrs. Ott all were asked to remain in the Executive Session.

At 12:55 p.m. the Executive Session was complete and the regular meeting was continued.

Motion was made by Dr. Fogt to approve forwarding a Notice of Opportunity for Hearing for complaint number 2011-12. Ms. Scharf seconded the motion. Motion was passed with Ms. Scharf voting no and Dr. Roark abstaining.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the December 7, 2011 Board meeting. Seven new complaints were received during this period with four of the complaints being finalized and three pending further investigation. Five complaints were pending prior to the December 7, 2011 meeting. Three were completed

prior to this meeting and two complaints had action taken on them at today's meeting. (Annex C.)

The Investigator's Activity Report, Annex D, was reviewed by the Board members. In addition to the seven complaints that were filed, thirty-four on-site inspections were conducted. Two advertising letters were sent out and both were completed. Four office inquiries/office complaints were initiated and completed. The staff traveled 700 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 two advertising violation notification letters that had been sent out have both been responded to by the doctor that corrective action was being taken. A list of the violations was provided to the Board for their information. (Annex F.)

Other Investigative Matters

There were no items for Other Investigative Matters.

Approve Expenses

A motion was made by Dr. Roark 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 next Board meeting is scheduled for July 11, 2012. Discussion was held regarding our law which requires the Board to have four meetings per year. Our next two meetings will be October 10, 2012 and December 12, 2012.

Adjourn

Dr. Roark made a motion to adjourn the meeting which was seconded by Dr. Bobst. The Board passed the motion and the meeting adjourned at 1:30 p.m.

Karen Riccio, O.D.
Board President

Stanley Warn, O.D.
Board Secretary