

**Ohio State Board of Optometry
Board Meeting**

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

April 16, 2008 at 9:30 a.m.

President Presiding

Beth Workman, O.D., Board President, convened the meeting at 9:40 a.m. after signing certificates of licensure and payroll at the Board office. The meeting was held in the Board Conference Room, 31st floor of the Vern Riffe Office Tower.

Roll Call

Present for the meeting were:

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

The following persons were also in attendance at the meeting: Mr. Rick Cornett, Ms. Linda Fette, Brenda Montecalvo, O.D., Donald Faimon, O.D., Cheryl Archer, O.D., Terri Gossard, O.D., Gil Pierce, O.D., Todd Clark, O.D., and Greg Nixon, O.D. representing the Ohio Optometric Association, Mr. Todd Baker from the Ohio Ophthalmological Society, Mr. Basil Castrovince from WalMart Vision Center and Ms. Katherine Bockbrader from the Attorney General's Office.

Approve Minutes

President Workman called for a motion on the minutes of the January 16, 2008 Board meeting. Dr. Barger made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Hyde seconded the motion and it was passed by the Board.

New Licensees

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

There were two applicants for licensure by endorsement, Mark Roudebush, O.D. from Tennessee and Richard Windsor, O.D. from Indiana. After review of the packets, Dr. Barger made a motion to grant Ohio optometric and therapeutic licensure by endorsement to Dr. Roudebush. Motion was seconded by Dr. Riles. The motion was passed by the Board. Dr. Hyde made a motion to grant Ohio optometric and therapeutic licensure by endorsement to Dr. Windsor, upon receipt of his missing material. Motion was seconded by Dr. Roark. The motion was passed by the Board.

The Board next reviewed three applicants for licensure reinstatement. Dr. Riles moved that Anthony Fox, O.D., Kristan Huff, O.D. and Punam Saini, O.D. be granted reinstatement of their Ohio optometric and therapeutic license which was seconded by Dr. Barger and passed by the Board.

Continuing Education

Dr. Riles explained the recap on continuing education courses received at the Board office since the January 16, 2008 meeting. (Annex B.) There were 61 courses reviewed with one of those courses not approved and one of those courses only approved in part.

Dr. Roark made a motion that courses 2008-084P through 2008-145P (with the exception of 2008-135) be approved as listed. Motion was seconded by Dr. Hyde and passed by the Board.

Therapeutic Optometry Matters

Dr. Barger provided an overview of the one drug-induced side effect report received since the January 16, 2008 meeting. (Annex C.)

Licensure Matters

President Workman called for a motion for the Board to enter Executive Session to discuss a matter that is subject to pending or imminent court action and to consider charges or complaints against a licensee. Dr. Hyde moved that the Board enter Executive Session to discuss a matter that is subject to pending or imminent court action and to consider charges or complaints against a licensee. Dr. Hyde asked that Ms. Bockbrader, Mr. Everhart and Mr. May remain in the room. Dr. Roark seconded the motion.

President Workman directed Mr. Everhart to please take a roll call vote: President Workman, yes; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms.

Scharf, yes. The motion was passed and the Board entered Executive Session at 9:44 a.m.

The Board returned to open meeting at 10:25 a.m. Dr. Barger made a motion that the Board would concur with the findings of the supervising board member of investigations in complaint 2008-06. The motion was seconded by Dr. Roark and passed by the Board.

Dr. Hyde moved that the Board offer a Consent Agreement to an Ohio optometrist in complaint 2008-08. Dr. Roark seconded the motion and it was passed by the Board.

Administration

The Board was reminded that all Financial Disclosure Statements were due by April 15, 2008. Each member had already completed and mailed these items.

The Board spent a considerable amount of time reviewing and discussing all the administrative rules in conjunction with the mandated five year rule review and related changes/requirements as a result of implementation of HB 149. At the conclusion of this lengthy review the following motions were made:

Dr. Roark moved that the following list of rules be filed as "no change." The motion was seconded by Dr. Hyde and the motion passed. 4725-1-01, 4725-3-01, 4725-3-03, 4725-3-04, 4725-3-05, 4725-3-06, 4725-3-07, 4725-3-08, 4725-3-09, 4725-5-01, 4725-5-02, 4725-5-03, 4725-5-04, 4725-5-05, 4725-5-06, 4725-5-08, 4725-5-09, 4725-5-10, 4725-5-11, 4725-5-12, 4725-5-13, 4725-5-15, 4725-5-18, 4725-7-03, 4725-7-05, 4725-9-04, 4725-11-01, 4725-11-03, 4725-11-04, 4725-13-01, 4725-15-01 and 4725-15-06.

Next, Dr. Barger made a motion to "rescind" the following list of rules. The motion was seconded by Dr. Roark and passed by the Board. 4725-5-07, 4725-7-02, 4725-15-03, 4725-15-05, 4725-16-01 and 4725-16-02.

Dr. Riles then moved to "amend" the following list of rules. Dr. Barger seconded the motion and it was passed by the Board. 4725-3-02, 4725-5-14, 4725-5-16, 4715-5-17, 4725-7-01, 4725-7-04, 4725-7-06, 4725-9-01, 4725-9-02, 4725-9-03, 4725-9-05, 4725-11-02 and 4725-15-04.

Finally, Dr. Hyde moved to file the following rules as "new rules." Dr. Riles seconded the motion which was then passed by the Board. 4725-3-10, 4725-16-03 and 4725-5-19.

The Board discussed, at some length, the upcoming annual ARBO conference. The recent directives concerning travel were debated, however, the Board determined it could not send any representatives to this meeting despite the loss of a national perspective on optometry.

The Board also reviewed a recent request from ARBO for extensive records to update their O.E. Tracker files. This request is similar to previous inquiries from approximately one year ago. The information requested is not in a format presently maintained by the Board staff and would take extensive research and time to accomplish. The Board staff does not have the resources at the present time to complete the request but will provide ARBO with the database of all our currently available allowable information.

The Board was provided information for their review on the Accreditation Council on Optometric Education Winter Meeting Report, a legislative update from the American Optometric Association and a recent article on optometric board certification.

A recent memo on dilating drops and liability risks from ASCRS was reviewed and discussed by the Board. No further action was taken at this time.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the January 16, 2008 Board meeting. Eight new complaints were received during this period with five of the complaints being finalized. Ten complaints were pending prior to the January 16, 2008 meeting and five have been completed with the remaining five pending further investigation. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the eight complaints that were filed, forty-two on-site inspections were conducted, two advertising violation letters were sent out and completed and ten office inquiries/office complaints were initiated and completed. The staff traveled 2,098 miles during the period. The Board members also reviewed the summary of completed complaints and had no questions concerning the complaints.

Optometric Advertising Violations

Two advertising violation notification letters had been sent out. The doctors have responded that corrective action was being taken. A list of the violations was provided to the Board for their information. (Annex F.)

Other Investigative Matters

Office Inquiry OI-08-04. A doctor contacted the Board to see if an optometrist needed an Ohio Department of Health CLIA certification to do glucose testing in the office. The ODH advised that an Ohio optometrist performing blood glucose testing with an office provided glucose-monitoring device would be required to have a CLIA certificate. If the patient provided the device a certificate would not be required. Information from ODH can be obtained at www.cms.hhs.gov/CLIA on this matter.

Approve Expenses

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

Dates of the Next Board Meetings

The Board selected the date of June 17, 2008 to conduct the next Board meeting which will include the Public Hearing for the rule changes.

Adjourn

Dr. Hyde made a motion to adjourn the meeting which was seconded by Dr. Roark. The Board passed the motion and the meeting adjourned at 3:25 p.m.

Beth Workman, O.D.
Board President

Rhonda Riles, O.D.
Board Secretary