

**Ohio State Board of Optometry
Board Meeting**

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

April 22, 2009 at 9:30 a.m.

President Presiding

Rhonda Riles, O.D., Board President, convened the meeting at 9:48 a.m. The meeting was held in Room East B, 31st floor of the Vern Riffe Center.

Roll Call

Present for the meeting were:

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

The following persons were also in attendance at the meeting: Mr. Rick Cornett, Brenda Montecalvo, O.D. and Jason Miller, O.D. representing the Ohio Optometric Association, Ms. Kristen Starr from the Attorney General's Office, Todd Baker from the Ohio Ophthalmological Society and Judy Martin.

Approve Minutes

President Riles called for a motion on the minutes of the January 21, 2009 Board meeting. Dr. Barger 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 was one complete application for licensure as listed in Annex A. After review of the packet Dr. Barger made a motion that the one applicant listed in Annex A with all material submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Riccio and passed by the Board.

During the January meeting the Board had approved a licensure application contingent upon receipt and review of a criminal fingerprint check. The fingerprint check showed a

discrepancy between what was listed by the applicant and the actual information. The Board was asked to consider the additional information and determine the candidate's status. At the conclusion of the review, Dr. Roark made a motion to approve the candidate's application for licensure endorsement which was seconded by Ms. Scharf. The Board approved the motion.

Continuing Education

Dr. Riccio explained the recap on continuing education courses received at the Board office since the January 21, 2009 meeting. (Annex B.) There were 51 courses reviewed and approved.

Dr. Riccio made a motion that courses 2009-102P through 2009-153P be approved as listed. Motion was seconded by Dr. Roark and passed by the Board.

Therapeutic Optometry Matters

Dr. Workman provided an overview of one drug-induced side effect report since the January 21, 2009 meeting. (Annex C.)

Licensure Matters

There were no licensure matters to discuss at this meeting.

Administration

Mr. Cornett provided an overview of the following issues involving the OOA. 1) Joint Board Certification 2) Executive Budget, specifically adult Medicaid service 3) the proposal to consolidate "back office" functions of various board and commissions and 4) HB 125 – Health Simplification Act.

Dr. Workman advised the Board that the clinical skills portion of the NBEO test was conducted at OSU in April.

Dr. Barger discussed COPE's recommendations for standards involving industry support of continuing education. These standards will be voted on at the ARBO meeting. They will have a direct effect on COPE C.E. requirements but will not necessarily change Ohio's standards on this Board's requirements.

The Board was provided a copy of the Spring 2009 Newsletter that will be sent out shortly. There were a few minor changes and also a recommendation to add information on the use of dichloroacetic acid by an Ohio optometrist. Changes were made and the requested information was added to the newsletter.

At the January meeting the Board had reviewed and discussed an inquiry relative to the use of dichloroacetic acid by Ohio optometrists. Dr. Barger had volunteered to research this issue and provide the Board with additional information prior to a final decision. After further review and discussion, Dr. Barger moved that the use of dichloroacetic acid for the removal of superficial skin lesions from the eyelids and ocular adnexae does fall within the scope of

optometry. The motion was seconded Dr. Riccio and approved by the Board. The Board did state it still remains an optometrist's responsibility, based upon experience and training, to decide when such treatment is appropriate or if a referral for a biopsy is in the patient's best interest.

The Board reviewed the proposed draft rules on authorized business entities; OAC 4725-5-06 and 4725-5-10. There was a recommendation to add verbiage that would prevent any entity from limiting or dictating third party payer agreements. The appropriate language would be inserted in 4725-5-10(A)(1)(a) with the aforementioned change. Dr. Roark made a motion to approve the two proposed rules. Dr. Workman seconded the motion and it was approved by the Board. A decision was made to file the proposed rules at the same time the rules for HB 648 are filed.

Mr. Everhart provided the Board an overview of the audit that had just been conducted by the State Auditor's office. The five areas of the audit were: 1) revenue 2) non-payroll expenditures 3) payroll expenditures 4) personal information and 5) inventory. Each Board member will receive a copy of the final report.

The Board was informed the revised version of HB 1 (the executive budget) was just released yesterday. Since it was nearly 3,700 pages, a copy was not provided at this time. Mr. Everhart stated he has testified before both the House and Senate Finance Committees concerning the Board's proposed fiscal years 2010 and 2011 budget and also the proposal concerning the consolidation of the "back office" functions of various boards and commissions. Each Board member was provided a copy of the Senate testimony.

The Board discussed the annual ARBO meeting which will be in Washington, DC this June. Dr. Barger is a member of the nominating committee, the COPE committee and is very familiar with the Joint Board Certification Project Team. The association will be looking to Ohio to provide input/votes in each of these areas. Dr. Roark moved to send Dr. Barger, pay his expenses and up to 40 hours of Board member pay, to represent Ohio optometry. Dr. Riccio seconded the motion and it was approved by the Board.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the January 21, 2009 Board meeting. Two new complaints were received during this period with one of the complaints being finalized. Four complaints were pending prior to the January 21, 2009 meeting and two were completed prior to this meeting. Two remain pending further investigation. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the two complaints that were filed, forty-six on-site inspections were conducted, one advertising violation letter was sent out and completed, and five office inquiries/office complaints were initiated and completed. The staff traveled 2,275 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 been responded to by the doctor that corrective action was being taken. A listing of the violation was provided to the Board for their information. (Annex F.)

Other Investigative Matters

Optometry Board representatives will present a Laws and Rules session to students of the OSU College of Optometry on May 13, 2009 at 6:00 p.m. at the college.

Approve Expenses

A motion was made by Ms. Scharf and seconded by Dr. Riccio 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 is July 8, 2009.

Adjourn

Dr. Workman made a motion to adjourn the meeting which was seconded by Dr. Roark. The Board passed the motion and the meeting adjourned at 11:08 a.m.

Rhonda Riles, O.D.
Board President

Larry Barger, O.D.
Board Secretary