

Ohio State Board of Optometry
Board Meeting

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

May 16, 2007 at 9:30 a.m.

President Presiding

Gary Hyde, O.D., Board President, convened the meeting at 9:40 a.m. after signing payroll at the Board office. The meeting was held in Room East B, 31st 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

The following persons were also in attendance at the meeting: Basil Castrovince representing Wal-Mart, Mr. Rick Cornett representing the Ohio Optometric Association, Aaron Epstein from the Attorney General's Office and Dustin Pyles from the Auditor's Office.

Approve Minutes

President Hyde called for a motion on the minutes of the March 21, 2007 Board meeting. Dr. Barger made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Roark seconded the motion and it was passed by the Board.

New Licensees

Mr. Everhart advised that there was only one application for licensure as listed in Annex A. After review of the packet Dr. Workman made a motion that the applicant listed in Annex A be granted Ohio optometric and therapeutic licensure contingent upon receipt of

his final transcript from Inter American University. The motion 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 March 21, 2007 meeting. (Annex B.) There were 34 courses reviewed with four of those courses only approved in part.

Dr. Riles made a motion that courses 2007-154P through 2007-188P be approved as listed. Motion was seconded by Dr. Workman and passed by the Board.

The Board reviewed a continuing education waiver submitted by Harry Bowers, O.D. Dr. Bowers currently works in a clinic setting in Ethiopia and was inquiring of the Board how he could obtain his C.E. for the current year. The Board agreed to let Dr. Bowers obtain his C.E. all through internet, correspondence and/or grand rounds observation. 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

There were no licensure matters to discuss.

Administration

Dr. Workman advised the Board that the National Board of Examiners in Optometry testing recently conducted at the Ohio State University went very smoothly.

Mr. Everhart provided a copy of the 2006 Annual State Board Report to all members. The report will be presented at the Association of Regulatory Boards of Optometry which will be conducted in Boston during the annual meeting.

The Board was advised there are currently five bills in the legislature that could impact the overall operations of the office. Mr. Everhart provided a brief overview of each proposed bill:

HB 104 - This legislation will permit the Board, along with fifteen other regulatory agencies, to require initial applicants for licensure to obtain a criminal background check by fingerprints. The checks will be conducted through both the Bureau of Criminal Investigation and Identification and the Federal Bureau of Investigation and will permit

the Boards to consider the results of those checks in determining a person's eligibility for licensing.

HB 130 - The Board currently must refuse to grant a license to an individual who has committed a felony or is guilty of immorality. The proposed legislation does away with the immorality issue completely. The bill has also eliminated the word "felony" and replaced it with "criminal offense substantially related to the person's fitness or ability to perform the duties and responsibilities of an optometrist." The Board would also be required to identify each felony it determines would be substantially related.

HB 148 - This bill will permit the registration of individuals who provide alternative or complementary health care services. The bill would allow registrants to treat an individual's health care condition by an alternative to prevailing or conventional methods used to treat the health condition. The bill goes so far as to include within the law the following statement: "It is hereby declared to be public policy of the state that the provision of complementary or alternative health care services enhances the health and welfare of the residents of this state." Individuals providing this service must register with the Department of Commerce.

HB 149 - A scope bill that would change the practice of optometry in Ohio. The bill would:

" Eliminate the current drug formulary and allow a therapeutic optometrist to "administer or prescribe a drug for purposes of diagnosis, treatment or prevention of injury, or treatment or management of disease or other abnormal condition within or originating from the visual system."

" Expands treatment area from anterior segment to visual system.

" Permits use of Schedule III drugs approved by the Board.

" Increases continuing education hours from 20 to 25.

HB 171 - This bill's impact is very similar to HB 130 in that it requires that any criminal offense must be "substantially related" to the profession before any sanctions can be imposed. We would have to adopt rules and identify each criminal offense that is substantially related within 90 days of the effective date of the bill.

The Board was introduced to our new Assistant Attorney General, Aaron Epstein. We look forward to a long and effective working relationship with Aaron.

Mr. Everhart asked the Board to consider going on record concerning their support or opposition to HB 149, the Scope Bill. After a brief discussion Dr. Barger made a motion to support the proposed legislative changes contained in HB 149. Ms. Scharf seconded the motion and the motion was passed unanimously.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the March 21, 2007 Board meeting. Three new complaints were received during this period with one of the complaints being finalized. Two complaints were pending prior to the March 21, 2007 meeting and are still pending. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the three complaints that were filed, thirty-two on site inspections were conducted, one advertising violation letter was sent out and completed, and seven office inquiries/office complaints were initiated and completed. The staff traveled 1,213 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 list of the violation was provided to the Board for their information. (Annex F.)

Other Investigative Matters

Complaint 2007-04. The complainant in this matter appealed the determination made by the supervising Board member that no Ohio Optometry Board Laws or Administrative Rules were violated as the result of the investigation of the complaint. The complaint and investigation were reviewed and discussed by the full Board. A motion was made by Dr. Riles, that after review, the Board agrees with the finding of the supervising Board member that no Ohio Optometry Board Laws or Administrative Rules were violated by the optometrist. The motion further directed the Board staff to correspond with the complainant and advise him of this action. Dr. Roark seconded the motion. The Board voted on the motion with Drs. Barger, Hyde, Roark, Riles and Ms. Scharf voting yes. Dr. Workman abstained. Motion passed.

OC-07-04 and OC-07-05. Both dealt with the release of valid Rx upon a proper request by the patient. The Board contacted and assisted a doctor's office in the proper procedure for the release of a prescription in a reasonable time. The second dealt with releasing the Rx if the patient had received a free exam. Patient, upon completion of examination and diagnosis by the doctor and payment of any professional fee, is entitled to a copy of the Rx. As no fee was involved, patient was entitled to Rx.

OI-07-07. Inquiry was made to the Board if it was illegal or unethical for a doctor to use a valid spectacle prescription and fit a patient for contacts. After discussion, Board held no violation of Board Laws or Rules. Doctor must use professional judgment and conduct proper exam, procedures for fitting, and complete diagnosis to produce a valid contact lens Rx.

Approve Expenses

A motion was made by Dr. Riles 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 next Board meeting date is July 11, 2007.

Adjourn

Dr. Barger made a motion to adjourn the meeting which was seconded by Ms. Scharf. The Board passed the motion and the meeting adjourned at 11:32 a.m.