

**Ohio State Board of Optometry  
Board Meeting**

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

**May 25, 2016 at 9:30 a.m.**

**President Presiding**

Board President, Thomas E. Nye, O.D. convened the meeting at 9:30 a.m. The meeting was held in the 31<sup>st</sup> floor Boardroom of the Vern Riffe Center.

**Roll Call**

Present for the meeting were:

Thomas E. Nye, O.D., Board President  
Cheryl Archer, O.D., Board Secretary  
Jeff Fogt, O.D., Board Member  
Thomas Bobst, O.D., Board Member  
LaMar Zigler, O.D., Board Member  
Mr. Jeffrey Greene, Executive Director  
Mr. David Bailey, Investigator  
Mrs. Lopez-Wellman, Administrative Assistant

The following persons were also in attendance at the meeting: David Corey representing Luxottica; Keith Kerns representing the Ohio Optometric Association; Gary and Linda Fitzgerald from the Opticians Association of Ohio and Ms. Emily Pelphrey and Mr. Alex Armitage from the Attorney General's Office.

**Approve Minutes**

Dr. Nye called for a motion on the minutes of the March 30, 2016 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Archer. The motion was then passed by the Board.

**New Licensees**

Dr. Nye advised that there were 49 applications completed for licensure. After review of the applications, Dr. Fogt made a motion that the 49 applicants be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Zigler and passed by the Board.

Dr. Nye advised that there were 20 applications for licensure with missing material. After review of the applications Dr. Zigler moved that the 20 applicants be granted Ohio

optometric and therapeutic licensure upon receipt of their missing materials. Motion was seconded by Dr. Archer and passed by the Board.

There was one application submitted for approval, however because the applicant failed the NBEO four times and according to 4725.15 of the ORC the Board shall not consider reviewing the application. The Board discussed in length the possibility of modifying the wording.

The Board then reviewed one completed application for licensure reinstatement. Dr. Zigler moved that Derek A. Gresko, O.D. be granted reinstatement of his Ohio optometric and therapeutic license. Motion was seconded by Dr. Archer and passed by the Board.

The Board then reviewed one application for licensure reinstatement with missing material. After review of the application Dr. Zigler moved the Dr. Joseph R. Woodley, O.D. be granted reinstatement of his Ohio optometric and therapeutic license upon receipt of his missing materials. Motion was seconded by Dr. Archer and passed by the Board.

### **Continuing Education**

Dr. Zigler made a motion that courses 2016-0147P through 2016-162P be approved as listed. Motion was seconded by Dr. Archer and passed by the Board.

The Board reviewed one continuing education waiver for CE year 2016. Dr. Bobst made a motion to approve the waiver. Motion was seconded by Dr. Zigler.

### **Therapeutic Optometry Matters**

Dr. Archer reported that there was no Drug Induced Side Effects to Report (DISER).

### **Administration**

NBEO Reports:

ARBO Report: Dr. Bobst updated the Board on his Cope Committee meeting he attended in Chicago in April. The meeting covered the accreditation process of CE, length of CE courses, live webinars and more.

AOA Report – No discussion.

OOA Report: Keith Kerns

He provided a legislative update for ongoing legislation related to optometry including:

House Bill 275, Senate Bill 216 and Senate Bill 129

Mr. Kerns also updated the Board regarding the favorable vote by the Sunset Review

Committee to combine our Board with the Optical Dispenser's Board.

He also provided information about the loan repayment program, which could provide up to \$5,000 per year toward student loans and that the deadline for applications was July 1.

Mr. Greene presented the following to the Board:

A request from Dr. Ross Collins to allow licensed optometrists from out-of-state to assist in a free medical clinic at the Dayton Convention Center over Labor Day weekend. After much discussion, it was determined that at this time the request could not be granted due to our current laws and rules. However, the Board may have legislation in the near future for other issues and could include language for allowing out-of-state licensed optometrists to assist with similar events.

The Board had a discussion regarding our current law 4725.15. Failing examination or part four times. At this time no action was taken, but there was discussion that should there be other legislation in the future, the Board may entertain a possible amendment to the wording contained in the law.

The Board was presented with a news release regarding Babcock Eye Care in Portsmouth celebrating 100 years in business. House Representative Terry Johnson provided Mr. Greene with a Proclamation for this outstanding achievement. Mr. Greene is going to deliver the Proclamation on Friday, May 27<sup>th</sup> during their open house.

The Board also had discussion about a doctor's request to prescribe Gabapentin for relief from neuropathic pain. The Board concurred that the use of Gabapentin was permitted in our laws and rules.

President Nye called for a motion for the Board to enter Executive Session to discuss two investigative matters. Dr. Archer moved that the Board enter Executive Session and asked that Ms. Pelphrey, Mr. Greene, Mrs. Lopez-Wellman and Mr. Bailey remain in the room. Dr. Bobst seconded the motion. Mr. Greene took a roll call vote with all members being in attendance. The motion was passed and the Board entered Executive Session at 12:10 p.m.

After discussion the Board returned to the public meeting at 12:47 p.m. President Nye called for a motion to adjourn Executive Session. Dr. Fogt made a motion to adjourn Executive Session. Dr. Zigler seconded the motion. Motion passed.

No actions or motions were made at this time.

### **Patient Complaint Investigations**

The board members reviewed the summary of patient complaints (7a & b) received since March 30, 2016. Twelve new complaints were received during this time period. Ten of these new complaints have already been resolved, with two remaining active and open. Two additional complaints from early 2016 were resolved during this time period

as well. Two complaints, one from 2015, and the other from early 2016, remain open and pending. Both of these pending complaints have been referred to other agencies.

The Investigator Activity Report (7c) was reviewed by the board members. One on-site inspection was conducted during this time period. No advertising letters were sent during this period. One informal complaint was received and finalized. The investigator traveled approximately 468 miles during this period.

### **Optometric Advertising Violations**

No formal advertising complaints were received during this time period.

### **Other Investigative Matters**

There are none to report.

### **Approve Expenses**

A motion was made by Dr. Bobst and seconded by Dr. Zigler to approve the Board member's expenses for this meeting. The motion was passed by the Board.

### **Board Meeting Dates**

The date of the next meeting is September 14, 2016.

### **Adjourn**

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

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Thomas E. Nye, O.D.  
Board President

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Cheryl Archer, O.D.  
Board Secretary