

**Ohio State Board of Optometry
Board Meeting**

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

June 10, 2015 at 9:30 a.m.

President Presiding

Board President, Jeff Fogt, O.D. convened the meeting at 9:40 a.m. The meeting was held in the 31st floor Boardroom of the Vern Riffe Center.

Roll Call

Present for the meeting were:

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

The following persons were also in attendance at the meeting: David P. Corey, PACA; Hartwell Marable, The Success Group; Keith Kerns, representing the Ohio Optometric Association; and Ms. Emily Pelphrey from the Attorney General's Office; David Bailey.

Approve Minutes

Dr. Fogt called for a motion on the minutes of the March 11, 2015 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Zigler. The motion was then passed by the Board.

New Licensees

Dr. Fogt advised that there were 60 completed applications for licensure. After review of the packets, Dr. Archer made a motion that the applicants listed in 3. a. be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Bobst and passed by the Board.

The Board discussed licensure applicants.

The Board then reviewed eight applications for licensure with missing material. Dr. Nye moved that Leiseane P. Almeida, O.D., Erica D. Baranwall O.D., Nathan L. Cheung O.D., Glen B. Lojka O.D., Jessica E. Lybarger O.D., Sonya M. Park, O.D., Sonali M.

Patel O.D., and Katherine Scullion O.D. be granted Ohio optometric and therapeutic licensure upon receipt of their missing material. Motion was seconded by Dr. Bobst and passed by the Board.

The Board next reviewed two completed application for licensure reinstatement. Dr. Archer moved that Timothy D. Donovan, O.D. and William A. Zurkey, O.D. be granted reinstatement of his Ohio optometric and therapeutic license. Motion was seconded by Dr. Zigler and passed by the Board.

The Board then reviewed one application for licensure reinstatement with missing material. Dr. Nye moved that April L. Marquardt, O.D. be granted reinstatement of her Ohio optometric and therapeutic license upon receipt of the missing material. Motion was seconded by Dr. Bobst and passed by the Board.

The Board reviewed one reinstatement application lacking all material. Dr. Nye moved that Seema Lengade, O.D. application be tabled until the September Board meeting. Motion was seconded by Dr. Bobst and passed by the Board.

Dr. Fogt called for a motion to enter Executive Session at 10:53 a.m. Dr. Archer made the motion to enter to Executive Session to discuss a licensure application matter. Motion was seconded by Dr. Bobst. Motion passed and the Board entered Executive session. Ms. Pelphrey, Mr. Greene and Mrs. Lopez-Wellman all were asked to remain in the Executive Session. At 11:17 a.m. the Executive Session was complete and the regular meeting was continued.

Upon returning to the public meeting the Board tabled the application and requested the applicant attend the September Board meeting to address the Board.

Continuing Education

Dr. Fogt made a motion that courses 2015-133P through 2015-183P be approved as listed. Motion was seconded by Dr. Archer and passed by the Board.

Board reviewed the COPE – Call for Comment regarding accrediting continuing education. Dr. Bobst provided additional information. No action was taken.

Therapeutic Optometry Matters

Dr. Zigler reported that there were no drug-induced side effect reports received since the March 23, 2015 Board meeting.

Administration

NBEO Reports – No discussion.

ARBO Report:

AOA Report:

OOA Report: Keith Kerns provided legislative update for several ongoing bills related to optometry including:

Ohio Vision Services Act

Board of Optometry absorbing the Optical Dispenser's Board

Medicaid Funding

House Bill 157 – regarding forming a Health Professional's Board

House Bill 213 – regarding changing the CE year and renewal from 1 year to every 2 years.

Sales Tax

Mr. Greene presented the following to the Board:

The Board reviewed language from the Ohio Attorney General regarding the United States Supreme Court decision which involved the North Carolina Dental Board.

Updated the Board on budget testimony with the Senate.

Had the Board approved an updated payroll procedure.

Reviewed correspondence from the AOA regarding the certification of Internet Eyeglass Sellers.

Provided an update of the amended rule 4725-16-03 and the letter of support from the Ohio Ophthalmological Society.

Provided the Board with an update of the last rules which require a 5 year review (4725-13-02 through 06). Mr. Greene advised the rule package has been files with JCARR.

Reminded the Board members to complete their ethics training by the December Board meeting. Requested the Board review a previous decision in 2009 from the Board addressing the Pupillary Distance measurement and release to patients. The Board chose to keep the same policy regarding the "PD" release. If it's contained in the patient's file, then it is to be released. If it is not in the record, the O. D. can charge a fee to take the measurement for the patient.

Updated the Board on correspondence regarding DEA registration for those holding a valid DEA certificate and the need to update the registration with the scheduling changes by the FDA with regards to controlled substances.

Provided the Board with an update of the recent audit.

In following up on the April 23, 2015, hearing regarding the license of Douglas J. Wine, O. D., the Board heard from Dr. Wine and his counsel, Elizabeth Collis, regarding reinstatement of his license to practice optometry in the State of Ohio. Each was permitted 15 minutes to address the Board and the Board's counsel, Assistant Attorney General Emily Pelphrey addressed the Board.

Dr. Fogt called for a motion to enter Executive Session at 12:50 p.m. Dr. Archer made the motion to enter to Executive Session to discuss a licensure application matter. Motion was seconded by Dr. Bobst. Motion passed and the Board entered Executive session. Mr. Greene and Mrs. Lopez-Wellman all were asked to remain in the Executive Session. At 2:35 p.m. the Executive Session was complete and the regular meeting was continued.

Upon returning to the public meeting, the Board moved to permanently revoke Dr. Wine's license to practice optometry in the State of Ohio.

Patient Complaint Investigations

There were two patient complaints pending for this meeting.

Optometric Advertising Violations

There were no advertising violations reported during this period.

Other Investigative Matters

There were no other investigative matters for this meeting.

Approve Expenses

A motion was made by Dr. Fogt 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 date of the next meeting is September 16, 2015.

Adjourn

Dr. Nye made a motion to adjourn the meeting which was seconded by Dr. Bobst. The Board passed the motion and the meeting adjourned at 3:00 p.m.

Jeff Fogt, O.D.
Board President

Thomas Nye, O.D.
Board Secretary