

**Ohio State Board of Optometry
Board Meeting**

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

June 11, 2014 at 9:30 a.m.

President Presiding

Board President, Thomas Bobst, 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:

Thomas Bobst, O.D., Board President
Jeff Fogt, O.D., Board Secretary
Cheryl Archer, O.D., Board Member
Michael Everhart, Board Member
Thomas Nye, O.D., Board Member
Stanley Warn, O.D., Board Member
Mr. Jeffrey Greene, Executive Director
Mr. Brian Landis, Investigator
Mrs. Nancy Ott, Administrative Assistant

The following persons were also in attendance at the meeting: Jennifer Flatter from The Success Group; David Corey representing Luxottica; Rick Cornett and Rebecca Brown, O.D. representing the Ohio Optometric Association; Mr. Henry Appel from the Attorney General's Office, and Wendy Hauteman and Lisa Palombo-Fields from VSP. Jonathan Warner, O.D. was present for the VSP presentation.

Approve Minutes

Dr. Bobst called for a motion on the minutes of the March 12, 2014 Board meeting. Dr. Archer moved to approve the minutes which was seconded by Dr. Fogt. The motion was then passed by the Board.

New Licensees

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

Dr. Bobst advised that there were six applications for licensure with missing material. Dr. Warn moved that the six applicants listed in Annex A be granted Ohio optometric and therapeutic licensure upon receipt of their missing material. Dr. Fogt seconded the motion and motion was passed.

Dr. Bobst advised that there were two applications for licensure via endorsement. Dr. Nye moved that Luis E. Padilla-Zapata, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of verification of therapeutic practice as a Professor at Inter American University and through an ophthalmology practice. The motion was seconded by Dr. Fogt and passed by the Board. Dr. Nye also moved that Eli Dragisich, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of his missing material. Dr. Warn seconded the motion and motion passed.

The Board next reviewed three completed applications for licensure reinstatement. Mr. Everhart moved that Heidi Mayer, O.D., Elizabeth Ronau, O.D. and Douglas Widmer, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses. Motion was seconded by Dr. Warn and passed by the Board.

Continuing Education

Mr. Everhart explained the recap on continuing education courses received at the Board office since the March 12, 2014 meeting. (Annex B) Mr. Everhart made a motion that courses 2014-134P through 2014-181P be approved as listed. Motion was seconded by Dr. Warn and passed by the Board.

The Board discussed a waiver request from an Ohio licensed optometrist who is currently residing out of the country. The request was for all 25 hours to be completed on line. Dr. Archer moved that this request be approved and was seconded by Dr. Warn. Motion was passed by the full Board.

Therapeutic Optometry Matters

Dr. Fogt reported that there were no drug-induced side effect reports received since the March 12, 2014 Board meeting.

Administration

A.A.G. Emily Pelphrey was unavailable to attend and sent A.A.G. Henry Appel in her absence.

NBEO Reports – nothing to report.

OOA Reports – Rick Cornett provided a legislative update for several ongoing bills related to optometry. He also advised the Board of the VSP Foundation – Vision USA Ohio grant the OOA is receiving in August of this year to provide new graduates and doctors who were licensed prior to 1992, continuing education assistance.

Mr. Greene presented the following to the Board:

Discussion on O.A.C. 4725-5-03 regarding requirements for legal name changes and with the review by A.A.G. Appel, it was determined that if someone wanted to practice in their maiden name after marriage, they could do so and would not be required to have a new license issued.

The Board was provided a rules update, including information about the Public Hearing on May 14, 2014 and recent JCARR hearings. The Board also reviewed the proposed military rules that are currently in the CSI process.

The Board reviewed language to update the procedure manual for the Executive Director's Duties. Some discussion was completed and nothing was finalized at this time.

The Board reviewed information about adding the requirement for an applicant for reinstatement completing a background check. Mr. Everhart asked for further review from our A.A.G. prior to implementing this requirement.

The Board again reviewed a Board Certification Policy Statement that was changed from the March meeting. After discussion, Dr. Fogt made a motion to approve the new wording in the policy statement. Motion was seconded by Dr. Nye and was approved by the Board.

The Board was provided information regarding the purchase of Latisse online from California and that the information was forwarded to the A.A.G.'s Consumer Fraud Division.

There was discussion about doctors writing window tint prescriptions and the Board was provided a recommendation from the OSU College of Optometry. The Board decided not to adopt a policy statement at this time.

The Board reviewed recent legislation passed out of committee regarding prescribing Hydrocodone and language in the bill (483) that would allow optometrists with a DEA certificate to continue to prescribe Hydrocodone if the FDA goes forward with moving it from a Schedule III controlled substance to a Schedule II. The bill will likely move forward in September.

The Board was provided an update regarding OE Tracker changes and our current policies with the use of OE Tracker. Beginning in July OE Tracker is going to charge doctors to upload C.E. from sources like CPR, Grand Rounds, etc.

The Board reviewed an example of Frequently Asked Questions (FAQ'S) that is going to be placed on the Board's website.

The Board was provided direction from the Center for Medicaid and Medicare that requires their records be held for ten years, while our rule is seven years.

There was discussion about online refractions and their legality. No action was taken.

VSP had two representatives, Lisa Palombo-Fields, V.P. & Deputy General Counsel and Wendy Hauteman, Sr. V.P. Global Strategic Marketing, present from California in response to concerns about their "Premier Program." Also present was Dr. Jonathan Warner, an Ohio licensed optometrist who brought this issue before the Board.

There was a lengthy discussion about if a participating optometrist in the Premier Program was in violation of our Puffery rule (4725-5-13). The Board asked the representatives from VSP to consider a few changes to the program that would remedy the question. The VSP reps advised they would take the information back for discussion and would follow-up with us.

Patient Complaint Investigations

The Board reviewed the recap of patient complaints which were received since the last Board meeting on March 12, 2014. One new complaint was received during this period with an additional complaint pending. Two complaints have been finalized during this same period. The pending complaint has been discussed with the Board member supervising and will be finalized in the future. (Annex C)

The Investigator's Activity Report (Annex D) was reviewed with the Board members. In addition to the five complaints which have been opened this year to date, there were 34 on-site inspections completed which resulted in four with minor violations noted. The mileage traveled by staff members has been 1,085 year to date.

Optometric Advertising Violations

There was one advertising violation reported during this period. This violation was discovered while searching on-line for optometrists in a particular city when planning on-site inspections. The matter has been discussed with the optometrist involved and they are working with their advertising agency to remedy this issue. (Annex E)

Other Investigative Matters

There were no other investigative matters.

Approve Expenses

A motion was made by Mr. Everhart and seconded by Dr. Warn 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 17, 2014.

Adjourn

Dr. Fogt made a motion to adjourn the meeting which was seconded by Mr. Everhart. The Board passed the motion and the meeting adjourned at 1:35 p.m.

Thomas Bobst, O.D.
Board President

Jeff Fogt, O.D.
Board Secretary