

**Ohio State Board of Optometry
Board Meeting**

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

June 12, 2013 at 9:30 a.m.

President Presiding

President Warn convened the meeting at 9:35 a.m. The meeting was held in the Boardroom on the 31st floor of the Vern Riffe Center.

Roll Call

Present for the meeting were:

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

The following persons were also in attendance at the meeting: Dewey Guida from WalMart; Jennifer Flatter from The Success Group; David Corey representing Luxottica; Linda Fette and Michael Earley, O.D. representing the Ohio Optometric Association; Mr. Zach Barnhart and Ms. Charissa Payer from the Attorney General's Office.

Approve Minutes

President Warn called for a motion on the minutes of the March 13, 2013 Board meeting. Dr. Riccio moved to approve the minutes which was seconded by Dr. Bobst. The motion was then passed by the Board.

New Licensees

Dr. Warn advised that there were 47 completed applications for licensure as listed in Annex A. After review of all packets Dr. Riccio made a motion that the 47 applicants listed in Annex A with all materials submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Bobst and passed by the Board.

There were seven applications pending due to missing material. Dr. Riccio made a motion that the seven pending applicants listed in Annex A be granted Ohio optometric and therapeutic licensure upon receipt of the missing material. Dr. Fogt seconded the motion. Motion passed.

Applicant Sophia Fotinos, O.D. wrote a letter to the Board requesting a waiver of the 30 hours of remedial training in Part 3 due to no course being available for her to take. After discussion Mr. Everhart made a motion to grant Dr. Fotinos Ohio optometric and therapeutic licensure upon receipt of receiving from her documentation that she completed 30 hours of personal study in preparation of retaking Part 3. Dr. Riccio seconded the motion and passed by the Board.

The Board next reviewed two applicants for licensure reinstatement. Dr. Riccio moved that Jonathan Culp, O.D. and David Huyandy, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses. Motion was seconded by Dr. Bobst and passed by the Board.

Continuing Education

Dr. Fogt explained the recap on continuing education courses received at the Board office since the March 13, 2013 meeting. (Annex B) There were 48 courses reviewed. Dr. Fogt made a motion that courses 2013-151P through 2013-198P be approved as listed. Motion was seconded by Dr. Riccio and passed by the Board.

Therapeutic Optometry Matters

Dr. Nye explained to the Board a summary of the one drug-induced side effect report received since the March 13, 2013 Board meeting.

Administration

NBEO Reports – Nothing to report.

ARBO Report – Dr. Riccio made a motion to approve the expenses for Dr. Bobst and Mr. Greene for their attendance at the ARBO Conference in San Diego, California June 23-25, 2013. Mr. Everhart seconded the motion. Motion passed.

AOA Reports – Mr. Greene provided the Board with a letter written by Dr. James Scholles, an optometrist, voicing his concerns about online dispensing of eyeglasses. Dr. Scholles had sent the same letter to the AOA asking them to “take a strong stand” about regulating these companies. No action was taken by the Board.

Mr. Greene provided the Board with an updated list of ACOE approved Accredited Optometric Colleges (Annex C.) There are now a total of 23 qualifying schools of optometry. Dr. Fogt made a motion to approve the updated list. Motion was seconded by Dr. Riccio. Motion was passed by the Board.

OOA Reports – Linda Fette shared the following information:

- It appears that the sales tax on glasses and contacts has been removed from the budget bill
- Representative Gonzales is eliminating optometrists from the provider I.D. bill
- Optical Dispensers Board bill to eliminate two positions on their Board is not currently moving forward
- Telemedicine is going to include optometry
- The OOA recognized Jeff May for his hard work and dedication in light of his announcement to retire on July 26th

Mr. Greene updated the Board on the following:

- Senate budget testimony
- Law changes in the current budget bill:
 - 4725.03 – lowering the age of the public member of the Board from 60 years of age to 50 years of age.
 - 4725.16 – updating the law to include language for the use of electronic mail and website posting.
- House Bill 98 – which added language to 4725.16 regarding military service
- Board Certification Policy Statement – Tabled until the September Board Meeting
- Guidelines for Prescribing for the Treatment of Pain Policy Statement regarding efforts of the Governor’s Cabinet Opiate Action Team. Mr. Everhart made a motion to approve this policy. Motion seconded by Dr. Fogt. Motion passed. The policy statement will be sent out to all Ohio licensed optometrists and put on our website along with information regarding the Ohio Automated Rx Reporting System (OARRS).
- Prokera Biological Corneal Bandage. The Board agreed that the medical device is within the scope of practice.
- The Board was updated on the five-year rule review currently in the process of being completed.
- The Board was provided an overview of the Minimum Data Set for Health Professionals from the Health Policy Institute of Ohio and also a sample draft of the questions optometrists will have to complete during the renewal process. No action was taken on this initiative at this time, but will be necessary in the near future.
- The Board was given an update on the current biennial audit being conducted by the Auditor of the State of Ohio. One extremely minor issue was identified and has been corrected. Dr. Bobst made a motion to approve the Payroll Policy. Motion was seconded by Dr. Riccio and passed. Mr. Greene recognized Nancy Ott for her attention to detail in the processes inspected by the Auditor and expressed his deep gratitude for her quality of work.
- The Board was provided with an update of our current budget, FY13, and what expenses remain. After all expenses have been encumbered and the final payroll completed, there should be a very minimal dollar amount remaining.

Mr. Greene provided Board President with a plaque for Investigator Jeff May who is retiring on July 26, 2013. President Warn recognized Mr. May for his twelve years of dedicated and faithful service to the citizens of the State of Ohio. Everyone present gave Mr. May a standing ovation. He will be sorely missed.

Assistant Attorney General Charissa Payer discussed a request from an attorney who requested a formal decision from the Board about an optometrist forming a Trust for his optometric practice. The attorney cited an Ohio Attorney General's Opinion 85-065 from 1985, which the Board was provided a copy for their review. After discussion, the Board agreed to approve the forming of the Trust as long as the A.G.'s Opinion was followed. The Board instructed Mr. Greene to forward a letter to the attorney requesting the review with that information.

Assistant Attorney General Allan Showalter conducted an Ohio Open Meetings Act training session for the Board members and the Board staff.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the March 13, 2013 Board meeting. Eight new complaints were received during this period with three of the complaints being finalized and five pending investigation. Two complaints were pending prior to the March 13, 2013 meeting and both were completed prior to this meeting (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. In addition to the eight complaints that were filed, thirty-seven on-site inspections were conducted. One advertising letter was sent out and is completed. Six office inquiry/office complaints were initiated and completed. The staff traveled 2,415 miles during the period. There were no completed complaints for the Board to review.

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 nature of the violation was provided to the Board for their information (Annex F.)

Other Investigative Matters

There were no other investigative matters.

Approve Expenses

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

Board Meeting Dates

The next Board meeting is scheduled for September 18, 2013.

Adjourn

Dr. Riccio made a motion to adjourn the meeting which was seconded by Dr. Nye. The Board passed the motion and the meeting adjourned at 11:55 a.m.

Stanley Warn, O.D.
Board President

Thomas Bobst, O.D.
Board Secretary