

**Ohio State Board of Optometry
Board Meeting**

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

June 17, 2008 at 9:30 a.m.

President Presiding

Beth Workman, O.D., Board President, convened the meeting at 10:01 a.m. after conducting a public hearing on the amended, rescinded and proposed administrative rules. The meeting was held in Room West B & C, 31st floor of the Vern Riffe Office Tower.

Roll Call

Present for the meeting were:

Beth Workman, O.D., Board President
Rhonda Riles, O.D., Board Secretary
Larry Barger, O.D., Board Member
Gary Hyde, 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: Mr. Rick Cornett representing the Ohio Optometric Association, Mr. Todd Baker from the Ohio Ophthalmological Society, and Ms. Katherine Bockbrader from the Attorney General's Office.

Approve Minutes

President Workman called for a motion on the minutes of the April 16, 2008 Board meeting. Dr. Barger made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Hyde seconded the motion and it was passed by the Board.

New Licensees

Mr. Everhart advised that there were three applications for licensure as listed in Annex A. After review of the packets Dr. Barger made a motion that the applicants listed in Annex A with all material submitted be granted Ohio optometric and therapeutic

licensure. The motion was seconded by Dr. Roark and passed by the Board. Dr. Hyde made a motion that the one applicant listed in Annex A with missing material be granted Ohio optometric and therapeutic licensure pending receipt of the required material. Dr. Riles seconded the motion and it was passed by the Board.

There was one applicant for licensure by endorsement, Robert Farrell, O.D. from Michigan. After review of the packet, Dr. Riles made a motion to grant Ohio optometric and therapeutic licensure by endorsement to Dr. Farrell upon receipt of his Michigan verification of licensure. Motion was seconded by Dr. Barger. The motion was passed by the Board.

The Board next reviewed two applicants for licensure reinstatement. Ms. Scharf moved that Lara Leach, O.D. be granted reinstatement of her Ohio optometric and therapeutic license upon receipt of her Washington verification of licensure. Motion was seconded by Dr. Riles and passed by the Board. Dr. Barger moved that Maurice Valentini, O.D. be granted reinstatement of his Ohio optometric and therapeutic license upon receipt of his continuing education requirements. Motion was seconded by Dr. Roark and passed by the Board.

Continuing Education

Dr. Roark explained the recap on continuing education courses received at the Board office since the April 16, 2008 meeting. (Annex B.) There were 24 courses reviewed.

Dr. Roark made a motion that courses 2008-146P through 2008-169P be approved as listed. Motion was seconded by Dr. Barger and passed by the Board.

Therapeutic Optometry Matters

Dr. Hyde provided an overview of one drug-induced side effect report received since the April 16, 2008 meeting. (Annex C.)

Licensure Matters

President Workman called for a motion for the Board to enter Executive Session to discuss a matter that is subject to pending or imminent court action. Dr. Hyde moved that the Board enter Executive Session to discuss a matter that is subject to pending or imminent court action. Dr. Hyde asked that Ms. Bockbrader, Mr. Everhart and Mr. May remain in the room. Dr. Barger seconded the motion.

President Workman directed Mr. Everhart to take a roll call vote: President Workman, yes; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes. The motion was passed and the Board entered Executive Session at 10:11 a.m.

The Board returned to open meeting at 10:20 a.m. Mr. Everhart stated "you have before you a Consent Agreement on Case 2008-08 involving an optometrist who engaged in the practice of optometry between the time period of January 1, 2008 until

March 27, 2008 without the authority to do so.” President Workman called for a motion to accept the proposed Consent Agreement. Dr. Roark moved to accept the proposed Consent Agreement in Case 2008-08. Ms. Scharf seconded the motion. President Workman advised Mr. Everhart to call for a vote on the motion. President Workman, yes; Secretary Riles, abstain; Dr. Barger, yes; Dr. Hyde, yes; Dr. Roark, yes; Ms. Scharf, yes. The motion was passed by the Board.

Administration

Dr. Barger advised that due to flight delays he was unable to attend the COPE meeting where they were to discuss the new proposed rules on continuing education. However, based on input from several stakeholders, COPE has decided to allow for further discussion on the new requirements.

Mr. Cornett addressed the Board on behalf of the Ohio Optometric Association. He discussed matters related to the HB 125, the Health Simplification Act, grant applications, activities at the AOA and the current concern over COPE’s proposed rules on continuing education.

Mr. Everhart addressed the Board concerning the written comments received from the Ohio Ophthalmological Association concerning the new rule on prescribing schedule III drugs. Mr. Everhart discussed each of the areas of concern and how each had already been addressed. Copy of the letter is Annex D.

Mr. Everhart advised the Board of his various contacts, letters and interactions with the Drug Enforcement Agency (DEA) concerning approval of Ohio optometrists to obtain DEA registration. The actions started on February 8, 2008 when a certified copy of HB 149 was sent to DEA and the latest was a telephone call on June 11, 2008 where we were advised Ohio optometrists are still on the “pending list.”

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the April 16, 2008 Board meeting. One new complaint was received during this period and is pending investigation. Nine complaints were pending prior to the April 16, 2008 meeting and four were completed at or prior to this meeting. Five complaints remain pending further investigation or administrative action by the Board. (Annex E.)

The Investigator's Activity Report, Annex F, was reviewed by the Board members. In addition to the one complaint that was filed, forty-one on-site inspections were conducted, one advertising violation letter was sent out and is pending a response and three office inquiries/office complaints were initiated and completed. The staff traveled 1,833 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 has been sent out has not been responded to yet by the doctor. A list of the violation was provided to the Board for their information. (Annex G.)

Other Investigative Matters

Office Complaint OC-08-06. Doctor contacted Board and advised that optometrists working at a commercial/retail vision chain were in violation of Ohio Optometry Board Laws and Administrative Rules regarding flat rate leasing by optometrists and a general corporation. The Investigator inspected six locations, interviewed nine optometrists and reviewed their leases. All doctors had proper flat rate leases currently in effect. No evidence was found that the optometrists were employees of a general corporation.

Approve Expenses

A motion was made by Dr. Hyde and seconded by Ms. Scharf 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 is scheduled for July 9, 2008.

Adjourn

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

Beth Workman, O.D.
Board President

Rhonda Riles, O.D.
Board Secretary