

**Ohio State Board of Optometry
Board Meeting**

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

July 11, 2012 at 9:30 a.m.

President Presiding

President Riccio convened the meeting at 9:30 a.m. The meeting was held in Room East B on the 31st floor of the Vern Riffe Center.

President Riccio introduced Kathy Bockbrader, Senior Assistant Attorney General, who was filling in for Lisa Eschbacher.

Roll Call

Present for the meeting were:

Karen Riccio, O.D., Board President
Stanley Warn, O.D., Board Secretary
Thomas Bobst, O.D., Board Member
Jeff Fogt, O.D., Board Member
Dennis Roark, O.D., Board Member
Patricia Scharf, 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: Todd Baker representing the Ohio Ophthalmological Society; David Corey representing Luxottica; Ms. Kathy Bockbrader from the Attorney General's Office and Rick Cornett representing the Ohio Optometric Association.

Approve Minutes

President Riccio called for a motion on the minutes of the April 11, 2012 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Roark. The motion was then passed by the Board.

New Licensees

Dr. Riccio advised that there were 66 completed applications for licensure as listed in Annex A. Discussion was held regarding an applicant who originally failed to disclose a prior arrest. A "Letter of Concern" is to be written to the applicant addressing the concerns the Board had regarding the failure to disclose this information. After review of all packets Dr. Bobst made a motion that the 66 applicants listed in Annex A with all materials submitted be

granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Warn and passed by the Board.

There were two applications pending due to missing material. Dr. Warn made a motion that Sarah Cho, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of her FBI background check. Dr. Roark seconded the motion. Motion passed. Dr. Bobst made a motion that Jody Mathews, O.D. be granted Ohio optometric and therapeutic licensure upon receipt of passing scores from her NBEO exams. Dr. Warn seconded the motion. Motion passed.

The Board next reviewed two applicants for licensure reinstatement. Dr. Fogt moved that Catherine McDaniel, O.D. be granted reinstatement of her Ohio optometric and therapeutic license. Motion was seconded by Ms. Scharf and passed by the Board. Dr. Roark moved that Ryan Subler, O.D. be granted reinstatement of his Ohio optometric and therapeutic license upon receipt of a license verification from the State of Michigan. Dr. Fogt seconded the motion. Motion passed.

Discussion was held about the wording on our current licensure application regarding being found guilty of a violation of any law. It was decided to also add wording "including any alcohol or drug offenses."

Continuing Education

Dr. Warn explained the recap on continuing education courses received at the Board office since the April 11, 2012 meeting. (Annex B) There were 39 courses reviewed. Dr. Warn made a motion that courses 2012-172P through 2012-210P be approved as listed. Motion was seconded by Dr. Roark and passed by the Board.

The Board reviewed a request for waiver of continuing education requirements. The waiver was related to an optometrist who is out of the country for an extended period of time and was requesting to be permitted to do all 25 hours of C.E. on line. Dr. Roark moved to approve the waiver which would allow this doctor to complete all 25 hours of C.E. on line. Motion was seconded by Dr. Warn and then passed by the Board.

Therapeutic Optometry Matters

There were no drug-induced side effect reports received since the April 11, 2012 meeting.

Administration

There were no new updates for the NBEO.

Discussion was held regarding our law's requirement for 30 hours of remedial training after a fourth failure in any part of the NBEO exams. KMK Educational Services offers a refresher course for Part I and Part II of the NBEO exams. Motion was made by Dr. Fogt to grant a blanket approval for this course. Seconded by Dr. Warn and passed by the full Board.

ARBO Reports – Dr. Bobst gave an overview of the ARBO Annual Meeting in Chicago. He highlighted the NBEO testing process changes.

The Board discussed information about Salus University changing their academic program to 36 months and the wording in our current laws regarding “course of study of at least four academic years.”

Mr. Cornett addressed the Board having just attended the AOA Annual Meeting. He spoke to the Board on issues relating to House Bill 316, House Bill 257, Supreme Court ruling on the Healthcare Bill, House Bill 198, Ohio Health Information Plan, Ohio Peer Review Organization, Amblyopia Registry, Section 1115 Medicaid Waiver and discussed information obtained regarding AOA/ACOE continuing education at the Annual Meeting.

Mr. Greene discussed the implementation of OE Tracker beginning October 1, 2012.

The Board discussed adding a requirement for out of state licensure applicants to perform a self-query of the National Practitioners Data Bank at a cost of \$4.75 to the applicant.

Mr. Baker from the Ohio Ophthalmological Society brought to the attention of the Board members information on HB 143 which pertains to clearing athletes to participate in sports after a consultation.

A written request from an Ohio optometrist to allow her to hire a qualified person to apply false eyelashes in her optometric office was discussed. The Board agreed that this would be permitted.

Discussion was held regarding the current proposed rule package before the Common Sense Initiative Office and proposed wording in Rule 4725-5-10. David Corey was in attendance as a lobbyist for the National Association of Optometrists and Opticians and participated in some of the discussion. At the conclusion of the discussion Ms. Scharf made a motion to approve the final wording for rule proposal 4725-5-10 which is to be submitted to the Common Sense Initiative Office. Motion was seconded by Dr. Roark and approved by the Board.

At 12:35 p.m. a motion was called for by Dr. Bobst to enter Executive Session. Dr. Bobst made the motion to enter Executive Session to discuss the investigation of charges or complaints against two licensees. Motion was seconded by Dr. Roark. Motion passed and the Board entered Executive Session. Ms. Bockbrader, Mr. Greene, Mr. May and Mrs. Ott all were asked to remain in the Executive Session.

At 12:45 p.m. the Executive Session was complete and the regular meeting was continued.

Motion was made by Dr. Fogt to approve a Consent Agreement in case 2011-12. Ms. Scharf seconded the motion. Motion was passed with Dr. Roark abstaining.

Motion was made by Dr. Bobst to approve a Consent Agreement in case 2012-06. Dr. Fogt seconded the motion. Motion was passed with Dr. Riccio abstaining.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the April 11, 2012 Board meeting. Four new complaints were received during this period with three of the complaints being finalized. Five complaints were pending prior to the April 11, 2012

meeting. Four were completed prior to this meeting and the two remaining complaints were pending Board approval of Consent Agreements. (Annex C.)

The Investigator's Activity Report, Annex D, was reviewed by the Board members. In addition to the four complaints that were filed, fifty-five on-site inspections were conducted. Two advertising letters were sent out and both were completed. One office inquiry/office complaint was initiated and completed. The staff traveled 3,405 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 two advertising violation notification letters that had been sent out have both been responded to by the doctor that corrective action was being taken. A list of the violations was provided to the Board for their information. (Annex E.)

Other Investigative Matters

There were no items for Other Investigative Matters.

Approve Expenses

A motion was made by Dr. Roark 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 next Board meeting is scheduled for October 10, 2012.

Adjourn

Ms. Scharf made a motion to adjourn the meeting which was seconded by Dr. Warn. The Board passed the motion and the meeting adjourned at 12:55 p.m.

Karen Riccio, O.D.
Board President

Stanley Warn, O.D.
Board Secretary