

**Ohio State Board of Optometry
Board Meeting**

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

July 6, 2011 at 9:30 a.m.

President Presiding

President Roark convened the meeting at 9:40 a.m. The meeting was held in Room West B & C, 31st floor of the Vern Riffe Center.

Prior to roll call, Dr. Roark publicly expressed the Board's appreciation for the ten years of dedicated service that Dr. Larry Barger had provided and the great job he had done in each leadership position. Dr. Roark then acknowledged our new Board Member, Thomas M. Bobst, O.D. who replaced Leon Favede, O.D. whose term was not confirmed by the Senate.

A correction in the agenda was called to the attention of all in attendance. Item 13, Executive Director's Position, will be held in Executive Session.

Roll Call

Present for the meeting were:

Dennis Roark, O.D., Board President
Karen Riccio, O.D., Board Secretary
Larry Barger, O.D., Board Member
Thomas Bobst, O.D., Board Member
Patricia Scharf, Board Member
Stanley Warn, O.D., Board Member
Mrs. Nancy Ott, Administrative Assistant
Mr. Jeff May, Investigator

The following persons were also in attendance at the meeting: Rick Cornett and Linda Fette representing the Ohio Optometric Association; Todd Baker from the Ohio Ophthalmological Society; David Corey representing Luxottica; Ms. Yvonne Tertel from the Attorney General's Office and Mr. Jeff Greene.

Approve Minutes

President Roark called for a motion on the minutes of the April 13 2011 Board meeting. Dr. Riccio moved to approve the minutes which was seconded by Ms. Scharf. The motion was then passed by the Board.

New Licensees

Mrs. Ott advised that there were 71 completed applications for licensure as listed in Annex A. After review of the packets Dr. Bobst made a motion that the 71 applicants listed in Annex A with all materials submitted be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Riccio and passed by the Board.

There were three applications with missing material. After review, Dr. Riccio moved that the three applicants listed in Annex A with missing material be granted Ohio optometric and therapeutic licensure upon receipt of the necessary items. Dr. Bobst seconded the motion which was passed by the Board.

There was one applicant for endorsement. Dr. Barger moved that John Melnyk, O.D. from New York be granted Ohio optometric and therapeutic licensure via endorsement. Motion was seconded by Dr. Riccio and passed by the Board.

The Board next reviewed two applicants for licensure reinstatement. Dr. Barger moved that Samantha Hornberger, O.D. and Heidi Lacey, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses. Motion was seconded by Dr. Riccio and passed by the Board.

The Board then discussed a request by a licensure applicant. This applicant graduated from the OSU College of Optometry in 1997, however, she did not obtain an Ohio license upon graduation. She immediately moved to another state after graduation and practiced in that state for four years at which time she put her license on the inactive status. She has not practiced optometry for 10 years as she has been raising a family. She now wishes to obtain an Ohio license.

A review of the Ohio Optometry Laws and Rules by our Assistant Attorney General, Ms. Tertel, indicated that we have nothing in our law prohibiting this Board from granting her an Ohio license. She meets all of the requirements as a new licensee.

Dr. Riccio moved that a licensure packet be sent to this optometrist. Dr. Bobst seconded the motion. Motion passed.

Ms. Tertel did suggest that the Board may want to consider this as an item for a future Board meeting for possible rule changes.

Continuing Education

Dr. Barger explained the recap on continuing education courses received at the Board office since the April 13, 2011 meeting. (Annex B) There were 34 courses reviewed and approved. Dr. Barger made a motion that courses 2011-175P through 2011-208P be approved as listed. Motion was seconded by Dr. Riccio and passed by the Board.

The Board reviewed two waivers of continuing education requirements. The first waiver was related to an optometrist who is out of the country for an extended period of time. Dr. Barger moved to approve the waiver which was seconded by Ms. Scharf and then passed

by the Board. This doctor is still required to obtain ten hours of pharmacology continuing education.

The second waiver involved the ongoing health conditions of an optometrist. Dr. Riccio made a motion to approve the waiver. Ms. Scharf seconded the motion which was approved by the Board. This doctor had already completed fourteen hours of continuing education which included ten hours of pharmacology credit.

Therapeutic Optometry Matters

There were no drug-induced side effect reports received since the April 13, 2011 meeting.

The Board was asked to review a Therapeutic Pharmaceutical Agents Certification Course for an optometrist who is required to complete 30 hours of remedial training in the field of therapeutic pharmacology study. Northeastern State University College of Optometry is presenting a course July 7-16, 2011. After review of the curriculum submitted, Dr. Riccio made a motion that this course be accepted as fulfilling the remedial training requirements for this optometrist. Motion was seconded by Dr. Warn and passed by the Board.

Licensure Matters

President Roark called for a motion for the Board to enter Executive Session to consider the investigation of charges or complaints against a licensee. Dr. Barger moved that the Board enter Executive Session to consider the investigation of charges against a licensee. He requested that Ms. Tertel, Mrs. Ott and Mr. May remain in the room. Dr. Riccio seconded the motion.

President Roark directed Mrs. Ott to take a roll call vote: President Roark, yes; Secretary Riccio, yes; Dr. Barger, yes; Dr. Bobst, yes; Dr. Warn, yes; Ms. Scharf, yes. The motion was passed and the Board entered Executive Session at 10:25 a.m. Executive Session ended at 10:45 a.m. and the Board returned to open session.

Dr. Roark advised the Board that they had before them a Consent Agreement on Case 2010-25 involving an optometrist to impose discipline for "being addicted to the use of alcohol, stimulants, narcotics, or any other substance which impairs the intellect and judgment to such extent as to hinder or diminish the performance of the duties included in the person's practice of optometry." Dr. Roark called for a motion on the proposed Consent Agreement. Dr. Warn moved to accept the proposed Consent Agreement in Case 2010-25. Ms. Scharf seconded the motion. President Roark directed Mrs. Ott to take a roll call vote on the motion. Dr. Roark, abstain; Secretary Riccio, yes; Dr. Warn, yes; Dr. Bobst, yes; Ms. Scharf, yes; and Dr. Barger abstain. Motion passed.

Administration

Dr. Barger provided the Board with an overview of his recent attendance at the ARBO Annual Conference. He discussed updates on OE Tracker, Citizen Advocacy, continuing education, new legislation, optometry accelerated programs, etc. Dr. Barger thanked the Board for the opportunity to represent Ohio at the ARBO conferences over the past ten

years and encouraged the Board to continue to send a Board member and our new Executive Director.

Dr. Barger also discussed the results of the Board certification survey which was sent out in our Spring newsletter. The majority of the responses were not in favor of Board certification.

Board members were advised that the audit for fiscal years 2010-2011 had been completed. A copy of the report will be forwarded to each member as soon as it is received.

Mr. Cornett from the OOA addressed the Board on a wide range of topics including the AOA Congress, Board certification, East West Conference, healthcare in the new budget and proposed rule changes from the Optical Dispensers Board. Mr. Cornett also thanked Dr. Barger for his service as an Optometry Board member for the past ten years.

Ms. Tertel briefly discussed the Attorney General's Opinion 2011-022 and suggested that the Board table any further action until a new Director is in place. She also explained to the Board that HB 93 mentions the Optometry Board adopting rules to establish standards to be followed by a TPA optometrist regarding the review of patient information available through the drug database. This will be another item for further action.

Board members were advised that the C.E. rules have been final filed and will be effective October 1, 2011. Also the fee increase was included in the final budget which became effective July 1, 2011.

Board members were advised that the Board had received inquiries from several optometrists regarding the use of the word "certified" (4725-5-13 "Puffery") if they had passed the Board certification test given by the ABO. The Board decided that the word certified could be used as long as it says that they are "American Board of Optometry certified."

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the April 13, 2011 Board meeting. Four new complaints were received during this period with one of the four being finalized and three pending further investigation. Four complaints were pending prior to the April 13, 2011 meeting, two were completed prior to this meeting, one was completed at the meeting and one remains pending further investigation. (Annex C.)

The Investigator's Activity Report, Annex D, was reviewed by the Board members. In addition to the four complaints that were filed, twenty-nine on-site inspections were conducted. One advertising violation letter was sent out and completed. Two office inquiries/office complaints were initiated and completed. The staff traveled 1,279 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 had been sent out since the last meeting has been responded to by the doctor that corrective action was being taken. A list of the violation was provided to the Board for their information. (Annex E.)

Other Investigative Matters

The full Board reviewed complaint 2010-23 and upheld the original decision by the reviewing Board member that no Ohio Optometry Laws or Administrative Rules were violated.

OI-11-05 provided information regarding the closing of the United Optical outlets in northeastern Ohio. Patient records have been secured and area doctors have custody.

OI-11-06 was regarding an inquiry by an optometrist if carotid ultrasound was within the scope of practice under Section 4725 of the Ohio Revised Code. Information on same was provided to the Board and after discussion the Board made the determination that it was within their scope to perform the carotid ultrasound but the results would have to be interpreted by the appropriate health care professional. Information is available at www.HeartSmartEyeCare.com.

Approve Expenses

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

Date of the Next Board Meeting

The next scheduled Board meeting date is October 12, 2011.

Executive Director Position

President Roark called for a motion for the Board to enter Executive Session to consider the employment of a public employee. Dr. Riccio moved that the Board enter Executive Session to consider the employment of a public employee. He requested that Mrs. Ott and Mr. May remain in the room. Dr. Barger seconded the motion.

President Roark directed Mrs. Ott to take a roll call vote: President Roark, yes; Secretary Riccio, yes; Dr. Barger, yes; Dr. Bobst, yes; Dr. Warn, yes; Ms. Scharf, yes. The motion was passed and the Board entered Executive Session at 1:00 p.m. Executive Session ended at 2:30 p.m. and the Board returned to open session.

Dr. Riccio moved that the position of Executive Director be offered to Jeffrey W. Greene, step 4 of pay range 15, annual salary of \$75,130. Dr. Barger seconded the motion. President Roark called for a vote on the motion. President Roark, yes; Secretary Riccio, yes; Dr. Barger, yes; Dr. Bobst, yes; Dr. Warn, yes; Ms. Scharf, yes. The motion was passed.

Adjourn

Ms. Scharf made a motion to adjourn the meeting which was seconded by Dr. Riccio. The Board passed the motion and the meeting adjourned at 2:30 p.m.

Dennis Roark, O.D.
Board President

Karen Riccio, O.D.
Board Secretary