

**Ohio State Board of Optometry
Board Meeting**

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

July 9, 2008 at 9:30 a.m.

President Presiding

Beth Workman, O.D., Board President, convened the meeting at 9:46 a.m. after signing licensure certificates. The meeting was held in Room East B, 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
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 and Ms. Kristen Starr from the Attorney General's Office.

Approve Minutes

President Workman called for a motion on the minutes of the June 17, 2008 Board meeting. Dr. Barger made a motion to approve the minutes that had previously been mailed to all Board members for review. Dr. Riles seconded the motion and it was passed by the Board.

New Licensees

Mr. Everhart advised that there were 44 applications for licensure as listed in Annex A. After review of the packets Dr. Hyde 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. Barger and passed by the Board. Dr. Barger made a motion that the two applicants listed in Annex A with missing material be granted Ohio

optometric and therapeutic licensure pending receipt of the required material. Dr. Hyde seconded the motion and it was passed by the Board.

The Board received a letter from Dr. Ken Gortz concerning his pending application for reinstatement. At the January meeting the Board had determined it would be appropriate for Dr. Gortz to take and pass Part III of the NBEO prior to licensure reinstatement. Dr. Gortz had submitted a request for the Board to reinstate his license based on his test scores during the April examination. The Board determined the original motion would stand and that Dr. Gortz would have to take and pass Part III of the NBEO to further process his reinstatement application.

Continuing Education

Dr. Riles explained the recap on continuing education courses received at the Board office since the June 17, 2008 meeting. (Annex B.) There were 4 courses reviewed.

Dr. Riles made a motion that courses 2008-170P through 2008-172P and 2009-001P be approved as listed. Motion was seconded by Dr. Hyde and passed by the Board.

Therapeutic Optometry Matters

There were no drug-induced side effect reports received since the June 17, 2008 meeting.

Licensure Matters

President Workman called for a motion for the Board to enter Executive Session to consider the investigation of charges or complaints against a licensee. Dr. Hyde moved that the Board enter Executive Session to consider the investigation of charges or complaints against a licensee. Dr. Hyde asked that Ms. Bockbrader, Ms. Starr, 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; Ms. Scharf, yes. The motion was passed and the Board entered Executive Session at 10:15 a.m. Executive Session ended at 10:26 a.m. and the Board returned to open session.

Dr. Workman called for a motion to send a Notice of Opportunity in case 2007-14. Dr. Riles moved to send a Notice of Opportunity in case 2007-14 to an Ohio licensed optometrist who has been convicted of a felony. Dr. Hyde seconded the motion. President Workman called for discussion. President Workman then directed Mr. Everhart to call for a vote on the motion. President Workman, abstain; Secretary Riles, yes; Dr. Barger, yes; Dr. Hyde, yes; Ms. Scharf, yes. The motion was passed by the Board. Mr. Everhart was directed to prepare and send the Notice.

Administration

The Board members were provided with copies of the Ohio Revised Code and Administrative Rules relative to the required examination to practice optometry in Ohio. Due to the planned changes in the National Board of Examiners in Optometry examination, it will be necessary to review these areas to determine how it will affect our existing requirements. This is a result of restructuring National Board exams which will be implemented during 2009-10.

Dr. Barger provided an overview of his attendance at the annual ARBO Conference which was held in Seattle, Washington. A copy of Dr. Barger's outline is attached and marked Annex C.

Mr. Cornett spoke next on behalf of the OOA. He presented information on a wide range of topics including uniform licensure, medicare billing cuts, Durable Medical Equipment (DME), board certifications, various grants and non-practitioners working in vision therapy. He reminded everyone that the East/West Conference would take place in Cleveland October 2-5, 2008.

Mr. Everhart informed the Board that the JCARR hearing for our rule review will take place on July 14, 2008 at 1:30 p.m. in the William McKinley Room of the Statehouse. JCARR's 65 day jurisdiction ends on July 17th and provided there are no glitches we should be able to final file the rules on July 18th. This would make the effective date of the new rules July 28, 2008.

Mr. Everhart advised the Board that DEA still had not approved Ohio optometrists to obtain a registration for dispensing approved controlled substances.

The Board reviewed revenue, budget, and expenditure information for the past four years. Based on the projected revenue, expenditures, and available surplus the Board determined it would not seek a licensure fee increase for the upcoming budget cycle.

Patient Complaint Investigations

The Board members reviewed the recap of patient complaints received since the June 17, 2008 Board meeting. No new complaints were received during this period. Seven complaints were pending prior to the June 17, 2008 meeting and two were completed prior to this meeting and administrative action was taken by the Board in one case. The four remaining cases are pending further investigation or completion of administrative action by the Board. (Annex D.)

The Investigator's Activity Report, Annex E, was reviewed by the Board members. Nine on-site inspections were conducted, one advertising violation letter was completed and one office complaint was initiated and completed. The staff traveled 472 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 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 F.)

Other Investigative Matters

There were no "Other Investigative Matters" to discuss at this meeting.

Approve Expenses

A motion was made by Dr. Hyde and seconded by Dr. Riles 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 October 2, 2008 in Cleveland, Ohio.

Adjourn

Dr. Hyde made a motion to adjourn the meeting which was seconded by Dr. Riles. The Board passed the motion and the meeting adjourned at 11:31 a.m.

Beth Workman, O.D.
Board President

Rhonda Riles, O.D.
Board Secretary