

**Ohio State Board of Optometry
Board Meeting**

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

September 16, 2015 at 9:30 a.m.

President Presiding

Board President, Jeff Fogt, O.D. convened the meeting at 9:45 a.m. The meeting was held in the 31st floor Boardroom of the Vern Riffe Center.

Roll Call

Present for the meeting were:

Jeff Fogt, O.D., Board President
Thomas Nye, O.D., Board Secretary
Cheryl Archer, O.D., Board Member
Thomas Bobst, O.D., Board Member
LaMar Zigler, O.D., Board Member
Mr. Jeffrey Greene, Executive Director
David Bailey, Investigator
Mrs. Lopez-Wellman, Administrative Assistant

The following persons were also in attendance at the meeting: David P. Corey, PACA; Keith Kerns, representing the Ohio Optometric Association; Todd Baker, Ohio Ophthalmological Society, Dr. Terii Gossard, President and Linda Fette of Ohio Optometric Association, Gary and Linda Fitzgerald, Opticians and Ms. Emily Pelphrey from the Attorney General's Office.

Approve Minutes

Dr. Fogt called for a motion on the minutes of the June 10, 2015 Board meeting. Dr. Bobst moved to approve the minutes which was seconded by Dr. Zigler. The motion was then passed by the Board.

New Licensees

Dr. Fogt advised that there were five applications for licensure. After review of the packets, Dr. Nye made a motion that the licenses be granted to Elena Micevska, O.D., Natalie N. Nguyen, O.D., Samuel Sacli, O.D., David M. Bechtel O.D., and Travis M. Gilbert, O.D. The motion was seconded by Dr. Bobst and passed by the Board.

The Board next reviewed three completed application for licensure reinstatement. Dr. Fogt moved that Dr. Larry Bloom, O.D., Dr. Kathryn M. Kramer and Seema Lengade,

O.D. be granted reinstatement of their Ohio optometric and therapeutic license. Motion was seconded by Dr. Nye and passed by the Board.

The Board met with Dr. Justin Mays regarding licensure in Ohio

Dr. Fogt called for a motion to enter Executive Session at 10:15 a.m. Dr. Archer made the motion to enter to Executive Session to discuss a licensure application matter and another discipline issue regarding a licensed optometrist. Motion was seconded by Dr. Bobst. Motion passed and the Board entered Executive session. Ms. Pelphrey, Mr. Greene, Mr. Bailey and Mrs. Lopez-Wellman all were asked to remain in the Executive Session. At 11:17 a.m. the Executive Session was complete and the regular meeting was continued.

Upon returning to the public meeting the Board tabled the application of Dr. Mays until the December Board meeting. The Board did vote to ratify the signed consent agreement from Case No. 2015-11 regarding a licensee failing to comply with several provisions of the Board of Optometry's laws and rules.

Continuing Education

4. b. Board reviewed a question from a licensee about considering allowing a live webinar to count towards live continuing education credit. After some discussion, the Board chose to continue to include any webinars as online CE, which is what our current rule states (4725-9-03).

Therapeutic Optometry Matters

Dr. Zigler reported that there were three drug-induced side effect reports received since the June 10, 2015 Board meeting. The first one was July 7, 2015, second on July 28, 2015 and the third one was reported on September 11, 2015. All involved the administration of pharmaceutical agents with non-life threatening reactions.

Administration

NBEO Reports: Dr. Bobst advised the Board he has been asked to the National Board Exam Review Committee for ARBO. The committee will meet in Charlotte, N. C. in December.

ARBO Report: Dr. Bobst updated the Board regarding the ARBO Conference in Seattle in June. Some of the items covered included:

- Update on the North Carolina Dental Board decision.
- Questions about our processing of delinquent licenses.
- Where fines are deposited when received.
- Whether an inactive licensee can be disciplined, which Ms. Pelphrey advised was possible.
- License application questions, including discipline from an educational facility.

OOA Report: He provided a legislative update for several ongoing bills related to optometry including:

House Bill 275 – regarding vision care providers and health insuring corporations

House Bill 157 – regarding forming a Health Professional’s Board

House Bill 213 – regarding changing the CE year and renewal from 1 year to every 2 years.

Mr. Kerns also updated the Board about the following items:

East/West Conference in October and Leadership Day on November 4th at the Zoo.

Mr. Greene presented the following to the Board:

Provided the Board with an update of the online refraction discussions with the Attorney General’s Office and the position statement from ophthalmology. Todd Baker, Ohio Ophthalmological Society also answered questions from the Board.

The Board was given information regarding the Sunset Review Committee and the discussion of our Board absorbing the Optical Dispenser’s Board. A report should be completed by the Committee by June, 2016.

The Board was advised that Mr. Greene attended the August 24th, JCARR meeting regarding the five year rule review of 4725-13-02 through 06.

Reminded the Board members to complete their ethics training by the December Board meeting.

There was discussion about licensees billing patients and/or insurers for smoking cessation. The Board took no position regarding this subject or any billing issues acknowledging that each optometrist is responsible to justify their billing processes.

The Board clarified that a licensed optometrist can conduct the finger-prick test when assisting a patient in determining their blood glucose level, using a commercially available glucose-monitoring device. (4725.01 (3) (d)

The Board also confirmed that ancillary personnel may conduct “auto refraction”, but nothing that requires optometric judgment. (4725-5-18 (B) & 4725-7-05 (D)

The Board was provided an update about the new e-licensing 3 program, which will be implemented in the next 18-24 months and some of the costs involved.

Patient Complaint Investigations

The board members reviewed the summary of patient complaints (7a & b) received since May 1, 2015. Nine new complaints were received during this time period, with seven of these complaints being closed and two complaints remaining as open investigations. Open investigation #2015-05 has been assigned to the Ohio Attorneys General's Medicaid Fraud Unit. Open investigation #2015-11 is the subject of a pre-audit by the Ohio Department of Medicaid.

The Investigator Activity Report (7c) was reviewed by the board members. Fifteen on-site inspections were conducted. No advertising letters were sent during this period. Six office complaints/inquiries were received and finalized. The staff traveled approximately 350 miles during this period.

Optometric Advertising Violations

There were no advertising violations reported during this period.

Other Investigative Matters

There were no other investigative matters for this meeting.

Approve Expenses

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

Board Meeting Dates

The date of the next meeting is December 9, 2015.

There was discussion about considering moving the Board meetings around the State in 2016. Nothing was decided at this time.

Adjourn

Dr. Nye made a motion to adjourn the meeting which was seconded by Dr. Zigler. The Board passed the motion and the meeting adjourned at 12:10 p.m.

Jeff Fogt, O.D.
Board President

Thomas Nye, O.D.
Board Secretary