

**Ohio State Board of Optometry
Board Meeting**

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

September 17, 2014 at 9:30 a.m.

President Presiding

Board President, Thomas Bobst, 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:

Thomas Bobst, O.D., Board President
Jeff Fogt, O.D., Board Secretary
Cheryl Archer, O.D., Board Member
Michael Everhart, Board Member
Thomas Nye, O.D., Board Member
Stanley Warn, O.D., Board Member
Mr. Jeffrey Greene, Executive Director
Mr. Brian Landis, Investigator
Mrs. Nancy Ott, Administrative Assistant

The following persons were also in attendance at the meeting: Hartwell Morable from The Success Group; David Corey representing Luxottica; Rick Cornett, Linda Fette and Drusilla Grant, O.D. representing the Ohio Optometric Association; Ms. Emily Pelphrey from the Attorney General's Office, and Roopal Rammohan, O.D.

Nancy Ott announced to the Board that she will retire effective April 30, 2015 after 34 years of service to the Board. She thanked the Board for the opportunity to have worked for them all these years.

Approve Minutes

Dr. Bobst called for a motion on the minutes of the June 11, 2014 Board meeting. Dr. Fogt moved to approve the minutes which was seconded by Dr. Archer. The motion was then passed by the Board.

New Licensees

Dr. Bobst advised that there were six completed applications for licensure. After review of the packets Dr. Archer made a motion that the six applicants listed in Annex A be

granted Ohio optometric and therapeutic licensure. The motion was seconded by Mr. Everhart and passed by the Board.

Dr. Bobst advised that there were three applications for licensure with missing material. Mr. Everhart moved that the three applicants listed in Annex A be granted Ohio optometric and therapeutic licensure upon receipt of their missing material. Dr. Warn seconded the motion and motion was passed.

Dr. Bobst advised that there were two applications for licensure with missing NBEO scores. Dr. Warn moved that the two applicants listed in Annex A be granted Ohio optometric and therapeutic licensure upon receipt of their passing scores from the NBEO. Mr. Everhart seconded the motion and motion was passed.

Dr. Bobst advised that there was one application for licensure via endorsement. Mr. Everhart moved that Angelo Tocco, O.D. be granted Ohio optometric and therapeutic licensure. The motion was seconded by Dr. Warn and passed by the Board.

The Board next reviewed three completed applications for licensure reinstatement. Dr. Warn moved that Emmett Cleary, O.D., Danica M. Lantz, O.D. and Heidi Wagner, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses. Motion was seconded by Dr. Archer and passed by the Board.

Continuing Education

Mr. Everhart explained the recap on continuing education courses received at the Board office since the June 11, 2014 meeting. (Annex B) Mr. Everhart made a motion that courses 2014-182P through 2014-213P and 2015-001P to 2015-024P be approved as listed. Motion was seconded by Dr. Fogt and passed by the Board.

Therapeutic Optometry Matters

Dr. Fogt reported that there were no drug-induced side effect reports received since the June 11, 2014 Board meeting.

Administration

NBEO Reports - Board discussed the CPDO Exam now being offered by NBEO.

ARBO Report - Dr. Warn and Dr. Bobst provided an overview of their training and experience at the ARBO Conference they attended in June in Philadelphia.

OOA Reports – Rick Cornett provided a legislative update for several ongoing bills related to optometry including:

Handicapped placards
Sales tax exemptions
Telemedicine

Online refractions
Hydrocodone rescheduling language

Mr. Cornett also gave an update on East/West, October 9-12 and Leadership Day, November 5.

Mr. Greene presented the following to the Board:

Updated language for ORC 4725.092 regarding the reporting to the OARRS program in prescribing controlled substances. HB 341 is being filed to clean up some of the language as it relates to optometry.

The Board also reviewed language presented by Mr. Cornett regarding the rescheduling by the FDA of Hydrocodone and Tramadol. The language is being submitted to allow optometrists who have a valid DEA certificate to continue to prescribe these controlled substances. This language will hopefully be passed this fall.

The Board was provided a rules update, including information about the public hearing on August 22, 2014, and recent JCARR hearings.

The Board reviewed information about the recently submitted budget for FY 16 & 17, including increasing costs for IT services, CSA services, rent and more. At this time Mr. Greene does not anticipate a budget shortfall, but it is possible when the new Elicensing program is put into service and also if the Board has an audit conducted.

The Board was advised that all discipline is now being placed on the website, as is the case with most other Boards since it is already public record.

Mr. Greene conducted a survey of who had completed their Ethics Training for 2014. Those who have not completed the training were instructed on how to take care of it by the end of the year.

There was a discussion about online refractions and their legality. The Board reviewed Senate Bill 853 from Michigan, which relates to their use in the State of Michigan. Ms. Pelphrey also provided insight into what we can do in Ohio. Mr. Greene is going to forward the information to the Consumer Protection Section of the Ohio Attorney General's Office for their review and could possibly request a formal opinion.

President Bobst called for a motion for the Board to enter Executive Session to discuss an investigative matter. Dr. Archer moved that the Board enter Executive Session and asked that Ms. Pelphrey, Mr. Greene, Mrs. Ott and Mr. Landis remain in the room. Dr. Fogt seconded the motion. Mr. Greene took a roll call vote with all members being in attendance. The motion was passed and the Board entered Executive Session at 11:35 a.m.

After discussion the Board returned to the public meeting at 11:58 a.m. President Bobst called for a motion to adjourn Executive Session. Dr. Warn made a motion to adjourn Executive Session. Mr. Everhart seconded the motion. Motion passed.

Motion was made by Dr. Nye to approve a Consent Agreement in case 2014-17. Dr. Warn seconded the motion. Motion was passed.

Patient Complaint Investigations

The Board reviewed the recap of patient complaints which were received since the last Board meeting on June 11, 2014. Nine new complaints were received during this period with three complaints which remain pending. Six complaints have been finalized during this same period. The pending complaints were discussed with the Board member supervising and will be finalized in the future. One of the complaints will require judicial action before a decision will be made regarding completion. (Annex C)

The Investigator's Activity Report (Annex D) was reviewed with the Board members. In addition to the 15 complaints which have been opened this year to date, there were 37 on-site inspections completed which resulted in four with minor violations noted. The mileage traveled by staff members has been 2,150 year to date for calendar year 2014.

Optometric Advertising Violations

There were five advertising violations reported during this period. These violations were reported or discovered in a number of ways throughout this three month period. Each matter has been discussed with the optometrist involved and they are working with their advertising agencies to remedy the issue. Only two of these advertising violations were pending at the time of the Board meeting. (Annex E)

Other Investigative Matters

There has been only one miscellaneous complaint investigation during calendar year 2014.

Approve Expenses

A motion was made by Mr. Everhart 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 date of the next meeting is December 10, 2014.

The dates for 2015 will be March 11, June 10, September 16 and December 9.

Adjourn

Mr. Everhart made a motion to adjourn the meeting which was seconded by Mr. Warn. The Board passed the motion and the meeting adjourned at 12:07 p.m.

Thomas Bobst, O.D.
Board President

Jeff Fogt, O.D.
Board Secretary