

**Ohio State Board of Optometry  
Board Meeting**

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

**September 18, 2013 at 9:30 a.m.**

**President Presiding**

President Warn convened the meeting at 9:40 a.m. The meeting was held in the Boardroom on the 31st floor of the Vern Riffe Center. Our new Investigator, Brian Landis, was introduced formally to the Board.

**Roll Call**

Present for the meeting were:

Stanley Warn, O.D., Board President  
Thomas Bobst, O.D., Board Secretary  
Michael Everhart, Board Member  
Jeff Fogt, O.D., Board Member  
Thomas Nye, O.D., Board Member  
Karen Riccio, 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: Jennifer Flatter from The Success Group; David Corey representing Luxottica; Rick Cornett representing the Ohio Optometric Association; and Mr. Steven Kochheiser from the Attorney General's Office.

**Approve Minutes**

President Warn called for a motion on the minutes of the June 12, 2013 Board meeting. Dr. Riccio moved to approve the minutes which was seconded by Dr. Bobst. The motion was then passed by the Board.

**New Licensees**

Dr. Warn advised that there were 10 completed applications for licensure as listed in Annex A. After review of all packets Dr. Bobst made a motion that the 10 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 two applications pending due to missing material. Mr. Everhart made a motion that the two pending applicants listed in Annex A be granted Ohio optometric and therapeutic licensure upon receipt of the missing material. Dr. Riccio seconded the motion. Motion passed.

There was one applicant for endorsement, Charles Welshans, Jr., O.D. from West Virginia. Dr. Bobst made a motion to approve Dr. Welshans for Ohio optometric and therapeutic licensure. Dr. Riccio seconded the motion. Motion passed.

The Board next reviewed two applicants for licensure reinstatement. Dr. Riccio moved that Mashael Namaeh, O.D. and Mindy Toabe, O.D. be granted reinstatement of their Ohio optometric and therapeutic licenses. Motion was seconded by Dr. Fogt and passed by the Board.

### **Continuing Education**

Dr. Fogt explained the recap on continuing education courses received at the Board office since the June 12, 2013 meeting. (Annex B) There were 65 courses reviewed. Dr. Fogt made a motion that courses 2013-199P through 2013-232P and 2014-001P through 2004-031P be approved as listed. Motion was seconded by Dr. Riccio and passed by the Board.

There was discussion regarding CE requirements for reinstatement and a disparity with CE requirements for endorsement or other licensure.

Mr. Greene again presented a request from Dr Mile Brujic regarding credit for continuing education for instructors. The Board held firm their position, which is in our rules, that instructors cannot receive continue education for courses taught.

### **Therapeutic Optometry Matters**

Dr. Nye reported that there were no drug-induced side effect reports received since the June 12, 2013 Board meeting.

### **Administration**

ARBO Report - Mr. Greene advised he was selected by ARBO to serve on the Executive Director Administrative Committee.

OOA Reports – Rick Cornett shared the following information:

- Rep. Gonzales is eliminating optometrists from the provider I. D. bill
- Our own, Nancy Ott, is receiving a President's Award from the OOA at the East/West Conference in October
- The OOA fully supports the re-appointment of Dr. Riccio to the Board
- November 6<sup>th</sup> is Leadership Day
- Legislative Updates
- H.B. 258

- Medicaid Expansion
- Continuing Education Grant

Mr. Greene presented the following to the Board:

House Bill 98 and the Governor's Executive Order 2013-05K regarding licensure of veterans and their spouses. The Board discussed the possibility of issuance of a temporary license for an optometrist or their spouse, who are already licensed in another state. Assistant Attorney General Steve Kochheiser is to review our current laws and rules and provide the Board with an opinion if a temporary license is possible.

The current application was updated with a military history section, which was voted on by the Board and approved.

The Board had discussion about approving a Board certification policy statement, but the issue was tabled until a later date.

The Board was updated about the Prescribing Policy Statement and link for OARRS both being added to the website. So far, 21 optometrists have signed up to use OARRS or are in the process.

The Board approved the current rule changes, rules to be rescinded and one new rule.

**4725-1-01**

Public Notice (Amend)

**4725-5-01**

Solicitor, Agent (Amend)

**4725-15-01**

Required Course of Study (Rescind)

**4725-15-06**

Fees for Renewal (Rescind)

**4725-16-04**

Standards for OARRS (New)

In addition, 14 no change rules. The Board voted to approve the rule package and to file with JCARR once the Common Sense Initiative comments are received.

The Board reviewed a policy statement for chemically impaired optometrists. The policy will allow an optometrist to have one opportunity to get help for substance abuse without Board discipline, if the optometrist is proactive and prior to any Board action or intervention. Dr. Nye made a motion to approve the policy, seconded by Dr. Fogt and approved by the Board.

The Board was advised of another cost saving measure, which is placing the complaint process on the website with instructions and all forms necessary, saving postage costs.

The Board reviewed a letter received from a member of the public regarding an Ohio licensed optometrist departing from or failing to conform to acceptable and prevailing standards of care in the practice of optometry. As a result, an investigation will be initiated if the complainant will cooperate.

The Board was updated on information contained in House Bill 232 regarding professional corporations.

The Board had discussion on a scope of practice question regarding the finger-prick test for LDL. After review of our current law, the Board felt the finger-prick test for LDL was not in an optometrist's scope of practice. However, the Board agreed that an optometrist could assist a patient by providing the kit to the patient to complete themselves, but the optometrist is not permitted to charge for this service, should they decide to assist the patient.

Dr. Fogt made a motion to approve a request from an Ohio licensed optometrist to provide optometric services within a manufacturing company for one year only and on two occasions only (Ohio license number 4643.) Dr. Riccio seconded the motion and was approved by the Board.

### **Patient Complaint Investigations**

The Board reviewed the recap of patient complaints (Annex C) which were received since the last Board meeting on June 12, 2013. Four new complaints were received during this period with two complaints being finalized and two pending. The two pending complaints were discussed with Board members and will require some minor follow up prior to completion.

The investigator's Activity Report (Annex D) was reviewed with the Board members. In addition to the four complaints there were thirty-one on-site inspections completed which resulted in seven minor violations noted. The mileage traveled by staff members has been 3,700 year to date thus far. There were no completed complaints for the Board to review.

### **Optometric Advertising Violations**

There were two advertising violations requiring action during this period (Annex E.) One occurred in Toledo and one in Bucyrus. Both optometrists were notified and corrected the matter immediately. No further action was taken or necessary.

### **Other Investigative Matters**

There were no other investigative matters.

### **Approve Expenses**

A motion was made by Dr. Riccio and seconded by Dr. Bobst 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 December 11, 2013.

**Adjourn**

Dr. Riccio made a motion to adjourn the meeting which was seconded by Dr. Bobst. The Board passed the motion and the meeting adjourned at 12:15 p.m.

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Stanley Warn, O.D.  
Board President

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Thomas Bobst, O.D.  
Board Secretary