

CONSUMER'S GUIDE TO THE OHIO STATE BOARD OF OPTOMETRY

The Board of Optometry serves as the consumer's advocate in trying to ensure that the citizens of Ohio receive the best possible optometric care. We try to make certain that your expectations for quality eye health care are met. When they are not met, we will try to intercede if appropriate. This document details not only what the Board of Optometry can and cannot do, but also gives specific instructions as to how to file a complaint if this should become necessary. We hope that you do not need to use the information contained in this pamphlet, but do encourage you to contact the Board if you have any legitimate concerns about any optometrist or the care that you received. Consumer complaints are an important and direct source of information about the competency of eye health care professionals and the quality of the care they provide. In the evaluation of a complaint the Board is limited to a determination of whether or not an optometrist has violated any Ohio Laws or Board Administrative Rules governing the practice of optometry.

STEPS YOU CAN TAKE TO AVOID PROBLEMS WITH YOUR OPTOMETRIST

A large percentage of the complaints handled each year by the Optometry Board are simple misunderstandings between the optometrist and the patient that can be resolved without filing a complaint. You can help yourself be a smart consumer by considering the following suggestions.

- Openly discuss your concerns with your optometrist.
- Ask about the optometrist's fees when scheduling an appointment.
- Understand your insurance coverage.
- Check with your insurance carrier to be sure that your optometrist is an approved provider for your insurance plan.
- If you have a problem with eye wear, contact your optometrist as soon as you are aware of the problem so that it can be corrected. Most optometrists will work with you to solve your problems.
- Ask your optometrist about warranties on eye wear and get it in writing.
- Know your rights and limitations on the issuance of prescriptions. This information is listed on the Board's web site at **www.optometry.ohio.gov**

WHAT IS THE STATE OPTOMETRY BOARD AND WHAT DOES IT DO?

The Ohio State Board of Optometry is the agency that licenses and regulates the practice of optometry in Ohio by administering regulatory laws and administrative rules for optometrists. Optometrists in the state are issued a license only after their credentials are checked and validated by the State Board. They must be graduates of an accredited college of optometry and must pass all parts of the National Board Exam in Optometry. The Optometry Board handles general consumer complaints against its licensees and may directly discipline those who violate the public health and safety standards set by the legislature and the Board. The Board may refer a complaint to a more appropriate agency if necessary.

WHO ARE THE MEMBERS OF THE OPTOMETRY BOARD?

The Optometry Board is composed of six members, five optometrists and one member of the public. All of the Board members are appointed by the Governor and serve on the Board for five years. Board members can serve for no more than two consecutive terms. The Board meets four times a year. All Optometry Board meetings are open to the public, except for Executive Sessions. You can obtain a list of meeting dates by calling the Board office at (614)466-5115 or toll free at 1-888-565-3044.

WHAT KINDS OF COMPLAINTS DOES THE OPTOMETRY BOARD HANDLE?

The Optometry Board can discipline its licensees for violations of the Optometry Laws and Rules. Grounds for discipline include:

- Being guilty of immorality.
- Being guilty of dishonesty or unprofessional conduct in the practice of optometry.
- Being guilty of a felony.
- Being guilty of a misdemeanor committed in the course of practice.
- Departing from or failing to conform to acceptable and prevailing standards of care.
- Failing to maintain comprehensive patient records.
- Fraudulent advertising.
- Any form of substance abuse (includes alcohol, stimulants, narcotics or other substances).
- Prescribing drugs that are not listed in the Optometry Laws and Rules.

WHAT KINDS OF COMPLAINTS ARE NOT HANDLED BY THE OPTOMETRY BOARD?

The Optometry Board cannot:

- Help a complainant sue an optometrist for monetary gain or other reason. Any action the Board takes must be based on a violation of the law.
- Handle a fee dispute between you and your optometrist. The Board cannot dictate fees or financial policies to optometrists.
- Resolve disputes about insurance reimbursement.
- Discipline practitioners who are not licensed by the Optometry Board. This includes ophthalmologists, other physicians, and opticians. It also does not include optometrists who are not licensed in this state. There are separate Boards to discipline all of these practitioners.

DO I NEED AN ATTORNEY TO HANDLE MY COMPLAINT?

You do not need an attorney to file your complaint with the Optometry Board or to follow through with it. The Optometry Board can take disciplinary action against an optometrist's privilege to practice, but the Board cannot help you sue an optometrist for money.

HOW DO I FILE A COMPLAINT?

To file a complaint:

Print out the Complaint Form and the Release of Optometric Records found at the Board's website at: <http://optometry.ohio.gov>

Mail both forms to: Ohio State Board of Optometry
77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

When submitting your forms to the Board office be sure to include the licensee's full name, address, and details of your complaint. You should also include your name, address, and telephone number in case we need to contact you.

To file a complaint by telephone:

Call the Board office at (614)466-5115 or toll free 1-888-565-3044, between 7:30 a.m. and 4:30 p.m. Monday through Friday. If a staff member is not available, please leave a message and your call will be returned.

You may also file a complaint with the Board by requesting the complaint forms be mailed to you if you do not have access to the internet.

CAN THE OPTOMETRIST SUE ME FOR MAKING A COMPLAINT TO THE OPTOMETRY BOARD?

An optometrist cannot successfully sue you simply because you complain to the Optometry Board, so long as the complaint is made in good faith. Ohio Optometry law provides, "In the absence of fraud or bad faith, no person who reports to the Board or testifies in any adjudication conducted under Chapter 119 of the Revised Code shall be liable to any person for damages in a civil action as a result of the report or testimony."

WHAT IS THE COMPLAINT PROCESS?

To maintain confidentiality and assure that every complaint brought to the Board's attention is reviewed, each case is assigned a complaint number. The complaint is given to the Board Investigator who reviews the complaint and gathers information from both the doctor and the complainant. The complainant may be contacted if additional information is needed. The complaint forms and request for records release is copied and sent to the optometrist who is named in the complaint.

The optometrist is given fifteen days to respond to the Board. Copies of the complainant's records must be sent to the Board (if a records release form was properly submitted).

The complaint and all accumulated information is then sent to the Board member who acts as the supervisor of the investigations. This Board member thoroughly reviews all information and discusses the complaint with the Board Investigator.

If the supervising member rules that the complaint is non-founded, a letter is sent to the complainant advising him/her of this fact, along with the reason for this decision. The Board's Executive Director also reviews this letter. If the complainant is not satisfied with the resolution, a letter of objection may be sent to the Board office and the complaint will be heard by the full Board.

If it is determined that the complaint is founded and disciplinary action is in order a Notice of Opportunity for Hearing is sent. This letter lists the charge or charges against the optometrist. The optometrist may then request a formal Administrative Hearing or may enter into a Consent Agreement in which he/she accepts the discipline proposed by the Board in lieu of a Formal Hearing. All Consent Agreements must be approved by the full Board.

If the evidence collected during the investigation is sufficient to warrant disciplinary action, the Ohio Assistant Attorney General assigned to act as the Attorney for the Board will prepare the case for the Administrative Hearing. The complainant may be required to testify at the hearing.

The Board conducts its investigations in a manner that protects complainant confidentiality. Names and other identifying information about patients or complainants are not made public unless proper consent is given.

HOW DO I FIND OUT ABOUT THE PROGRESS OF MY COMPLAINT?

You may inquire about the status of your complaint at any time by calling the Board office between 7:30 a.m. and 4.30 p.m., Monday through Friday, at 1-888-565-3044 or (614) 466-5115, or by emailing the Board Office at: Optometry.Board@exchange.state.oh.us

WHAT IS THE DISCIPLINARY PROCESS?

After members of the Board vote to issue formal charges against an optometrist, the Notice of Opportunity for Hearing letter is sent to the licensee giving written notice of the charges and the opportunity to request an administrative hearing. The hearing is held before an Attorney Hearing Examiner and is open to the public. The Attorney General's office represents the Board at the hearing. The licensee may be represented by an attorney or present his or her own case. The hearing is similar to a civil trial, evidence and witnesses are presented and questions and answers are given by both sides.

After the hearing, the Attorney Hearing Examiner files a summary of the case and a proposed action with the Optometry Board. A copy of the Hearing Examiner's report is sent to the licensee, who has fifteen days to file written objections.

Before discussing the case at the Board meeting and rendering a final decision, every Board member reviews a transcript of the hearing, the Hearing Examiner's report and recommendation, and any objections filed by the licensee. The members of the Board can accept, reject or modify the Hearing Examiner's recommendation.

WHAT TYPE OF DISCIPLINARY ACTION MAY BE TAKEN BY THE BOARD?

The Optometry Board may dismiss the complaint if it feels that no violation has occurred or if evidence is insufficient to support disciplinary action. If the Board decides that there has been a violation, it may choose one of the following formal disciplinary actions:

- Permanently revoke any or all of the certificates of licensure.
- Limit or otherwise place restrictions on any or all certificates.
- Reprimand the licensee.
- Impose fines.

In emergency situations the Optometry Board has the authority to temporarily suspend an optometrist's license pending an investigation and hearing. This is called a "summary suspension."

At any time after a complaint is filed, the licensee, the Board's Executive Director and Supervising Member may negotiate a resolution, or "Consent Agreement" in which both parties agree to the proposed discipline. The full Optometry Board must approve all Consent Agreements.

CAN A LICENSEE APPEAL THE OPTOMETRY BOARD'S DECISION?

If the Optometry Board formally disciplines a licensee, the licensee may appeal the Board's decision to the Franklin County Court of Common Pleas or the Common Pleas Court in the licensee's home county. Many times during the appeal process the licensee will obtain a "stay order." A stay prevents all or part of the disciplinary order from the going into effect until a decision on the appeal is made.

HOW CAN I FIND OUT IF AN OPTOMETRIST HAS BEEN DISCIPLINED?

Call the Optometry Board office between 7:30 a.m. and 4:30 p.m. (614)466-5115 or 1-888-565-3044 from Monday through Friday to find out about any disciplinary actions that have been taken against a licensee. You can also check the Optometry Board website at www.optometry.ohio.gov. This site will advise you if any disciplinary action has been taken against a licensee. To obtain specifics about the discipline you may call the Board office.

CAN I GET A MONETARY AWARD OR OTHER RELIEF IF THE OPTOMETRY BOARD DISCIPLINES A LICENSEE?

The Optometry Board does not have the authority to award monetary damages. It also cannot:

- Get money back that you believe is due you.
- Settle monetary disputes between you and your optometrist.
- Compel corrective actions if it is not within the scope of the Optometry Law.

These functions are primarily for the courts. Making a complaint to the Optometry Board is not the same thing as filing a lawsuit with a civil court.

WHAT OTHER AGENCIES HELP HEALTH CARE CONSUMERS?

Besides the Optometry Board, there are several other agencies that assist health care consumers. A few of the agencies are included in this booklet. The agency you choose may depend on the nature of your complaint or inquiry.

The Ohio Optical Dispensers Board, 77 South High Street, 16th Floor,
Columbus, Ohio 43215-6108 (614)466-9707

This is the state agency that licenses opticians. If your complaint involves an Optician or dispensing of eye wear issues you should contact the Optical Dispensers Board if the optician is employed by an optical establishment. If your problem is with an optician employed by an optometrist you should contact the Optometry Board.

Peer Review Systems, Inc., 350 Worthington Rd., Suite H,
Worthington, OH 43082 (614)895-9900

This is a private organization under contract with the federal government that reviews quality of care complaints from enrollees of Medicare, Medicaid and Aid to Dependent Children (ADC).

Ohio Department of Health (ODH), 246 North High Street,
Columbus, OH 43215 (614)466-3542

Divisions within this State agency handle complaints about nursing home and regulate health care facilities.

Ohio Department of Insurance (ODI), 50 W. Town St., Suite 300,
Columbus, OH 43215 (800)686-1526

Divisions within this State agency handle complaints about insurance reimbursement.

Your Insurance Carrier

Most insurance companies have consumer divisions which are equipped to take complaints or resolve billing disputes.

American Optometric Association, 243 North Lindbergh Blvd.,
St. Louis, MO 63141 (314)991-4100

A large majority of optometrists throughout the United States belong to the AOA if you need information on an optometrist from another state or information on Optometry in general this agency can assist you

Ohio Optometric Association, 250 East Wilson Bridge Road, Suite 240,
Worthington, OH 43085 (614)781-0708

This professional association represents the interests of their members. The OOA can provide you with names of optometrists in your area. They are also involved in programs that assist the consumers such as Vision USA, which provides free exams within certain criteria.