

*Ohio State Board of Optometry  
77 S. High St., 16th Floor  
Columbus, Ohio 43215-6108*

**ANNUAL REPORT**



*Calendar Year 2017*

## **Table of Contents**

President's Letter	1
Introduction, Mission Statement & The Board	2-3
Board Members	3-4
Organizational Chart	5
Board Member Responsibilities	6
Board Meetings	7
Licensing	7-8
Continuing Education	9
Financial Report	10
Investigations	11-12



**Ohio State Board of Optometry**  
**77 S. High St., 16<sup>th</sup> Floor, Columbus, OH 43215-6108 (614)466-5115**

February 15, 2018

Governor John Kasich  
77 S. High St., 30th Floor  
Columbus, Ohio 43215

Dear Governor Kasich,

On behalf of the Ohio State Board of Optometry, we are pleased to submit this annual report for calendar year 2017. This annual report highlights the work of the six-member Board, supported by a staff of three employees.

All activities have been directed towards fulfillment of the Board's mission: to assure professionally competent optometrists in the State of Ohio by regulating examinations and licensure, enforcing continuing education compliance, monitoring continuing education quality, renewal of licensure and enforcement of the Ohio Optometry Laws and Administrative Rules as found in Chapter 4725 of the Ohio Revised Code. The Board of Optometry is dedicated to handling public concerns in a timely fashion and providing prompt, friendly service to the citizens of Ohio and licensees.

This report reflects the efforts made by the Board to ensure that all persons licensed by the Board are properly qualified to provide the appropriate care to the citizens of Ohio. In addition to providing information on the financial picture of the Board, this report summarizes licensure activities and enforcement activities undertaken during the previous year.

We thank you for your ongoing support of the Board's efforts to enforce Chapter 4725 of the Ohio Revised Code.

Respectfully yours,

A handwritten signature in black ink that reads "Cheryl Archer" followed by a stylized set of initials.

Cheryl Archer, O.D.  
Board President – 2017

It has been a pleasure and privilege to serve as Board President in 2017 and to work with the Board staff. Jeff Greene has completed his sixth year as our Executive Director. Adela Lopez-Wellman, our Administrative Assistant and David Bailey, the Board Investigator are both in their third year. The Board staff continues to handle the daily duties professionally and diligently.

It has been equally gratifying to work with our dedicated and capable Board Members. The Board had been without a Public Member for over two years, on December 13, 2017 Kim Mermis was appointed as the Public Member.

The Board has continued to realize the many advantages and efficiencies of computer technology, now utilizing IPADs during our meetings, which provide us quick and easy access to our laws and rules and the internet. We have continued to utilize ARBO's OE Tracker to help keep track of CE credits and improve the efficiency of auditing 100% of continuing education submitted to the State Board. Additionally, the new e-Licensing system went live in June 2017. All went as planned and renewals were completed online without any issues.

The Board and staff continued to maintain our website, investigate consumer complaints, monitor licensure issues, approve continuing education courses and respond to optometrists' inquiries. We value our positive relationships with the Ohio Optometric Association, the Ohio State University College of Optometry, and the Ohio Ophthalmological Society.

It has been a pleasure to serve as Board President and to work with the Board and administrative staff. The mission of the Board is to serve the citizens of the State of Ohio and that will always be the primary focus of our thoughts and decision making.

Respectfully submitted,



Cheryl Archer, O.D.  
Board President

## Introduction

The Ohio State Board of Optometry is a state government agency established by the legislature in 1919 to regulate the practice of optometry and provide consumer protection.

The Board is responsible for examining and licensing optometrists and enforcing the provisions of Chapter 4725 of the Ohio Revised Code as adopted by the Ohio General Assembly and Chapter 4725 of the Ohio Administrative Code as approved by the Joint Committee on Agency Rule Review.

## Mission Statement

The mission of the Ohio State Board of Optometry is to assure professionally competent optometrists in the State of Ohio by regulating examinations and licensure, enforcing continuing education compliance, monitoring continuing education quality, renewal of licensure and enforcement of the Ohio Optometry Laws and Administrative Rules as found in Chapter 4725 of the Ohio Revised Code. The Board of Optometry is dedicated to handling public concerns in a timely fashion and providing prompt, friendly service to the citizens of Ohio and licensees.

## Composition of the Board

The Board is composed of six members, five of whom shall be persons actually engaged in the practice of optometry for five years preceding appointment and one of whom shall be a member of the public who is at least fifty years of age. Terms of office shall be for five years. No person shall serve as a member for more than two terms. Board members are compensated hourly only for time devoted to the Board's affairs, and are reimbursed for expenses incurred in the performance of their official duties.

## 2017 Highlights

- Dr. Thomas Bobst, Board Member and a member of the ARBO COPE Review Committee and Board President, Dr. Cheryl Archer represented the Board at the Association of Regulatory Boards of Optometry 2017 Annual Meeting in Washington D.C. in June. Dr. Thomas Bobst was elected to the Board of Directors at the annual meeting. Meeting highlights included an update on current regulatory board cases across the nation, update on accreditation of continuing education, new legislation, and other pertinent issues to the profession of Optometry. Dr. Bobst also maintained his position on National Board Exam Review Committee and attended meeting in North Carolina.

- The Board went live in the e-License system on June 19, 2017, and the transition went very well.
- Sub. HB49 was signed on June 30, 2017 and included provisions to consolidate the Ohio State Board of Optometry with the Ohio Optical Dispensers Board into the Ohio Vision Professionals Board. This Board will consist of four optometrists, two opticians, and one public member. The Ohio State Board of Optometry and the Ohio Optical Dispensers Board will be dissolved on January 21, 2018, and the Ohio Vision Professionals Board will be created effective the same date.
- The Board took administrative action against one licensee in the form of a consent agreement for falsification of an application and made a complaint with another state board about a licensee unlawfully practicing optometry. An investigation by the State Board of Optometry resulted in this licensee receiving minor discipline.
- The Public Board Member, Kimberly Mermis, was appointed in November 2017.

## **Board Members**

Cheryl Archer, O.D.

Board President

Term 9/25/13 – 9/24/18

Dr. Archer, licensed since 1984 currently practices in Lima, Ohio and resides in Bowling Green, Ohio.

LaMar Zigler, O.D.

Board Secretary

Term 9/25/14 – 9/24/19

Dr. Zigler, licensed since 1981 currently practices in Columbus, Ohio and resides in Columbus, Ohio.

Thomas Nye, O.D.

Member

Term 9/25/12 – 9/24/17

Dr. Nye, licensed since 1987 currently practices and resides in Hamilton, Ohio.

Thomas Bobst, O.D.

Member

Term 9/29/15 – 9/24/20

Dr. Bobst, licensed since 1983 currently practices in North Olmsted, Ohio and resides in Rocky River, Ohio.

Kim Mermis

Public Member

Term 11/26/17-12/31/17

Was a Special Education teacher for Fairfax County Public Schools (VA) was appointed to the Board as the public member in November 2017. She resides in Upper Arlington, Ohio.

**Organizational Chart**

GOVERNOR  
JOHN R. KASICH

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ε  
ε  
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SIX MEMBERS  
BOARD/COMMISSION MEMBER I  
  
Cheryl Archer, O.D., President  
LaMar Zigler, O.D., Secretary  
Thomas Bobst, O.D.  
Tom Nye, O.D.  
Kim Mermis, Public Member

ε  
ε

EXECUTIVE DIRECTOR  
Jeffrey W. Greene

ε  
ε

ADMINISTRATIVE PROFESSIONAL 4  
Adela Lopez-Wellman

ε  
ε

INVESTIGATOR  
David W. Bailey

### **Board Member Responsibilities**

Dr. Archer	Supervision of patient complaints and other investigations
Dr. Bobst	Liaison to the Association of Regulatory Boards of Optometry and the National Board of Examiners in Optometry
Dr. Nye	Supervision of continuing education matters
Dr. Bobst	Legislative matters
Dr. Nye	Budgetary issues
Dr. Zigler	Monitor drug induced incident cases and report to the Board on pharmacology matters

### **Board Meetings**

March 8, 2017	Columbus, Ohio	Board Meeting
May 24, 2017	Columbus, Ohio	Board Meeting
September 13, 2017	Columbus, Ohio	Board Meeting
December 13, 2017	Columbus, Ohio	Board Meeting

### **Licensing**

Licensing is the process by which an agency of government grants to individuals the right to engage in certain professions, occupations or businesses. Licensure is also an effective tool used for the protection of the citizens of the State of Ohio. This is done by assuring that the persons licensed have the required skills, training and qualifications to practice that profession. In order to be licensed in Ohio, optometrists must complete at least six years of college, be a graduate of an accredited College of Optometry and pass the required testing.

The State Board of Optometry is granted its authority under Chapter 4725 of the Ohio Revised Code. This chapter determines who may engage in the practice of optometry. The practice of optometry has been greatly enhanced by the use of diagnostic, therapeutic and limited Schedule III drugs. The laws that provide the authority for the Board to grant licenses also provide the necessary administrative mechanisms whereby such authority to practice can be renewed, suspended, permanently revoked or limited. Fines may also be imposed. Accordingly, persons granted authority by the Board to engage in the practice of optometry also are monitored to determine whether they should be permitted to continue in such activity.

Licensure  
breakdown

Licensed optometrists as of 12/31/16:	2,084
Optometrists deceased in 2017:	3
Optometrists filing for inactive status for 2017:	67
Delinquent optometrists in 2017:	2
New optometry licensees issued:	95
Licensure reinstatements:	5
Licensure by endorsement:	0
Licensed optometrists as of 12/31/17:	2256

Licensees by  
license type

Optometrists holding therapeutic certification:	2,227
Optometrists holding diagnostic certification:	13
Optometrists licensed in general optometry only:	16

Licensees by  
location

Optometrists practicing in Ohio:	2005
Optometrists licensed in Ohio, but practicing out of state:	240
Optometrists on active military duty:	11

## **Continuing Education**

During 2017, all licensed optometrists were required to submit proof of attendance for twenty-five hours of annual continuing education or inform the Board to audit their hours on OE Tracker. The continuing education programs are directed to patient care, the utilization of new techniques, scientific and clinical advances and the diagnosis and treatment of eye disease. The submission of continuing education is closely monitored by the Board. Applications for renewal are not processed for licensees until the required hours of continuing education are submitted to the Board. Failure to complete continuing education by September 30<sup>th</sup> and/or submit continuing education by October 20<sup>th</sup> each year results in a \$125.00 penalty fee unless a time waiver has been approved by the Board. In 2017 there were five various waiver requests approved.

During 2017 the Optometry Board members reviewed a total of 202 proposed continuing education programs.

The Board Staff has continued to expand the use of the OE Tracker Program for auditing of the continuing education. The OE Tracker Program is a highly recognized program developed by the Association of Regulatory Boards of Optometry. This program can be utilized by the Board Staff at no additional cost and will save optometrists from having to forward all certificates to the Board, thus saving time, paper and costs associated with our 100% auditing of continuing education. Although not mandatory, most optometrists are participating and we continue to receive extremely favorable feedback regarding the change in policy.

In December, House Bill 290 was passed and will become law April 4, 2017. This legislation allows for up to eight hours of continuing education for volunteering health care services to indigent and uninsured persons at a rate of one credit hour for each sixty minutes spent providing services.

## Financial Report

### Statement of Revenues and Expenditures July 1, 2016 - June 30, 2017

#### FY 2017 Revenues

Licensure/renewal fees	\$397,955.00
Late/reinstatement fees	11,000.00
Miscellaneous fees	<u>830.00</u>
	\$409,785.00

#### FY 2017 Expenditures

Payroll & Benefits (Board & Staff)	\$185,284.46
Purchased Personal Services (Association of Regulatory Boards of Optometry, Inc.)	900.00
Expendable Goods & Services (Staff & Board travel, lodging, parking, conference fees, expendable office supplies, equipment, computers, furniture, etc.)	33,606.32
Refunds	<u>488.50</u>
	\$220,279.28
Unspent funds	\$ 7,114.72
<u>FY 2017 Budget</u>	\$ 227,394.00

#### Historical Revenues and Expenditures

<u>Year</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Unspent Funds</u>
2016	\$347,278	\$405,660	\$321,576	\$25,701
2015	\$347,278	\$421,410	\$318,699	\$28,578
2014	\$347,278	\$410,165	\$337,533	\$ 9,725

## **Investigations**

The investigator for the Ohio State Board of Optometry serves the public through enforcement of Ohio Revised Code sections related to optometry and board rules. While the primary function of the investigator is the examination of patient complaints, the investigator also conducts unannounced on-site inspections of optometry offices throughout the state. These visits ensure compliance with applicable laws and rules relating to the practice of optometry. During these inspections, the investigator focuses on the overall condition of the office, equipment requirements, and other practice related matters. The investigator also inspects advertising by optometrists for compliance. The investigator presents laws and rules training sessions for newly licensed optometrists throughout the year and biannually at The Ohio State University College of Optometry.

During 2017, there were a total of twenty-nine formal complaints received. All complaints were investigated and finalized. There were sixty-six informal complaints received in 2017. All of these informal complaints were satisfactorily resolved through mediation or referral to other agencies.

Thirty-five on-site inspections were performed during the year 2017 in various counties across the state, generating 2,506 travel miles. No advertising violation notification letters were sent to optometrists during 2017.

The board investigator presented live laws and rules training sessions to nine licensees on various dates throughout the year, plus approximately sixty-four students were also trained at the OSU College of Optometry during two separate evening sessions. Twenty-seven licensees received laws and rules training electronically using a PowerPoint presentation designed for that purpose. A proficiency test is also given in conjunction with this electronic course.

There was one formal disciplinary action taken by the board for the year, plus one action taken against a licensee of another board, based upon an Ohio State Board of Optometry investigation.

A falsified license application investigation resulted in one applicant being offered a consent agreement, as prerequisite for licensure.

The other action involved a licensee of another board receiving a reprimand for practicing optometry without a license.

The board investigator offered support to the Ohio State Chiropractic Board, the Medical Board of Ohio, the Ohio Department of Insurance, and the Ohio Attorney Generals Office.

**Investigator's Activity**

	<u>2016</u>	<u>2017</u>
Complaints Investigated	34	29
Miscellaneous Investigations (Office complaints)	25	66
Advertising Violation Investigations	0	0
Total Investigations	59	95
On-Site Inspections	36	35