



OHIO OPTICAL DISPENSERS BOARD

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
(614) 466-9709 FAX (614) 995-5392
www.optical.ohio.gov
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Complaint and Investigation Process

INTRODUCTION

The Law regulating the practice of Opticianry and Ocularistry in Ohio give the Ohio Optical Dispensers Board (Board) the authority to investigate evidence that appears to show that any person has violated that law. Any person may report to the Board information that appears to show a violation of any provision of Chapter 4725.44-.49 of the Ohio Revised Code or any rule of the Board.

HOW TO FILE A COMPLAINT

Complaint Forms may be obtained on the Board's web site at www.optical.ohio.gov or by contacting the Board at (614) 466-9709. Each section of the form must be completed. Anonymous complaints will be considered based on the completeness of the information provided. Inability to contact the person filing the complaint may hinder the Board's ability to conduct a thorough investigation. Once the form is completed, the form should be mailed to:

Ohio Optical Dispensers Board
77 South High St., 16 Floor or Fax: (614) 995-5392
Columbus, OH 43215

The Board will send a letter acknowledging receipt of the complaint.

It is important that a person who feels that they may have a complaint against an Optician or Ocularist, write down everything from the time they feel they may have a complaint, to record details while still fresh. The notes should be dated; the names of everyone who has been contacted or dealt with are recorded as well as logging all phone conversations including who said what and at what time. This information should be part of the complaint filed with the Board.

Confidentiality

The Board's investigations are confidential by law, including the name of the person filing the complaint. Because the investigations are confidential, the Board is not able to notify individuals of the step-by-step progress of the investigation of the complaint.

To maintain confidentiality and to ensure that every complaint brought to the Board's attention is reviewed, each complaint is assigned a case number.

THE COMPLAINT PROCESS

All complaints are reviewed by the Executive Director and the Investigator to determine whether the Board has the legal authority/jurisdiction to act on the complaint. The Board only has the legal authority to investigate cases that indicate that there has been a violation of the law or rules governing the practice of Opticianry and Ocularistry in Ohio.

The Board has authority to:

1. Deny an application for failure to demonstrate the requirements for licensure;
2. Discipline an individual's license to practice as a licensed Optician, Ocularist in Ohio for failure to practice in accordance with the law and rules or the standards regulating the safe practice of Opticians/Ocularists; and,
3. Investigate and issue injunctions against unlicensed individuals or entities who illegally sell/dispense contact lenses, whether for correction or for cosmetic purposes, without a current, valid prescription.

The Board does not have the authority to:

1. Provide financial compensation to a complainant (person filing a complaint), or intervene in litigation in any court; nor
2. Hold legal jurisdiction over any licensed health care professional, other than a licensed Optician or Ocularist, who is practicing within their legal scope of practice.

INVESTIGATION PROCESS

The Board's investigatory staff investigates all complaints received, assigns a case number to the complaint, and will initially determine if the complaint falls within the jurisdiction of the Board's authority. The Board will notify a complainant if the matter does not fall within the jurisdiction of the Board and will close the complaint. If the complaint is within the jurisdiction of the Board, a member of the investigatory staff may ask for additional information, such as documentation, physical evidence, or clarification of the information already provided by the complainant. Interviews are conducted with the complainant when deemed necessary.

The Board routinely interviews the licensee or applicant who is the subject of the complaint and any other witnesses that may have information regarding the complaint.

When a violation of the law and rules cannot be substantiated following an investigation, a case may be closed with no formal action. Cases closed without formal action do not become a public record; therefore, information gathered during the course of the investigation cannot be released. The investigatory information, however, may be kept in the licensee/applicant's file and may be used in any additional complaints filed against that particular licensee.

BOARD ACTIONS

1. Consent Agreement

An option in lieu of the formal hearing process would be for the licensee or applicant to negotiate with the Board for a Consent Agreement. A Consent Agreement is an agreement between the Board and the licensee which usually contains the applicable pieces of law or rules that the licensee has violated, and any disciplinary action(s) agreed upon by the Board and the licensee. Consent Agreements are public records and may be published in any of the Board's meeting minutes or other publications of the Board or professional organizations.

2. Notice of Opportunity

When a violation is believed to have occurred, the Board may file formal charges, which are presented to the licensee in a document title "Notice of Opportunity for Hearing." If the Board approves such charges, the respondent may request a public administrative hearing within thirty (30) days of the mailing of the notice.

If an administrative hearing is scheduled, the complainant is typically subpoenaed as a witness to provide testimony in the hearing. In such case, the Assistant Attorney General assigned to the Board assists and guides in the preparation of witness testimony and presentation of documentation of the complaint. The licensee also has the right to be represented by their own legal counsel, to call witnesses, present evidence, and examine the complainant and/or any other witnesses testifying on behalf of the Board. This may all be done before the full Board or before a Hearing Officer assigned by the Board to conduct the administrative hearing.

3. Disciplinary Actions

Once the Board has determined that disciplinary action(s) are warranted, the licensee under investigation is notified of the Board's decision with regards to disciplinary actions. The Board has the authority to fine the licensee, revoke a license, suspend a license or otherwise discipline a licensee. The licensee has the right to appeal the Board's decision through the appropriate court of common pleas.

UNLICENSED PRACTICE

The Board does not have jurisdiction over unlicensed persons practicing Opticianry or Ocularistry, and therefore cannot take disciplinary action against them. However, after an investigation, an injunction or criminal prosecution to prohibit further unlicensed activity may be filed with the prosecuting attorney in the county where the violation occurred and/or any other appropriate authority, such as another state agency.