



OHIO OPTICAL DISPENSERS BOARD

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MINUTES OF MEETING **DECEMBER 13-14, 2006**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD **DECEMBER 13-14, 2006**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, December 13, 2006, at 7:15 p.m. at 77 South High Street, West B & C Conference Room, 31st Floor, Columbus. President Denise Capretta called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

Denise M. Capretta, President; A. Joseph Bitonte, Vice President; Robert Clegg, Treasurer; Susan C. Benes, M.D.; Dr. Todd Clark; James DeDario; Michael W. Hall; Brian J Miller; Oscar J. Watson

STAFF MEMBERS IN ATTENDANCE:

Nancy L. Manns, Executive Director; William Lehman, Investigator; Wilma Simmons, Executive Secretary

ADMINISTRATIVE MATTERS

Ordering of the Agenda

The President and Executive Director reviewed the agenda prior to the meeting.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JOE BITONTE THAT THE AGENDA FOR THE DECEMBER 13-14, 2006 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Capretta welcomed guests attending the meeting.

President Capretta wished everyone a happy holiday.

Approval of Minutes

IT WAS MOVED BY JOE BITONTE AND SECONDED BY JAMES DEDARIO THAT THE MINUTES OF THE OCTOBER 18-19, 2006 BOARD MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Executive Director's Report

Executive Director Manns informed the Board that the FY 2006 Annual Report was mailed to the Governor and to all other required people and that the FY 2006 Ohio Optical Dispensers Annual Report was also posted on the Board's web page.

Executive Director Manns informed the Board about the progress for legislative changes to the definition of optical aid and that AAG Casey would provide additional information to the Board at the Thursday, December 14th meeting. Ms. Manns told the Board that the Opticians Association of Ohio (OAO) had indicated that the organization would not be using the Association's resources to fund or promote this particular piece of legislation to revise the definition of "optical aid" as currently defined in Section 4725. Ohio Revised Code. Ms. Manns also informed the Board that AAG Casey has indicated that Representative Wagoner (R-Toledo) has agreed to sponsor this legislation at the next legislative session in 2007.

Director Manns informed the Board that she included a new Directory of state and federal government officials effective January, 2007.

Executive Director Manns informed the Board that she has received an inquiry about taking the Ocularist exam to become a licensed Ocularist in Ohio. Ms. Manns informed the Board that she advised the individual that the exam is currently under revision and that most likely the exam would be offered in late spring, 2007. A letter stating the same will be sent to this individual.

Executive Director Manns informed the Board that the staff is very busy with licensure renewal. Ms. Manns also informed the Board that the bulk of concerns raised by the licensees are about the requirement for a certified check or money order versus a personal check. Ms. Manns asked the Board to confirm the Board's policy as voted on at the April 19/20, 2006 Board meeting to require those individuals who renew their license after January 1, 2007 to complete a form approved by the Board indicating whether they have or have not worked as a dispensing optician since the license lapsed. The Board re-confirmed this policy by consensus.

Executive Director Manns reminded the Board members to cancel hotel reservations in advance if they will not be attending a scheduled Board meeting, otherwise they may be charged by the hotel for the room.

Director Manns reminded the Board that the next meeting was scheduled for February 13-14, 2007. After discussion, it was the consensus of the Board to change the February Board meeting to February 21-22, 2007.

Director Manns informed the Board that the National Committee of State Opticianry Regulatory Boards (NCSORB) sent a request for the Board to contribute an approximate amount of \$2,190.00 to conduct a study to develop a competency exam for opticians that would be legally defensible and psychometrically sound. After discussion;
IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD NOT PARTICIPATE IN THE STUDY PROPOSED BY THE NATIONAL COMMITTEE OF STATE OPTICIANRY REGULATORY BOARDS UNTIL ADDITIONAL INFORMATION CONCERNING THE STUDY COULD BE BROUGHT FORWARD TO THE BOARD FOR FURTHER DISCUSSION. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

Simplified Rules of Order

After review and discussion;

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY BOB CLEGG THAT THE BOARD RE-AFIRM AS PRESENTED THE SIMPLIFIED RULES OF ORDER FOR CONDUCTING BOARD MEETINGS AND BOARD BUSINESS PREVIOUSLY APPROVED BY THE BOARD. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Approval of Financial Report

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN BENES, M.D. THAT THE FINANCIAL REPORT FOR CURRENT FY 2007 BE ACCEPTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

As part of the budget discussion, Dr. Benes requested that Director Manns conduct a survey of other licensing boards to determine what percentage of their individual budgets is related to board member expenses and bring that report to the February, 2007 meeting.

Strategic Planning

Executive Director Manns announced that she had provided the Board members with information in the form of a handout in their packet about a formal program on Strategic Planning. Ms. Manns suggested that the Board might consider such an educational program for the Board in the future.

Approval of Licenses

After review of applications by Board members,
IT WAS MOVED BY BOB CLEGG AND SECONDED BY SUSAN BENES, M.D. THAT
THE BOARD APPROVE FOR LICENSURE THE APPLICANTS LISTED ON
ADDENDUM 1.0. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD
MEMBERS.

IT WAS MOVED BY JOE BITONTE AND SECONDED BY JAMES DEDARIO THAT
THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS
AND/OR APPOINTMENT OF PUBLIC OFFICIALS.

A ROLL CALL VOTE WAS TAKEN.

YEA VOTES: SUSAN BENES, M.D., JOE BITONTE, JIM DEDARIO, BRIAN MILLER,
MICHAEL HALL, OSCAR WATSON, DR. CLARK, BOB CLEGG. MOTION ADOPTED
BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE
BOARD RETURN FROM EXECUTIVE SESSION AND ADJOURN FOR THE DAY.
MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

On Wed, December 13, 2006 at 8 PM, the Board went into executive session to discuss
personnel matters. All staff members and visitors left the room.

At 9:30 PM on Wed., December 13, 2006, J. Bitonte reported in open session that the Board
had gone into executive session to discuss personnel matters and/or appointment of public
officials.

The meeting was adjourned at 9:30 P.M. until Thursday, December 14, 2006.

On Thursday, December 14, 2006, at 9:10 A.M. the second day of the meeting of the full
Board began at 77 South High Street, West B & C Conference Room, 31st Floor, Columbus.
President Denise Capretta called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

Denise M. Capretta, President; A. Joseph Bitonte, Vice President; Robert Clegg, Treasurer;
Susan C. Benes, M.D.; Dr. Todd Clark; James DeDario; Michael Hall; Brian J Miller; Oscar
J. Watson.

STAFF MEMBERS IN ATTENDANCE:

Nancy L. Manns, Executive Director; William Lehman, Investigator; P. R. Casey, Assistant
Attorney General; Wilma Simmons, Executive Secretary

Continuing Education

After review of submitted applications by Board members and discussion,
IT WAS MOVED BY JIM DEDARIO AND SECONDED BY MICHAEL HALL THAT
THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE
APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS
VOTE OF THE BOARD MEMBERS. DENISE CAPRETTA ABSTAINED FROM THE
VOTE FOR ROONEY OPTICAL, INC., DECEMBER 6, 2006, BROOKPARK; AND,
ROONEY OPTICAL, INC., FEBRUARY 22, 2007, CLEVELAND.

Southern Council of Optometrist – Atlanta, GA – February 21-15, 2007:

38 Spectacle Hours
37 Contact Lens Hours
37 Spectacle/Contact Lens Hours
38 Management Hours
1 Ocularist with Infectious Control

American Optometric Association – Las Vegas, NV – Junes 24, 2006 for Janice Rumpff
License Number 5460-SC:

14 Spectacle/Contact Lens Hours

Rooney Optical, Inc. – Book Park, OH – December 6, 2006:

2 Spectacle/Contact Lens Hours

Michigan College of Optometry for Andrea Fisher License Number 6534-SC:

4 Spectacle Hours
8 Contact Lens Hours

C.E.D.O. – Zanesville, OH – March 3, 2007:

4 Spectacle Hours

C.E.D.O. – Dublin, OH – March 4, 2007:

4 Spectacle Hours
2 Contact Lens Hours

C.E.D.O. – Blue Ash, OH – March 11, 2007:

4 Spectacle Hours
4 Contact Lens Hours

C.E.D.O. – Perrysburg, OH – March 17, 2007:

4 Spectacle Hours

C.E.D.O. – Independence, OH – March 18, 2007:

4 Spectacle Hours
4 Contact Lens Hours

Optical Training Institute – Calendar Year 2007 – Internet:

50 Spectacle Hours
24 Contact Lens Hours

Opticians Association of Ohio – Calendar Year 2007 – Internet:

7 Spectacle Hours
1 Contact Lens Hour
4 Management Hours

Opticians Association of Ohio – Fairborn, OH – February 18, 2007:

4 Spectacle Hours

Opticians Association of Ohio – Cleveland/Rockside – March 11, 2007:

3 Spectacle Hours
2 Spectacle/Contact Lens/Ocularist Hours
1 Ocularist with Infectious Control Hour

Opticians Association of Ohio – Calendar Year 2007 – Internet:

1 Contact Lens Hour

Opticians Association of Ohio – Calendar Year 2007 – Internet:

1 Spectacle/Contact Lens Hour

Rooney Optical, Inc. – Cleveland, OH – February 22, 2007:

1 Management Hour

After additional discussion,

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAM WITH THE APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD.

Vision Expo 2007 – New York, NY – March 22-25, 2007:

31 Spectacle Hours
15 Contact Lens Hours
37 Management Hours
6 Spectacle/Contact Lens Hours

A.A.G. Report

P. R. Casey, AAG reported that the Board's request for summary judgment and a permanent injunction was granted for Star Beauty, Toledo. Mr. Casey also stated that the judge's decision in this Star Beauty, Toledo case was sent to the judge in Cuyahoga County who is hearing the case against Two Cousins Plus, Cleveland.

P. R. Casey, AAG, reported to the Board that since OAO has declined to use the resources of the association to lobby for sponsorship of legislation to revise the definition of "optical aid," he sent the revised Board approved definition of "optical aid" to Representative Wagoner (R-Toledo) for the purpose of requesting draft bill language from LSC. A.A.G. Casey stated he would set up a meeting with Representative Wagoner, Ms. Manns and himself for sometime in January, 2007 to discuss the next step in the process.

Investigator's Report

Investigator Lehman presented the Investigator's Report to the Board;

IT WAS MOVED BY SUSAN BENES, M.D. AND SECONDED BY BRIAN MILLER THAT THE BOARD ACCEPT THE INVESTIGATOR'S REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Investigator Lehman reported to the Board the status on Case #0711016, #0711017 and 0711018 and requested that the Board approve to proceed with a Notice of Opportunity and the authority to negotiate a Consent Agreement for Case #0711017 and Case #0711018 and that the Board approve turning Case #0711016 over to the Prosecuting Attorney.

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD PROCEED WITH THE NOTICE OF OPPORTUNITY AND THE AUTHORITY TO NEGOTIATE A CONSENT AGREEMENT FOR CASE #0711017 AND #0711018 AND THAT CASE #0711016 BE TURNED OVER TO THE PROSECUTING ATTORNEY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Attendance at “A Gathering of Presidents”

Vice President Joe Bitonte informed the Board that he and Jim DeDario had attending the “A Gathering of Presidents,” a presentation of the Academy of Leadership and Governance, hosted by Grange Hall Insurance. Mr. Bitonte said that he felt that while it was very informative, the information presented was more for a non-profit board or organization. Jim DeDario agreed that most of the information did not pertain to a regulatory Board or agency.

Approval of requests for CE waivers

After review of material and discussion,
IT WAS MOVED BY JOE BITONTE AND SECONDED BY MICHAEL HALL THAT THE BOARD GRANT THE REQUEST FOR WAIVER OF CONTINUING EDUCATION FOR THE 2007 LICENSURE RENEWAL OF ALICIA BAYLESS LICENSE #S 6833 FOR REASONS OF ACTIVE DUTY IN THE MILITARY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD GRANT THE REQUEST FOR WAIVER OF CONTINUING EDUCATION FOR THE 2007 LICENSURE RENEWAL OF D.E.C. AGENDA ITEM #5.2.2 FOR REASONS OF MEDICAL HARDSHIP. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD GRANT THE REQUEST FOR AN EXTENSION OF CONTINUING EDUCATION FOR THE 2007 LICENSURE RENEWAL OF K.B. AGENDA ITEM #5.2.3 FOR REASONS OF MEDICAL HARDSHIP. MOTION ADOPTED. MICHAEL HALL ABSTAINED.

Director Manns provided information to the Board regarding the request by Martyn Duffy for review of course work he is currently completing in England to determine if the course work is substantially similar to required course work for licensure in Ohio. After review of the materials provided,

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD TABLE THE REQUEST FOR REVIEW OF COURSE WORK CURRENTLY BEING COMPLETED IN ENGLAND BY MR. MARTYN DUFFY FOR QUALIFICATION TO TAKE THE ABO EXAM AND APPLY FOR LICENSURE IN OHIO UNTIL THE BOARD HAS TIME TO REVIEW THE MATERIALS MORE THOROUGHLY AND TO BRING THIS REQUEST BACK TO THE NEXT BOARD MEETING. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

NEW BUSINESS

Board Meeting Schedule for 2007

After discussion, it was decided by the Board that the Board would meet on the following dates for calendar year 2007:

February 21-22, 2007
April 18-19, 2007
June 13-14, 2007
August 15-16, 2007
October 17-18, 2007
December 12-13, 2007

OAO PROPOSED LAW CHANGES

The Board discussed at length a document prepared by the Opticians Association of Ohio (OAO) that proposes various changes to Chapter 4725 Ohio Revised Code. After discussion, it was the consensus of the Board that further review and discussion by the Board will be needed to determine how the Board will proceed. The Board requested that Director Manns explore the possibility of establishing joint meetings with ODB Board members and OAO Board members to discuss the OAO proposed changes.

Attendance at January 25-27, 2007 Conference, St. Petersburg, FL:

Director Manns informed the Board that the Board had previously voted to send the Executive Director and Vice President to the National Committee of Optical Regulatory State Boards in St. Petersburg, FL. for the January 26-27, 2007 conference. Vice President Bitonte cannot attend. After discussion, it was the consensus of the Board that either Brian Miller or Michael Hall inform Director Manns whether they can attend and if neither of them can attend Director Manns only will attend the conference.

Special Orders

Director Manns presented for discussion a draft policy for Approval of Continuing Education. After lengthy discussion, it was the consensus of the Board that Director Manns make the suggested changes as discussed during the meeting and present a revised draft policy at the February Board Meeting for the Board's final approval.

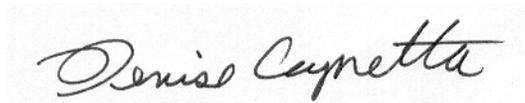
The Board revisited the Board's policy of not allowing non-contact lens licensed individuals to enter contact lens prescriptions in a computer for the purpose of ordering. Director Manns informed the Board that information presented to the Board in a power point presentation by Wal-Mart at the October Board meeting was forwarded to them in the Board information packet.

After additional discussion,

IT WAS MOVED BY JOE BITONTE AND SECONDED BY BOB CLEGG THAT THE BOARD REVISE ITS PREVIOUS POSITION TO NOT ALLOW NON-CONTACT LENS LICENSED INDIVIDUALS TO ORDER CONTACT LENS BY EITHER ENTERING CONTACT LENS PRESCRIPTIONS INTO A COMPUTER SYSTEM OR ANY OTHER MEANS FOR THE PURPOSE OF ORDERING OF CONTACT LENSES PROVIDED THAT THE DATA ENTERED BY THE NON-CONTACT LENS LICENSED INDIVIDUAL IS VERIFIED AGAINST THE ORIGINAL PRESCRIPTION AND DOCUMENTED BY A LICENSED CONTACT LENS OPTICIAN, OPTOMETRIST OR PHYSICIAN PRIOR TO DISPENSING. MOTION FAILED.

The meeting was adjourned at 12:35 PM, December 14, 2006.

ATTESTED:



PRESIDENT, DENISE CAPRETTA



EXECUTIVE DIRECTOR, NANCY MANNS

ODB - Pending Applicants Spectacle - Reciprocity

Report Parameters

Board = ODB
Credential prefix = S

Report generated on 12/5/2006 at 1:52:05 PM

name	address1	address2	city	statecode	zipcode
Heather C. Hammond	3675 East River Road		Marion	OH	43302-8944

ODB - Pending Applicants Spectacle/Contact Lens- Reciprocity

Report Parameters

Board = ODB
Credential prefix = SC

Report generated on 12/5/2006 at 1:37:19 PM

name	address1	address2	city	statecode	zipcode
Nader Mahtabfar	4586 Tuttle's View Drive		Dublin	OH	43016