



## **OHIO OPTICAL DISPENSERS BOARD**

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### **MINUTES OF MEETING** **OCTOBER 18-19, 2006**

#### **REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 18-19, 2006**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, October 18, 2006, at 7:00 p.m. at 77 South High Street, South A Conference Room, 31<sup>ST</sup> 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; Dr. Susan C. Benes; 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

Susan Nagel, Esq., Deputy Director, Department of Administrative Services, provided a leadership and self-awareness program, "Know Thy Self," until 9 PM.

IT WAS MOVED BY DR. TODD CLARK AND SECONDED BY MICHAEL HALL THAT THE BOARD ADJOURN UNTIL THURSDAY MORNING. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

The meeting was adjourned at 9:10 P.M. until Thursday, October 19, 2006.

On Thursday, October 19, 2006, at 9:05 A.M. the meeting of the full Board began at 77 South High Street, South A Conference Room, 31<sup>ST</sup> 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; Dr. Susan C. Benes; 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

**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 OCTOBER 18-19, 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 thanked Director Manns for making arrangements for the presentation provided by Susan Nagel, Esq., Deputy Director, DAS, "Know Thy Self" on Wed., October 18, 2006 7- 9 PM.

**Approval of Minutes**

IT WAS MOVED BY JOE BITONTE AND SECONDED BY MICHAEL HALL THAT THE MINUTES OF THE AUGUST 16-17, 2006 BOARD MEETING BE APPROVED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Executive Director's Report**

Executive Director Manns informed the Board that the Draft of the FY 2006 Annual Report was included in their Board packet for review.

After discussion,

IT WAS MOVED BY DR. TODD CLARK AND SECONDED BY BOB CLEGG THAT THE ANNUAL REPORT FOR FY 2006 BE ACCEPTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Director Manns also informed the Board that she had mailed to all Board members the evaluation forms for the annual performance evaluation of the executive director as well as a copy of the Executive Director Evaluation policy. Ms. Manns reminded the Board members that the completed evaluations were to be sent to President Capretta by October 31, 2006 in the addressed envelopes that were provided.

Executive Director Manns informed the Board that she and Investigator Lehman had attended the East-West Eye Conference, Cleveland, October 13/14, 2006. It was reported to the Board that a record number of Opticians had attended this meeting.

Director Manns informed the Board that beginning December 18, 2006, the State of Ohio will be implementing a new web-based computer system for all State of Ohio Agencies. This computer system, the Ohio Administrative Knowledge System, (OAKS) is designed to streamline and modernize basic administrative functions for state agencies and their employees and Board members. Beginning Jan. 5, 2007, all State of Ohio employees and Board members will receive their pay stubs electronically through OAKS. ePay is a self-service product designed to allow employees and Board members to safely and securely view their paycheck information. Ms. Manns informed Board members that she would provide additional information about accessing this web-based information as it becomes available.

### **Special Orders**

Director Manns presented for discussion two draft policies for Approval of Continuing Education. After discussion,

IT WAS MOVED BY DR. TODD CLARK AND SECONDED BY OSCAR WATSON THAT EXECUTIVE DIRECTOR MANN'S, BOARD MEMBERS BRIAN MILLER AND MICHAEL HALL WORK TOGETHER TO DEVELOP A COMPREHENSIVE DRAFT POLICY REGARDING THE PROCESS FOR APPROVAL OF CONTINUING EDUCATION PROGRAMS SUBMITTED TO THE BOARD FOR APPROVAL. DRAFT POLICY WILL BE BROUGHT TO THE DECEMBER, 2006 BOARD MEETING FOR FURTHER DISCUSSION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Approval of Financial Report**

After discussion,

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

**Open Forum:**

Ms. Angie Muldoon, Optical Compliance Manager of Wal-Mart, Optical Division, provided a presentation to Board members and members of the audience concerning Wal-Mart's process that reflects the Board's interpretation of current law for entering a prescription for contact lens into the Wal-Mart computer system. Ms. Muldoon provided information for the Board to consider that would alter their current process, but would still require verification by the appropriately licensed individual of the data entry prior to distribution to the consumer in a timelier manner. The Board agreed to take the information provided at the presentation under advisement and informed Ms. Muldoon that the Board would discuss this at the December, 2006 Board meeting.

**Continuing Education**

After review of submitted applications by Board members and discussion,

IT WAS MOVED BY DR. TODD CLARK AND SECONDED BY JOE BITONTE THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS. BRIAN MILLER ABSTAINED FROM THE VOTE FOR THE AMERICAN SOCIETY OF OCULARISTS.

Contact Lens Society of America – Internet Courses - Calendar Year 2006 for:

2 Contact Lens Hours  
1 Management Hour

Opticians Association of Ohio – Internet Courses – Calendar Year 2006 for:

7 Spectacle Hours  
1 Contact Lens Hour  
4 Management

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Opticians Association of Ohio – Perrysburg, OH – November 5, 2006 for:

2 Spectacle Hours  
4 Contact Lens Hours  
2 Spectacle/Contact Lens Hours

Opticians Association of Ohio – Girard, OH – November 19, 2006 for:

4 Spectacle Hours  
3 Contact Lens Hours  
1 Spectacle/Contact Lens Hour

American Anaplastology Association – Chicago, IL – August 18-21, 2006 for Robert  
Quackenbush License Number 8-O:

7 Ocularist Hours  
2 Management Hours

Erie Eye Clinic – Erie, PA - July 7, 2006 – for Connie Mimms License Number 5795-S:

4 Spectacle Hours

American Society of Ocularists – Las Vegas, NE – November 11-15, 2006 for:

14 Ocularist Hours  
2 Management Hours

Younger Optics & Transitions Optical – Cleveland, OH – November 16, 2006 for:

1 – Spectacle Hour

Younger Optics & Transitions Optical – West Chester, OH – November 15, 2006 for:

1 – Spectacle Hour

Bettler McKee - Opticians Association of Ohio – Dayton Division – Fairborn, OH – October  
22, 2006 for:

2 Spectacle Hours

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Bettler University - Opticians Association of Ohio – Dayton Division – Fairborn, OH – November 5, 2006 for:

2 Spectacle Hours  
6 Contact Lens Hours

Opticians Association of Ohio – Dayton Division – Fairborn, OH – December 3, 2006 for:

4 Spectacle Hours  
2 Spectacle/Contact Lens/Ocularist Hours

Opticians Association of Ohio – Columbus, OH – September 24, 2006 – Change of Speaker:

3 Spectacle/Contact Lens Hours

Opticians Association of Ohio – Newark, OH – December 3, 2006 for:

3 Spectacle/Contact Lens Hours  
1 Spectacle/Contact Lens/Ocularist with Infection Control

Opticians Association of Ohio – Fairfield, OH – February 25, 2007 for:

4 Spectacle Hours  
4 Contact Lens Hours

Diversified Ophthalmics, Inc. – Cincinnati, OH – December 3, 2006 for:

4 Spectacle Hours

Opticians Association of Ohio – Dayton Division – December 10, 2006 for:

7 Contact Lens Hours  
1 Spectacle/Contact Lens/Ocularist Hour

### **New Legislation**

Director Manns and P. R. Casey, AAG, discussed proposed language revisions for the definition of “Optical Aid”. After discussion,

IT WAS MOVED BY BOB CLEGG AND SECONDED BY OSCAR WATSON THAT THE BOARD APPROVE AS AMENDED THE DEFINITION OF OPTICAL AID AS PUT FORWARD TO READ:

“OPTICAL AID” MEANS

1. A NON-CONTACT INSTRUMENT OR DEVICE PRESCRIBED BY A PHYSICIAN OR OPTOMETRIST THAT MAY AID OR CORRECT HUMAN VISION, INCLUDING SPECTACLES;
2. ANY CONTACT DEVICES IN OR ON THE EYE OR ORBIT, WHETHER IT ADDRESSES VISUAL FUNCTION OR NOT, INCLUDING BUT NOT LIMITED TO:
  - (A) ALL CONTACT LENSES;
  - (B) ZERO-POWERED PLANO LENSES;
  - (C) COSMETIC LENSES;
  - (D) PERFORMANCE-ENHANCING LENSES;
  - (E) ANY LENS DESIGNED TO FIT OVER THE CORNEA OF THE EYE OR
  - (F) OCULAR PROSTHESIS

ALL CONTACT LENSES SHALL BE DISPENSED IN ACCORDANCE WITH A VALID WRITTEN PRESCRIPTION DESIGNATED FOR CONTACT LENSES.

A ROLL CALL VOTE WAS TAKEN.

YEA VOTES: DR. BENES, BRIAN MILLER, MICHAEL HALL, OSCAR WATSON, DR. CLARK, BOB CLEGG.

NAY VOTES: JOE BITONTE

ABSTENTION: JIM DEDARIO.

MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

### **Approval of Licenses**

After review of applications by Board members,

IT WAS MOVED BY JIM DEDARIO AND SECONDED BY JOE BITONTE THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.0 MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **Approval of requests for CE waivers**

After review of material and discussion,

IT WAS MOVED BY DR. SUSAN BENES AND SECONDED BY BRIAN MILLER THAT THE BOARD GRANT THE CONTINUING EDUCATION WAIVER FOR THE 2007 LICENSE RENEWAL AS REQUESTED FOR HARDSHIP/ILLNESS BY A.P., AGENDA ITEM #5.2.1. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY DR. SUSAN BENES AND SECONDED BY BRIAN MILLER THAT THE BOARD GRANT THE CONTINUING EDUCATION WAIVER FOR THE 2007 LICENSE RENEWAL AS REQUESTED FOR HARDSHIP/ILLNESS BY N.M., AGENDA ITEM #5.2.2. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **A.A.G. Report**

P. R. Casey, AAG reported on the Federation of Associations of Regulatory Boards (FARB) Conference which he had attended in Seattle, WA on October 6-8, 2006. Mr. Casey thanked the Board for partial financial support from the Board to attend this conference.

P. R. Casey, AAG, informed the Board that there had been no new rulings on the two cases for which injunctions had been filed:

Star Beauty Supply	Two Cousins Plus
3024 Monroe St.	4016 Mayfield Rd.
Toledo, OH 43606	Cleveland, OH 44121

### **Investigator's Report**

Investigator Lehman presented, and, the Board accepted a progress report regarding disciplinary cases. Investigator Lehman reported to the Board of an increase in the number of calls related to illegal dispensing/selling of contact lenses. Mr. Lehman expressed belief that this was because of the additional interest generated in these items due to Halloween.

AAG Casey stated that the Board may wish to consider different approaches to monitoring the illegal sales/dispensing of contact lenses on a larger scale by involving a larger number of individuals across the state, including the use of press releases to help inform the public of this health issue.

### **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 President to the National Committee of Optical Regulatory State Boards in St. Petersburg, FL. for the January 26-27, 2007 conference. President Capretta cannot attend and it was agreed by consensus that Vice President Bitonte will attend in the president's place.

### **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 and further dates would be set at the December Board Meeting:

February 14-15, 2007  
April 18-19, 2007



Board members were reminded that the December Board Meeting date is: December 13-14, 2006.

**Attendance at “A Gathering of Presidents”**

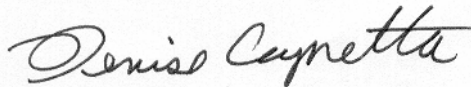
Director Manns provided information to the Board members concerning a program, “A Gathering of Presidents” to be presented in partnership with The Academy for Leadership and Governance to be held on Wed., October 25, 2006, Columbus. The free presentation was designed specifically for new Board Presidents and Presidents Elect with presentations and conversations on key board leadership challenges. President Capretta was unable to attend so it was agreed by the Board to ask Joe Bitonte and Jim DeDario to attend this presentation. Both agreed to do so. Mr. Bitonte and Mr. DeDario will provide feedback to the Board at the December, 2006 Board meeting.

**Other Issues/Discussion/Reports from Board Members**

Board member Michael Hall requested that the Board discuss as part of the review of Board approval of continuing education at the December, 2006 Board meeting Rule 4726-11-02(E)(1) OAC that prohibits the Board from approving continuing education credit for “seminar content [that] includes the promotion of commercial products or services for the practice of opticianry or ophthalmology.”

The meeting was adjourned at 12:50 PM.

**ATTESTED:**



**PRESIDENT, DENISE CAPRETТА**



**EXECUTIVE DIRECTOR, NANCY MANNs**

**ADDENDUM 1.0****ODB - Pending Applicants - Spectacle****Report Parameters**

Board = ODB

Credential prefix = S

Report generated on 10/17/2006 at 9:05:43 AM

<b>name</b>	<b>address1</b>	<b>address2</b>	<b>city</b>	<b>statecode</b>	<b>zipcode</b>
Christopher William Adams	23 Merwin Court		Fairborn	OH	45324
Rashuan B. Amey	14405 Edgewood Avenue		Cleveland	OH	44128
Anna Barnes	3150 Egypt Pike		Chillicothe	OH	45601
Mary M. Beck	6229 Rockland Drive		Dublin	OH	43017
Leigh A. Ceja	13691 Gifford Road		Oberlin	OH	44074
Erin G. Chetister	110 Briar Hill Road		North Baltimore	OH	45872
Kelly DePaoli	5587 Childs Avenue		Cincinnati	OH	45248
Amy J. Hall	4182 Berkeley Drive		Sheffield Village	OH	44054
Brandy S. McClain	6213 State Route 93 SE		Shawnee	OH	43782
Rebecca L. Mitchell	7191 Morning Sun Road		Oxford	OH	45056
Jeffrey Alan Northcutt	645 High Street		Adrian	MI	49221-1424
Andrea K. Patchin	834 Grady Avenue NW		Warren	OH	44483-2127
Brenda L. Pyle	539 Creek Road		Conneaut	OH	44030
Gregory L. Richter	2065 Ashmore Drive		Kettering	OH	45420
Reginald M. Rudolph	19310 Ridgewood Avenue		Warrensville Heights	OH	44122
Stephanie L. Sauder	2733 Troy-Sidney Road		Troy	OH	45373
Diane R. Seybert	8735 Tippecanoe Road		Canfield	OH	44406
Frank Soto	302 22nd Street NW		Massillon	OH	44647

## ADDENDUM 1.0

### ODB - Pending Applicants - Combination

#### Report Parameters

Board = ODB

Credential prefix = SC

<b>name</b>	<b>address1</b>	<b>address2</b>	<b>city</b>	<b>statecode</b>	<b>zipcode</b>
Coy Barnes	5213 Globe Avenue		Norwood	OH	45212
Annette E. Bowman	1550 Blackfoot Trail		Heath	OH	43056
Lorrie R. Clark	87 Richardson Avenue		London	OH	43140
Susia P. Cornett-Bennett	4492 New Paris Pike		Richmond	IN	47374
Jessica L. Lewis	4565 Echo Hills Avenue		Springfield	OH	45502