



OHIO OPTICAL DISPENSERS BOARD

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MINUTES OF MEETING AUGUST 16-17, 2006

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD AUGUST 16-17, 2006

The meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, August 16, 2006, at 7:05 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, 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

ADMINISTRATIVE MATTERS

Ordering of the Agenda

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

IT WAS MOVED BY BOB CLEGG AND SECONDED BY MICHAEL HALL THAT THE AGENDA FOR THE AUGUST 16-17, 2006 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Capretta recognized members of the audience.

President Capretta shared with the Board the passing of Jeff Snodgrass, a Licensed Dispensing Optician and former Board member.

Approval of Minutes

IT WAS MOVED BY JOE BITONTE AND SECONDED BY BOB CLEGG THAT THE MINUTES OF THE JUNE 21-22, 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 of the progress on the fingerprinting legislation that has been proposed that would permit licensing boards to require applicants to complete a criminal records check as part of the application process for initial licensure. Ms. Manns informed the Board that this legislation could be introduced as early as November, and that Representative Tony Core (R-Rushsylvania) has agreed to sponsor the legislation. Director Manns informed the Board that she had also met with representatives of the Opticians Association of Ohio and P. R. Casey, AAG to discuss proposed language changes for the definition of "Optical Aid". After lengthy discussion and concerns over the wording of the proposed definition, the Board requested that Director Manns continue to work with the A.A.G. and representatives of the Opticians Association of Ohio to develop a definition that will clarify that all contact lenses must be dispensed only with a valid prescription, but would not impact the sale of non-prescription sun glasses or over-the-counter reading glasses.

Director Manns informed the Board that she was working on the budget for fiscal years '08 and '09 and that she was also working on appeals for increases to cover increased costs related to expected increase in health care coverage that will impact payroll expenses.

Executive Director Manns informed the Board that approximately 50% of all apprentice registration renewals were received past the due date. Areas with large numbers of apprentices who have not renewed have been slated for follow-up visits by Bill Lehman, Investigator.

Director Manns informed the Board that the office renovations have been completed and invited the Board members to visit the office after the meeting to view the new changes.

Special Orders

Director Manns presented the policy for the granting of extensions/waivers for proof of continuing education. After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY BRIAN MILLER THAT THE BOARD APPROVE AS AMENDED THE POLICY REGARDING THE BOARD GRANTING EXTENSIONS/WAIVERS FOR CONTINUING EDUCATION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

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Director Manns advised the Board that questions were arising as respects to the “pulling” and “ordering” of contact lens by non-licensed contact lens individuals. Ms. Manns shared with the Board that an Optometrist has requested each Board member’s phone number so that he could contact them individually to discuss this issue. After discussion, the Board directed Ms. Manns to send a letter and a copy of the “Public Participation at a Board Meeting” policy to this Optometrist and encourage him to come to a Board meeting to address the Board concerning his issues.

A.A.G. Report

P. R. Casey, AAG reported that the two cases filed in Lucas County for Star Beauty and in Cleveland for Two Cousins are still pending. A.A.G. Casey stated that the opposition in the Toledo case filed a Motion to Dismiss and the judge ruled in the Board’s favor by then denying the Motion to Dismiss. Mr. Casey has followed up by filing a Motion for Summary Judgment which is now pending before the judge. Mr. Casey has filed a brief in support of permanent injunction in the Cleveland case. Opposing party has submitted a motion to dismiss and a counter motion has been submitted by Mr. Casey. The judge has not yet ruled on those motions. Mr. Casey also informed the Board that Investigator Lehman has reported that Lee’s Beauty supply in Toledo is again selling plano’s which is in violation of the injunction which is on file with the court. Investigator Lehman continues to monitor compliance with a second Cease and Desist order.

Special Orders - Continued

Director Manns discussed the matter of approved apprenticeship time which would be allowed to apply for a license since we have been getting phone calls wanting to use time for individuals who apprenticed as far back as in the 80’s and 90’s. On advice from A.A.G. Casey, this is an area for consideration for a law clarification and should be added to the items for further review.

Executive Director’s Report – Continued

Director Manns went over her revised goals and informed the Board that she has revised her goal for the CAS Training Program as this program is no longer offered. CAS is being replaced by OAKS and both the director and secretary will be attending training for OAKS at a later time.

Director Manns reviewed with the Board all the approved policies which had been approved at the June Board meeting and congratulated the Board for the progress and hard work which went into getting these policies approved.

Other Issues/Discussion/Reports from Board Members

The Board reviewed e-mail from Board Member Brian Miller in which he advised that the problem with an Optometrist had been resolved among the individuals involved.

The Board also reviewed e-mail regarding information on the national conference which will be coming up January 26-27th. Director Manns was directed to obtain information concerning the specifics for the conference and bring this information to the October Board meeting.

The Board reviewed the "Spend-o-meter" report from NBC 4 news. Director Manns informed the Board that Mark Bennett from the Opticians Association of Ohio had sent a letter to the reporter regarding the correct facts as respects to this article. A copy of Mr. Bennett's response letter was included in the Board's packet.

Director Manns went over with the Board the findings on the ethics questions regarding Board members receiving continuing education credit at conferences that Board Member Robert Clegg had brought up at the June Board Meeting. A copy of an Ethic's Commission opinion on this subject was provided to the Board members.

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

The meeting was adjourned at 9:15 P.M. until Thursday, August 17, 2006.

On Thursday, August 17, 2006, at 9:05 AM. 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, 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, Wilma Simmons, Executive Secretary

President Capretta recognized members of the audience and requested that at this time if any visitor had a concern, they could address the Board at this time.

Basil Castrovince, District Manager for Wal-Mart, requested to address the Board regarding the pulling from storage areas and dispensing of contact lens by individuals employed at Wal-Mart Vision Centers. President Capretta explained that a person must be licensed or registered as an apprentice for contact lenses in order to have the authority to pull contact lens from shelves or other storage areas or to dispense contact lenses. Since Wal-Mart employees are not “under the employment” and do not meet the exceptions in statute [Section 4725.59 (B) ORC] the Optometrists in the Wal-Mart Vision Center cannot direct non-contact lens licensed dispensing Opticians to pull or dispense contact lens.

After discussion regarding meeting the requirements for the apprentice time needed to apply for a Contact Lens and/or Combination License, President Capretta suggested that this might be something that the Opticians Association of Ohio might want to develop as an apprentice program which would be accredited by the Board for those licensees who wished to obtain a Combination license and only needing one year of apprenticeship time for contact lens licensure.

Approval of Licenses

After review of applications by Board members,

IT WAS MOVED BY DR. TODD CLARK AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.0 WITH THE EXCEPTION OF ROBBY J. STANDLEY AND MARINA UCADZE. DR. CLARK ABSTAINED FROM VOTING ON LINDA M. KEEGAN. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY DR. SUSAN BENES AND SECONDED BY JOE BITONTE THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.0 , NAMELY ROBBY J. STANDLEY AND MARINA UCADZE, PENDING RECEIPT OF INFORMATION NEEDED FOR COMPLETION OF THEIR APPLICATION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Special Orders - Continued

Director Manns presented the policy for approval of continuing education and the approval letter. After discussion, it was the decision of the Board that the policy for approval of continuing education and the approval letter be tabled until such time as suggested changes are made to this policy and the Board reviews it again at the October Board meeting.

Director Manns presented a draft policy for the granting of a one-time waiver for continuing education. After discussion, the Board agreed by consensus to keep waivers of continuing education in accordance with the previously approved policy.

Director Manns discussed the policy for the duplication of Wall Certificates. After discussion,

IT WAS MOVED BY JOE BITONTE AND SECONDED BY JIM DEDARIO THAT EACH LICENSEE SHALL DISPLAY IN A CONSPICUOUS PLACE AT EACH PLACE OF EMPLOYMENT THEIR WALL CERTIFICATE WITH THEIR CURRENT RENEWAL LICENSE CARD. THE CURRENT RENEWAL LICENSE CARD WILL READ: "THIS LICENSE MUST BE DISPLAYED WITH THE WALL CERTIFICATE AT ALL PLACES OF EMPLOYMENT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Director Manns presented the policy for the audit for C.E. requirements. After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY OSCAR WATSON THAT THE BOARD APPROVE THE POLICY FOR THE AUDIT OF C.E. REQUIREMENTS EFFECTIVE WITH THE 2008 RENEWAL WITH A MINIMUM OF 20% OF LICENSEES BEING AUDITED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Approval of Financial Report

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

Continuing Education

IT WAS MOVED BY JOE BITONTE AND SECONDED BY JIM DEDARIO THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW AND CONTINGENT UPON RECEIPT OF SPEAKER VITAE ON ED DEGENNARO FROM THE OAO SEMINAR IN CLEVELAND. MOTION ADOPTED BY A VOTE OF THE BOARD MEMBERS. MICHAEL HALL ABSTAINED FROM THE VOTE AND BRIAN MILLER ABSTAINED FROM THE VOTE FOR THE EAST WEST CONFERENCE.

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Vision Expo – Las Vegas, NV – September 13-16, 2006 for:

54 Spectacle Hours
21 Contact Lens Hours
19 Spectacle/Contact Lens Hours
55 Management Hours
2 Ocularist Hours
3 Spectacle/Contact Lens/Ocularist Hours
6 Spectacle/Contact Lens/Ocularist Hours with Infectious Disease

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

2 Spectacle Hours
5 Spectacle/Contact Lens Hours
1 Spectacle/Contact Lens/Ocularist Hour with Infectious Disease

Professional Opticians of Florida – Orlando, FL – October 5, 2006 for:

2 Management Hours

Professional Opticians of Florida – Reno, NV – October 19, 2006 for:

2 Management Hours

East/West Eye Conference – Cleveland, OH – October 13, 2006 for additional hours:

1 Management Hour

C.E.D.O. – Blue Ash, OH – October 15, 2006 for:

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

Opticians Association of Ohio – Cleveland Div. – Independence, OH – October 22, 2006 for:

3 Spectacle Hours
4 Contact Lens Hours
1 Management Hour

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C.E.D.O. – Independence, OH – October 22, 2006 for:

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

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

2 Spectacle Hours

EyeCare Business – Columbus, OH – August 23, 2006 for:

1 Spectacle Hour

EyeCare Business – Cleveland, OH – August 24, 2006 for:

1 Spectacle Hour

Cuyahoga Community College – Parma, OH – December 10, 2006 for:

4 Spectacle Hours

Board Governance/Planning

After discussion, it was decided that the top priority for the Board should be to develop new language for the definition of “Optical Aid” in Section 4725.40 ORC.

Investigator’s Report

Investigator Lehman presented a progress report to the Board members regarding all open cases.

New Business

Dr. Clark made copies of an issue of American Optometric Association newsletter article which discussed the fact that President Bush signed into law legislation to regulate all contact lenses, including decorative plano lenses, as medical devices.

Jim DeDario discussed the fact that the new continuing education application does not have a place for the method of presentation and recommended that this be added to the form.

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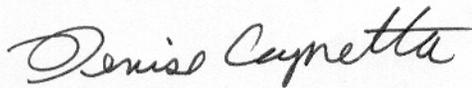
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Oscar Watson suggested that the Board should investigate some areas of education and training for Board members and staff to enhance the Board's organization and goal setting. Ms. Manns was directed to bring to the October Board meeting some suggestions or recommendations for programs that may meet this area of education and training.

The meeting was adjourned at 12:45 PM.

ATTESTED:



PRESIDENT, DENISE CAPRETTA



EXECUTIVE DIRECTOR, NANCY MANNNS

ADDENDUM 1.0

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB

Credential prefix = S

Report generated on 8/11/2006 at 1:00:53 PM

name	address1	address2	city	statecode	zipcode
Tammy Sue Boccia	3905 Holiday Drive		Norton	OH	44203
Betty R. Brewer	636 Osborn Avenue		Fairborn	OH	45324
Todd A. Clair	6681 East Broad Street		Reynoldsburg	OH	43068
Regina R. Colwell	3564 Carpenter Road		Mount Orab	OH	45154
Dawn H. Cordea	176 Heatherwood Drive		Howard	OH	43028
Gregory A. Freeman	6340 Dry Run Road		Chillicothe	OH	45601
Glenn R. Fry	1340 Hillcrest Drive		Atwater	OH	44201
Brenda Lou Gaines	3467 Zephyr Drive		Dayton	OH	45414
Peter Gulley, Jr.	4440 Granada Boulevard Apt 119		Warrensville Heights	OH	44128
James C. Hicks, II	715 1/2 Covington Avenue		Piqua	OH	45356
Candy K. Huber	974 Beechmeadow Lane		Cincinnati	OH	45238
Shafeeqa Hussein-Bey	10111 North Boulevard		Cleveland	OH	44108
Linda M. Keegan	34 Linda Drive		Fremont	OH	43420
Michele R. Kimes	7188 US Route 42		Mount Gilead	OH	43338
Crystal Nicole Kuhns	2214 Busse Street		Covington	KY	41014
Robin Lampkins	1845 Warrensville Center		South Euclid	OH	44121
Melissa D. Lavender	10105 County Road 550 Lot 7		Chillicothe	OH	45601
Jenny L. Lonz	1312 West Osborne Street		Sandusky	OH	44870
Kathryn A. Mongenas	1762 Adams Road		Loveland	OH	45140
Dawn Moore	23 Lori Lane Apt 8		Amelia	OH	45102
Elizabeth Nickell	542 State Route 28 East		Greenfield	OH	45123
April Phimsouay	7899 Red Fox Trail		Morrow	OH	45152
Kathleen A. Popovic	21231 Tracy Avenue		Euclid	OH	44123
Doni M. Reynolds	208 Bayshore Drive		Eastlake	OH	44095
Christina M. Rohr	7714 Jameson Avenue		Parma	OH	44129
Tamara L. Ruhl	170 Red Path Drive		Columbiana	OH	44408
Christopher L. Ryan	9441 Whippoorwill Lane		Mason	OH	45040
Robbi J. Standley	690 Hogue Avenue		Akron	OH	44310
Hollie Renee Stephens	14 Colonial Court		Barboursville	WV	25504
Shelley Stevens	643 East Euclid Avenue		Springfield	OH	45505
David L. Tate	838 Orville Way		Xenia	OH	45385
Jennifer A. Tellish	1000 Cliff Brook Lane		Columbus	OH	43228
Marina Ucadze	1990 Ford Drive Apt 709		Cleveland	OH	44106
Karen S. Ware	219 Young Lane		Saint Clairsville	OH	43950
Mary A. Watkins	33401 Charleston Avenue		Avon Lake	OH	44012
Tara L. Westfall	209 14th Street NW		Barberton	OH	44203
Tiffinie M. Wheeler	316 Briargate Drive		Lebanon	OH	45036
Tiffany E. Wolford	3621 Bradley Road		Huntington	WV	25704
Emma Laura Wray	230 South 3rd Street		Tipp City	OH	45371
Adrian A. Zavaleta	168 Sinclair Street		Bellevue	OH	44811

ADDENDUM 1.0

ODB - Pending Applicants - Combination License

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 8/11/2006 at 1:35:36 PM

name	address1	address2	city	statecode	zipcode
Paul M. Barkley	128 Chardon Avenue		Chardon	OH	44024
Brenda S. Beursken	5742 Ohio Street		Vermilion	OH	44089
Julia Anne Blaine	1060 Wollenhaupt Drive		Vandalia	OH	45377
Tanya Sue Chamberlain	8760 Housekeeper Road		Bowling Green	OH	43402-9579
Patricia F. Crossley	7967 B Puritan Drive		Mentor	OH	44060
Jessica M.H. Dryden	129 Kewbury Road		Springfield	OH	45504-1143
Charles E. Ervin	544 Dimmick Avenue		Cincinnati	OH	45246
Jill E. Fisher	5815 State Route 22		Mount Perry	OH	43760
Arlene Marie Frohnapfel	39085 State Route 26		Graysville	OH	45734
Marlene C. Held	3050 Lake Road		Stow	OH	44224
Junn Yu Marcum	3508 Trevor Drive		Columbus	OH	43204-1779
Hope Elaine Mercer	612 Foster Avenue		Cambridge	OH	43725
Gary W. Morgan	2250 Weiler Drive		Zanesville	OH	43701
Lisa M. Peeples	10529 Hardin-Wapakoneta Rd		Sidney	OH	45365
Kimberly A. Poole	4903 8th Avenue		Vienna	WV	26105
Alisa M. Racic	6 Wooded Ridge Road		Amelia	OH	45102
William F. Schiller	4503 Eastwood Drive Apt. 14108		Batavia	OH	45103
Kimberly Sue Schuler	740 Havenwood Drive		Boardman	OH	44512
Christopher A. Silva	544 Waterside View Drive		Blacklick	OH	43004
Renee Lynn Stout	759 Washington Avenue		Niles	OH	44446
Christa A. Street	414 North Avenue		New Lexington	OH	43764
Denise L. Strehl	201 West Center Street Apt 9		Smithville	OH	44677
Chuck A. Stump	301 East Forest Street		Celina	OH	45822-1216
Tawnya A. Tate	1626 Genesee Avenue NE		Warren	OH	44483
Audrey J. Wade-Parkman	1291 Mount Vernon Street		Akron	OH	44310
Janette E. Wells	223 Hill Street		Junction City	OH	43748