



OHIO OPTICAL DISPENSERS BOARD

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MINUTES OF MEETING APRIL 18-19, 2007

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD APRIL 18-19, 2007

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, April 18, 2007, at 7:00 P.M. at 77 South High Street, The Board Room, 31st Floor, Columbus. President Joe Bitonte called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

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

Absent: Denise M. Capretta

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 JAMES DEDARIO AND SECONDED BY MICHAEL HALL THAT THE AGENDA FOR THE APRIL 18-19, 2007 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Bitonte welcomed guests attending the meeting.

President Bitonte informed the Board that Vice President Brian Miller had brought in an article that was in a recent edition of "Vision Monday" which featured a story about former

Board Member Bob Lawner. Vice President Miller shared the article with the other Board members.

Approval of Minutes

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY ROBERT CLEGG THAT THE MINUTES OF THE FEBRUARY 21-22, 2007 BOARD MEETING BE APPROVED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Executive Director's Report

Executive Director Manns informed the Board that she had met with President Joe Bitonte, Vice President Brian Miller and Treasurer Michael Hall in her office prior to the Board meeting for a brief orientation. Topics covered:

- The budget process including maintenance, generation of reports and reconciliation;
- Goals for the Board for 2007; goals for the Board, ordering of the agenda and the process of organizing the Board meetings.

Executive Director Manns informed the Board that the Board is to be audited by state auditors this year and explained that an audit normally occurs every two years. There will be a meeting with representatives from the auditor's office on Friday morning to set the schedule for the audit. Director Manns informed the Board that she had reviewed the previous audit report and looks at this as a learning experience for new ways to improve our processes.

Executive Director Manns informed the Board that she presented the budget testimony to the House Higher Education Subcommittee on March 22, 2007. A copy of the testimony can be found in the packet which was mailed and/or handed out at the Board meeting. The budget testimony before the Senate is scheduled for Wednesday, May 2nd. Director Manns informed the Board that she has been instructed to not bring anyone with her unless absolutely necessary and that she should bring 40 copies of her testimony.

Executive Director Manns informed the Board that they should have filed the Ethics Commission Report which was due April 15th.

Executive Director Manns discussed the renewal process and reviewed with the Board the number of licenses renewed and mailed.

Executive Director Manns informed the Board that she and P. R. Casey, AAG are still waiting on a decision from Attorney General Dann's office concerning the go-ahead with the law change for the definition of "optical aid". AAG Casey will report further in his report.

Executive Director Manns informed the Board that the National Association of Optometrists and Opticians have proposed a piece of legislation to change Section 4725.25 ORC and this

topic would be discussed further later in the meeting. A copy of the proposed change is in the Board packet and was e-mailed and/or faxed to each Board member.

Executive Director Manns informed the Board that Theodore Arlotto will be taking the Ocularist Exam on April 27, 2007. Director Manns thanked Vice President Brian Miller for all of his hard work on helping to adapt the old exam to meet the standards for licensure.

Executive Director Manns went over the Budget Report with the Board and informed them that while she is dealing with the present budget, she is also working on setting up fiscal years 2008 and 2009. Budget procedures will be changing for the next biennium as the state incorporates the budget process into the OAKS system.

Executive Director Manns reviewed with the Board the results of contacting other states who are currently or have been members of the National Committee of State Opticianry Regulatory Boards. Details of the survey can be found in the Executive Director's Report. Vice President Brian Miller thanked Director Manns for her work on this project and stated that her findings confirm that some re-organization may be required at the National Committee.

Executive Director Manns informed the Board that she had been asked to speak to Senator Schuler about concerns put forward to the Senator by a constituent about the Board's late fee policy. Director Manns stated that the Senator seem to understand the Board's policy and asked, only, that the Board keep the Senator informed about any pending legislation that the Board will be putting forth.

Approval of Financial Report

After discussion,

IT WAS MOVED BY ROBERT CLEGG AND SECONDED BY JAMES DEDARIO THAT THE FINANCIAL REPORT FOR CURRENT FY 2007 BE ACCEPTED AS PRESENTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Continuing Education

After review of submitted applications by Board members and discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW WITH THE EXCEPTION OF TRANSITIONS OPTICAL, OHIO OPTOMETRIC ASSOCIATION AND TENNESSEE DISPENSING OPTICIANS WHICH WERE CONSIDERED UNDER SEPARATE MOTIONS.. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Ohio Optical Dispensers Board Meeting Minutes
April 18-19, 2007
Page 4

Contact Lens Society of America – Phoenix, AZ – April 18-21, 2007:

1 Spectacle Hour
39 Contact Lens Hours

Transitions Optical – Oakbrook, IL – April 12, 2007:

Program request denied because of late submission of application.

Costco Wholesale – Orlando, FL – September 25-27, 2007:

4 Spectacle Hours
4 Contact Lens Hours

Opticians Association of Ohio – Fairborn, OH – April 22, 2007:

4 Contact Lens Hours

Younger Optics – Zanesville, OH – May 9, 2007:

1 Spectacle Hour

Ohio Optometric Association – Columbus, OH – May 9, 2007:

4 Management Hours – Pending receipt of letter stating why was not submitted
60 days prior to seminar

Midwest Vision Congress – Rosemont, IL – May 10-12, 2007:

43 Spectacle Hours
11 Contact Lens Hours
In letter sent notifying approval of above hours include statement that in the
future, they must submit a outline of all courses.

Rooney Optical – Oberlin, OH – August 2, 2007:

1 Spectacle Hour
1 Management Hour

Opticians Association of Ohio – Internet – Calendar Year 2007:

4 Spectacle Hours
2 Management Hours
1 Contact Lens Hour

Tennessee Dispensing Opticians – Knoxville, TN – March 11, 2007 Requested by Patricia Brenner, SC 7150:

4 Spectacle Hours

4 Contact Lens Hours

Pending additional information on the speaker, Ledonna Buckner's, credentials

After discussion;

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE BOARD DENY THE CONTINUING EDUCATION PROGRAM, TRANSITIONS OPTICAL, OAKBROOK, IL OFFERED ON APRIL 12, 2007 DUE TO THE FACT THAT IT WAS NOT SUBMITTED WITHIN 60 DAYS PRIOR TO THE SCHEDULED DATE OF THE PROGRAM AS REQUIRED BY RULE AND THE FACT THAT THEY SUBMITTED FOR AS A SPECTACLE PROGRAM WHEN IT IS A MANAGEMENT COURSE. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAM, OHIO OPTOMETRIC ASSOCIATION, COLUMBUS, OH OFFERED ON MAY 9, 2007 PENDING RECEIPT OF LATE LETTER EXPLAINING WHY COURSE WAS NOT SUBMITTED 60 DAYS PRIOR TO DATE OF SEMINAR. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS. DR. CLARK ABSTAINED.

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAM, TENNESSEE DISPENSING OPTICIANS, KNOXVILLE, TN OFFERED ON MARCH 11, 2007 PENDING RECEIPT OF ADDITIONAL INFORMATION REGARDING SPEAKER LEDONNA BUCKNER'S CREDENTIALS. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

Approval of Licenses

After review of licensure applications by Board members,
IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN C. 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 JAMES DEDARIO AND SECONDED BY MICHAEL HALL THAT THE BOARD ADJOURN FOR THE DAY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

The meeting was adjourned at 8:00 P.M. until Thursday, April 19, 2007.

On **Thursday, April 19, 2007 at 9:05 A.M.** the second day of the meeting of the Board began at 77 South High Street, The Board Room, 31st Floor, Columbus. President Joe Bitonte called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

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

STAFF MEMBERS IN ATTENDANCE:

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

President Bitonte had all visitors introduce themselves.

Strategic Planning:

Potential Law Change – “Optical Aid”:

President Bitonte yielded the floor to A.A.G. P. R. Casey and requested that he give the Board an update on the law change for the definition of “Optical Aid”. Mr. Casey explained to the Board that there has been a delay in moving forward with this legislation due to the fact we are still waiting on the “go ahead” from Attorney General Dann’s office. Mr. Casey stated that he and Director Manns have been in touch with the AG’s office but have yet to receive a response.

Criminal Records Check:

Director Manns informed the Board that the third hearing for the criminal records check was today and that a representative from the Boards & Commissions would be attending. Since there appears to be no opponents it is estimated that this would be ready to go into effect sometime this summer or early fall. The cost for the criminal records check would go to the licensees and there would be no additional cost to the Board once the requirement is in place. If the applicant is required to do a criminal records check for employment purposes and they request a copy of this report to be sent to the Board at the same time of testing, the Board could accept those initial results for the requirement for initial licensure. Ms. Manns also advised the Board members that the Board will be required to promulgate rules outlining the Board’s process.

C.E. Audit:

Director Manns informed the Board that the staff is looking for directions in handling the C.E. Audit procedure. Since the most common complaint this year regarding renewals was the fact that we keep changing things, we would like to keep the renewal process the same this year and start with the audit process during the renewal period in '09.

After discussion, it was the consensus of the Board to keep the process the same as last year for the coming renewal year, but not to delay the issuing of licenses while waiting for proof of continuing education.

Board Governance/Planning

Executive Director Manns suggested that the Board begin its Board Governance Planning by reviewing the Board's mission statement to re-affirm that the Board still holds the same beliefs; that the mission statement should guide all decisions, policies and future planning. The Board agreed by consensus to start this process and requested that Ms. Manns bring examples of other vision statements for comparison.

A.A.G. Report

P. R. Casey, AAG, reported to the Board concerning the two cases involving illegal sales/dispensing of contact lenses that were in appellate court.

Case #1 Star Beauty, Toledo:

Mr. Casey reminded the Board that the Board won this case at the common pleas level, but the attorney representing Star Beauty had appealed that decision in Lucas County. Mr. Casey informed the Board that he will be presenting oral arguments in the case on May 14th at 10:15 AM in Lucas County. Vice President Brian Miller agreed to attend with AG Casey.

Case #2 Two Cousins, Cleveland:

Mr. Casey reminded the Board that the Board also won this case in the Cuyahoga County courts, but again, the attorney for Two Cousins had filed an appeal. Mr. Casey informed the Board that the attorney had filed the appeal too late and had, in fact, missed the deadline to file an appeal and the appeal was dismissed. The attorney for Two Cousins then filed for re-consideration on the appeal and this was also denied by the courts. The initial decision stands.

Mr. Casey informed the Board that there are several locations which are refusing to accept the Cease and Desist letters presented by Investigator Lehman and that he will be working up injunctions on these locations. Mr. Casey stressed that this is the reason we need to go forward with the "optical aid" definition change.

Investigator's Report

Investigator Lehman presented the Investigator's Report to the Board;
IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL
THAT THE BOARD ACCEPT THE INVESTIGATOR'S REPORT. MOTION ADOPTED
BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Investigator Lehman also informed the Board that he has had a conversation with Virginia Connelly, Director, Investigations Branch for FDA in Cincinnati. Ms. Connelly informed Mr. Lehman that she is working with the Chicago FDA Branch to effectively prevent Trinity Enterprises from distributing the contacts in Ohio.

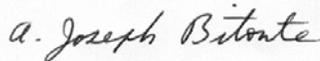
Investigator Lehman also informed the Board that the majority of his current investigatory cases are complaints about contact lenses being illegally dispensed. He also informed the Board that while attempting to issue a cease and desist notice to one store they informed him that they would not stop selling the contact until he could provide proof of the court's decisions in favor of the Board.

New Business

Director Manns requested that Mark Bennett of the Opticians Association of Ohio share his conversation about the proposed change to Section 4725.40 ORC with the National Association of Optometrists and Opticians (NAOO) with our Board. Mr. Bennett informed the Board that the NAOO is proposing a law change which would allow a Spectacle Optician to interpret and fill a contact lens prescription and to order contact lenses as well as re-fill prescriptions. The Board took under advisement the information provided by Mr. Bennett. Mr. Bennett agreed to keep the Board informed about any further discussion concerning this proposed legislation.

The meeting was adjourned at 10:45 AM, April 19, 2007.

ATTESTED:



PRESIDENT, JOE BITONTE



EXECUTIVE DIRECTOR, NANCY MANN S

Future Board Meeting Dates:

June 13-14, 2007

August 15-16, 2007

October 17-18, 2007

December 12-13, 2007

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB

Credential prefix = S

Report generated on 4/18/2007 at 10:09:18 AM

name	address1	address2	city	statecode	zipcode
Bethany J. Barnes	5124 Bushmill Road		Clarksburg	OH	43115
Debbie Bencivenni	2081 Fairview Avenue		Cleveland	OH	44106
Brittany A. Bruggeman	676 North Market Street		Galion	OH	44833
Amanda L. Daddario	15003 Triskett, Upstairs		Cleveland	OH	44111
Robert Anthony Dobynes, Jr.	11230 Navajo Lane Apt 302		Parma Heights	OH	44130
Ileana F. Gallegos	2613 Niles-Cortland Road		Cortland	OH	44410
Katrina M. Geary	727 Martin Luther King Drive Apt 105W		Cincinnati	OH	45220
Jenny R. Hartman	223 Parris Avenue		Bremen	OH	43107
Stephanie McKee	483 Happy Hollow Road		Chillicothe	OH	45601
Nicholas Moore	1174 Munroe Falls-Kent Road		Kent	OH	44240
Sovanna Our	1602 Flick Drive		Fairborn	OH	45324
Jennifer H. Proctor	1406 Horn Road		Milan	OH	44846

ODB - Pending Applicants - Spectacle/Contact Lens

Report Parameters

Board = ODB

Credential prefix = SC

Report generated on 4/18/2007 at 10:28:30 AM

name	address1	address2	city	statecode	zipcode
Brittany A. Bush	2496 Haviland Court		Mansfield	OH	44903
Judith A. Drummer	2192 Plantation Trail		Bellbrook	OH	45305
Ashley J. Hammond	316 East Elm Street	PO Box 314	Shawnee	OH	43782

ODB - Pending Applicants - Spectacle/Contact Lens Reciprocity

Report Parameters

Board = ODB

Report generated on 4/18/2007 at 9:43:19 AM

name	address1	address2	city	statecode	zipcode
Alex Desroches	5791 Blendon Place Drive		Gahanna	OH	43230