



OHIO OPTICAL DISPENSERS BOARD

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MINUTES OF MEETING **DECEMBER 12-13, 2007**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD **DECEMBER 12-13, 2007**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, December 12, 2007, at 7:05 P.M. at 77 South High Street, East B, 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 Bender; Susan C. Benes, M.D.; James DeDario; James Fortune, Sr.; Timothy Fries, O.D.; Oscar J. Watson.

STAFF MEMBERS IN ATTENDANCE:

Present: 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 JAMES DEDARIO AND SECONDED BY MICHAEL HALL THAT THE AGENDA FOR THE DECEMBER 12-13, 2007 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Bitonte welcomed the guests attending the meeting.

Approval of Minutes

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY MICHAEL HALL THAT THE MINUTES OF THE OCTOBER 17-18, 2007 BOARD MEETING BE APPROVED WITH THE AMENDMENT DISCUSSED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Approval of Financial Report

After discussion,
IT WAS MOVED BY SUSAN BENES, M.D. AND SECONDED BY JAMES DEDARIO THAT THE FINANCIAL REPORT FOR CURRENT FY 2008 BE ACCEPTED AS PRESENTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Board Governance/Planning – Goals for 2008

Director Manns discussed with the Board that a major goal this year could be to go through the law in segments at each Board meeting to discuss what should and needs to be changed. After discussion it was agreed by consensus of the Board to make this their goal for 2008.

Continuing Education

After review of submitted applications by Board members and discussion,
IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW.

ABOVE MOTION WAS AMENDED BY SUSAN BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW AND THAT THE BOARD OFFICE NOTIFY THE OPTICIANS ASSOCIATION OF OHIO-CINCINNATI DIVISION THAT IF THEY RE-SUBMIT THE COURSE INTERPERSONAL COMMUNICATION IN AN OPTICAL BUSINESS AND REQUEST TWO MANAGEMENT HOURS THIS COURSE WOULD BE APPROVED FOR TWO MANAGEMENT HOURS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Optical Training Institute – Internet Courses – Calendar Year 2008:

50 Spectacle Hours
26 Contact Lens Hours

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Opticians Association of Ohio – Independence, OH – January 27, 2008:

4 Spectacle Hours
4 Contact Lens Hours

C.E.D.O. – Zanesville, OH – March 1, 2008:

4 Spectacle Hours

C.E.D.O. – Dublin, OH – March 3, 2008:

4 Spectacle Hours

C.E.D.O. – Blue Ash, OH – March 9, 2008:

4 Spectacle Hours

C.E.D.O. – Perrysburg, OH – March 29, 2008:

4 Spectacle Hours

C.E.D.O. – Independence, OH – March 30, 2008:

4 Spectacle Hours

Opticians Association of Ohio – Newark, OH – December 2, 2007:

4 Spectacle Hours

EyeCare Professional Magazine – Internet Course – Calendar Year 2008:

1 Spectacle Hour

Opticians Association of Ohio – Fairfield, OH – February 24, 2008:

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

Strategic Planning:

Potential Law Change – Optical Aid Definition

Director Manns informed the Board that the Senate did accept the wording for the change in our definition of optical aid with the re-writes made by LSC. Since there were major changes made on other items in the bill this bill will have to go back to the House. It is our understanding that this did pass through the House. The last step would be for the Governor to sign the bill and then it would go into effect 90 days from the time it is signed.

A.A.G. Report

P. R. Casey, AAG, informed the Board that there have been six permanent injunctions filed throughout the state and six Temporary Restraining Orders with preliminary injunctions. AAG Casey feels we have accomplished our goal to get the word out about the legalities of selling/dispensing cosmetic contact lens without a license. Director Manns informed the Board that we got great publicity from Attorney General Marc Dann's press conference and that AG Dann was very complimentary to AAG Casey and his hard work on this project.

P. R. Casey, AAG, informed the Board that Attorney General Marc Dann informed all Assistant Attorney Generals to look into the disciplinary procedures followed by all Boards. AAG Casey recommended that the Board needs to have a case review policy set and recommended that the Board assign a person who would be voted on by the Board to hear about the cases coming before the Board as a whole. The attorney general's office feels that there may be due process problems due to the Board acting as the jury and administrative body and feels that there needs to be a wall between the two functions. At the present time Director Manns has been meeting with the Board officers prior to the Board meeting which could lead to all three people not being allowed to vote on the final outcome. AAG Casey recommended that one person be assigned as the disciplinary member and the Board vote on how long that person would serve and who that person would be.

After discussion,

IT WAS MOVED BY SUSAN BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE A FORMAL DISCIPLINARY PROCESS BY APPOINTING A SUPERVISING DISCIPLINARY MEMBER WHO IS AUTHORIZED BY THE FULL BOARD TO REVIEW DISCIPLINARY MATTERS TO PROVIDE INPUT TO STAFF AND THE ASSISTANT ATTORNEY GENERAL AND MAKE DECISIONS REGARDING DISCIPLINARY MATTERS ON BEHALF OF THE BOARD. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

P. R. Casey, AAG, informed the Board that he would like to table the discussion on the topic of Free Clinic Exemption Language until the February Board meeting.

After discussion,

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY JAMES DEDARIO THAT THE BOARD APPOINT ON AN ANNUAL BASIS THE OFFICE OF PRESIDENT AS THE SUPERVISING DISCIPLINARY MEMBER TO REVIEW, PROVIDE INPUT INTO AND MAKE DECISIONS ON BEHALF OF THE BOARD ON DISCIPLINARY MATTERS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Investigator's Report

Investigator Lehman informed the Board that there were three consent agreements which needed to be ratified by the Board and went over his report with the Board. Investigator Lehman informed the Board that he is continuing to monitor all stores which have been selling/dispensing cosmetics contact lenses without a license.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE BOARD ACCEPT THE REPORT OF INVESTIGATIONS WITH THE AMENDMENTS MADE AS NOTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Discipline

After discussion;

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY SUSAN BENES, M.D. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #0706035. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY TIMOTHY FRIES, OD. THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #0706038. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY MICHAEL HALL THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #0808004. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY SUSAN BENES, M.D. 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., SUSAN BENDER, JIM DEDARIO, BRIAN MILLER, MICHAEL HALL, OSCAR WATSON, TIMOTHY FRIES, O.D., JAMES FORTUNE MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

At 8:30 PM on Wednesday, December 12, 2007, President Bitonte reported in open session that the Board had gone into executive session to discuss personnel matters and/or appointment of public officials. All staff members and visitors left the room.

On **Thursday, December 13, 2007 at 9:05A.M.**, the second day of the meeting of the Board began at 77 South High Street, East B, 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 Bender; Susan C. Benes, M.D.; James DeDario; James Fortune, Sr.; Timothy Fries, O.D.; Oscar J. Watson.

STAFF MEMBERS IN ATTENDANCE:

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

President Bitonte welcomed the visitors.

President Bitonte announced that the Board came out of Executive Session at 9:30 PM Wednesday, December 12, 2007.

President Bitonte informed the Board that a new submission for continuing education approval from the Opticians Association of Ohio had been received in the office that morning requesting re-approval of all internet courses previously approved for 2007 to be approved for 2008.

After review of submitted application by Board members and discussion,
**IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN BENDER THAT
THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAM WITH THE
APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS
VOTE OF THE BOARD MEMBERS.**

Opticians Association of Ohio – Internet Courses – Calendar Year 2008:

- 15 Spectacle Hours
- 1 Spectacle/Contact Lens Hour
- 3 Contact Lens Hours
- 9 Management Hours

Executive Director's Report

Director Manns informed the Board that we still have 1,967 licensees that have not renewed their license for 2008. Right now the renewals are being processed and a renewal license is being mailed back out the next day after being received. However, this will not occur when we start receiving around 500 to 600 renewals a day. Director Manns informed the Board that, as was previously agreed to by the Board, 100% of the licensees will be audited if we do not have their continuing education certificates at the time of renewal. These licensees will be given a reprimand and possible fine or a consent agreement.

Director Manns informed the Board that a copy of an invitation to attend NCSORB's meeting to be held in January, 2008 was sent in the Board packets. Director Manns stated that it appears that they are more organized from last year and that she would leave it up to the Board to decide whether to send the Director and one Board member to the meeting. Vice President Miller agreed with Director Manns that NCSORB did appear to be more organized this year.

After discussion; it was the consensus of the Board to wait another year to see how this organization is going before attending their meetings again.

Director Manns informed the Board that she had also included in their packets a print out from ABO/NCLE's website regarding a national conference they will be holding on September 19-21, 2008 at the Duke Energy Center in Cincinnati, OH. Director Mann's stated that she sent an e-mail to Craig Norman introducing herself and that we also sent the seminar approval application to try to get this conference submitted for approval by the Board.

Director Manns informed the Board that she provided presentations at the Opticians Association of Ohio seminars in Fairborn on October 28th and in Perrysburg on November 4th. The feedback was very positive and there were a number of very good questions.

Director Manns informed the Board that the Annual Report has been sent to the Governor and all other parties which require a copy be sent to them.

Director Manns informed the Board that a letter had been mailed to all Board members regarding their W2 for them to verify that the information the state had was correct. Any Board member which did not receive this letter should contact the Board office.

Director Manns informed the Board that it was two years ago that she received a call that she was chosen as the Executive Director for the Board office and how happy she was to receive this call. Director Manns wished everyone a very Happy Holiday.

Special Orders: 2008 Board Meeting Dates:

Director Manns informed the Board that it was time to set the dates of the Board meetings for upcoming year 2008. Director Manns stated that since she had heard repeatedly throughout this year that the Board was opposed to one day meetings she was suggesting two different schedules for the Board to review and discuss. The first option would be six two day meetings set the third week of each month with the exception of December which would be held earlier due to the holidays. The second option would be five two day meetings to be held in February, May, July, September and November. Director Manns stated that she would like to suggest the five day schedule for the following reasons; 1)Would save money from the reduction of one meeting and would also leave wiggle room for an emergency meeting should the need arise; 2)The budget office will be specifically asking questions about what cost savings the Boards have implemented; 3)The bulk of license approval applications are in February and August and the only reason for the August rush is that the applicants don't get the results of their May exam until after the Board meets in June therefore making them wait until August to get their license. If the Board went to five meetings and held a meeting in July, this would accommodate those people applying for their licenses from the May exam. Board member James DeDario then ask what the reason was for not having a one day meeting and if anyone objected to going to a one day meeting using the six day schedule on the hand out.

After discussion;

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY OSCAR WATSON THAT THE BOARD ADOPT A NEW SCHEDULE OF ONE DAY MEETINGS FROM 9:00 AM TO 4:00 PM STARTING IN FEBRUARY OF 2008 WITH MEETINGS DATES OF FEBRUARY 21ST, APRIL 17TH, JUNE 19TH, AUGUST 21ST, OCTOBER 16, AND DECEMBER 4TH. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Licenses

After review of licensure applications by Board members,

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

INVESTIGATIONS – REVIEW

Director Manns informed the Board that perhaps there should be some clarification of the procedure on investigations and thought we should go over and review how cases are handled. The first process is when we receive a complaint is to either mail a complaint form or direct the person to our website to download the complaint form. Upon receipt of the complaint form Investigator Lehman then reviews whether the Board has authority over what the

complaint is about. Some things where we do not have authority is how they were treated, refund of money, etc. If it is determined that there appears to be a violation of the law, Investigator Lehman will set up a case file and start an investigation. Once the investigation has been completed by Investigator Lehman the case will then go to the supervising disciplinary member who will then decide how the case will be handled. All information has to remain confidential and cannot be released at this point. If offered a Consent Agreement, they can either accept the Consent Agreement or request a hearing. If they request a hearing, this is where it becomes critical that you have not received any prior information regarding the case and the person so that you can maintain an impartial status when hearing the case. If they go with the Consent Agreement the Board will then be requested to ratify the agreement and you will then be given a copy of the agreement to ratify. Once the Consent Agreement is ratified, this then becomes public information. If you are not satisfied with the judgment the supervising disciplinary member made when deciding the outcome of the case, you can go ahead and ratify the agreement and then let the supervising disciplinary member know if there is something you would liked to see changed for future cases of the same nature. The Board staff will also be looking into putting this information on our website.

Criminal Records Check:

Director Manns announced that the bill containing the Criminal Records Check came out of the Senate in tack with the exception of excluding the Barber Board. This bill will then have to go back to the House and just received word that it appears it did pass in the House. The bill will then go to the Governor to sign and would then take effect 90 days after the governor signs it. It will probably be sometime around May of 2009 before our Board will start doing the criminal records check.

Request for Re-Instatement of License:

Director Manns informed the Board that Georgann Mullen has requested that the Board review their decision made at the August, 2007 Board meeting to not re-instate her license.

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY BRIAN MILLER THAT THE BOARD RE-AFFIRM THE DECISION OF THE BOARD TO NOT RE-INSTATE GEORGANN MULLEN'S LICENSE. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. SUSAN BENES, M.D. ABSTAINED.

New Business

Practice questions related to release of a prescription.

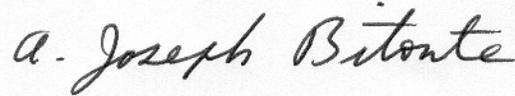
Director Manns directed the Board to the hand out in the Board packets number 12.1 regarding the question from Vice President Miller related to the release of a prescription which was discussed in great length. This conversation also lead to whether or not the Board

staff office should set something up on the website as a questions and answer category and how and who the Board would like to handle this. It was the consensus of the Board that a question and answer section be added to the webpage which would be handled by the Board staff.

President Bitonte reminded everyone that the next Board Meeting would be February 21, 2008 from 9:00 AM – 4:00 PM.

The meeting was adjourned at 11:30AM, December 13, 2007.

ATTESTED:



PRESIDENT, JOE BITONTE



EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:
February 21, 2008 – 9:00 AM – 4:00 PM

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB
Credential prefix = S

Report generated on 12/12/2007 at 8:01:34 AM

name	address1	address2	city	statecode	zipcode
Carrie A. Balogas	12206 Clifton Boulevard Apt 25		Lakewood	OH	44107
Amy J. Eads	10760 Southwind Drive		Powell	OH	43065
Amy Beth Gibson	5669 Blendon Place Drive		Gahanna	OH	43230
Andrea Joy Gossard	480 Kenmore Street		Lima	OH	45801
John Tolomeo	7876 Lockport Boulevard		Centerville	OH	45459

ODB - Pending Applicants - Combination

Report Parameters

Board = ODB
Credential prefix = SC

Report generated on 12/12/2007 at 8:18:49 AM

name	address1	address2	city	statecode	zipcode
Susan K. Groves	5643 Malsbeary Road		Williamsburg	OH	45176