



OHIO OPTICAL DISPENSERS BOARD

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MINUTES OF MEETING JUNE 13-14, 2007

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD JUNE 13-14, 2007

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, June 13, 2007, at 7:04 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 C. Benes, M.D.; Timothy Fries, O.D.; Susan Bender; James Fortune, Sr.; James DeDario; Oscar J. Watson.

STAFF MEMBERS IN ATTENDANCE:

Nancy L. Manns, Executive Director; William Lehman, Investigator; Steve McGann, 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 SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE AGENDA FOR THE JUNE 13-14, 2007 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

President's Report

President Bitonte welcomed the new board members and guests attending the meeting. Board members introduced themselves to the guests.

President Bitonte informed the Board that Director Manns had sent him information on the Ohio Council of Retail Merchants proposed bill that allow Spectacle Licensees and Apprentices to sell/dispense contact lenses. Prior to the current Board meeting, President Bitonte gave Director Manns permission to contact Senator Padgett, the sponsor of the proposed legislation, in order to discuss the language. Mr. Bitonte informed the Board that there would be further discussion of the issue later in the meeting.

Approval of Minutes

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE MINUTES OF THE APRIL 18-19, 2007 BOARD MEETING BE APPROVED AS WRITTEN. SUSAN BENDER, JAMES FORTUNE, SR. AND DR. TIMOTHY FRIES ABSTAINED. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

Executive Director's Report

Director Manns shared a copy of an article she had written and submitted to the Cosmetology Board that was subsequently published in the "Ohio Stylist & Salon" news magazine concerning the illegal sales/dispensing of contact lenses. The article provided information about the dangers of purchasing cosmetic lenses and the need to report entities that were illegally selling contact lenses. Information was also provided in the article on how to report these entities to the Board.

Executive Director Manns informed the Board that the office is in the process of renewing apprentice registrations. Out of 833 renewal notices mailed, only 197 had been returned for renewal at the time of the Board meeting.

Executive Director Manns informed the Board that P. R. Casey, AAG was on leave. AAG Steve McGann would be attending the July meeting for Mr. Casey. Mr. Casey was expected to return prior to the August Board meeting.

Executive Director Manns informed the Board that the National Association of Optometrists and Opticians (NAOO) had proposed a piece of legislation to be sponsored by Senator Joy Padgett (R-Coshocton) to change Section 4725.25 ORC to allow spectacle licensed opticians to "sell" contact lenses. This information had been sent to Ms. Manns by Mark Bennett, Executive Director of the Opticians Association of Ohio (OAO). The legislation was to be added as an amendment to the state budget bill. A copy of the proposed language was included in the Board member packets. Mr. Bennett informed Ms. Manns of the decision of the OAO Board was to neither oppose nor support this proposed law change. Ms. Manns also reported that after consulting with President Bitonte it was decided that she contact Senator Padgett. After informing Senator Padgett that the Board had not been consulted, and had, in fact, not "signed off" on the proposed language and had concerns about the effect the language would have on consumer safety, Senator Padgett agreed to pull the proposed

amendment until further discussions were held between interested parties. Additional discussion would be held later in the agenda.

Executive Director Manns informed the Board that Theodore Arlotto took and passed the Ocularist Exam on April 27, 2007 and that his application for licensure was to be considered later in the meeting.

Executive Director Manns informed the Board that fiscal year '07 would end on June 30, 2007 and fiscal year '08 would start on July 1, 2007. With the beginning of the new fiscal year, the state will be converting to OAKS (Ohio Administrative Knowledge System) and deadlines for re-imbursement and payment for vouchers had been moved up to Mid-July. Therefore, Board member travel expenses from this meeting will not be paid until after July 1, 2007.

Executive Director Manns informed the Board that she had presented budget testimony to the Senate Finance Committee on May 2, 2007. A copy of the testimony could be found in the packet which was mailed and/or handed out at the Board meeting.

Executive Director Manns informed the Board that we had received an invoice from the National Committee of State Opticianry Regulatory Boards for membership dues. The dues had increased from \$300 to \$750 annually as voted on at the January, 2007 meeting in St. Petersburg, FL. Ms. Manns stated that the decision to renew or to not renew this membership would be voted upon later in the agenda.

Executive Director Manns informed the Board that the biannual fiscal audit for the Board was completed mid-May. This audit covered all non-payroll aspects of the Board's fiscal responsibilities. Though the final written report had not been received, staff were informed verbally that everything appeared to be in order and that there would be no exceptions noted in the management letter that would be sent to Board members.

Executive Director Manns informed the Board that all state employees are now required to attend ethics training every other year. The first training was held on June 12, 2007 and all office staff were in attendance. The Governor will be establishing a separate training for Board members. The tentative date of September 7, 2007 had been proposed. Ms. Manns stated that she would keep the Board Members informed concerning the date.

Executive Director Manns informed the Board that we are still waiting on the go-ahead from the Attorney General's office for the law change to the definition of "optical aid." Director Manns informed the Board that we may have an ally with Senator Padgett and might go a different avenue should we reach a compromise on the Retail Merchant bill proposal. AAG McGann informed the Board that he feels this is the most important issue the Board has before them. Mr. McGann related to the Board that the Attorney General's office was taking a great interest in the issue of illegal dispensing of contact lenses.

Approval of Financial Report

Treasurer, Michael Hall informed the Board that Governor Strickland had publicly stated that there would not be any approval of increased taxes or fees for the next biennium. Because the Board did not get the fee increases, as previously discussed with the Board, the Board will need to look at ways of controlling non-fixed costs and expenditures. Treasurer Hall stated that this may include looking at the length and number of Board meetings. Treasurer Hall informed the Board that this was not a decision that needed to be made at the current Board meeting, but was something that the Board would need to seriously look at this coming year.

After discussion,

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE FINANCIAL REPORT FOR CURRENT FY 2007 BE ACCEPTED AS PRESENTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Strategic Planning:

Criminal Records Check:

Director Manns informed the Board that the bill that would require criminal records checks prior to initial licensure now has a sponsor and the bill has had hearings. Once the bill is passed, each affected Board would be required to write rules regarding the process to be used for each Board. The cost of the records checks will be incurred by the applicant.

Retail Merchants/Change of Scope:

Director Manns informed the Board that they received in their packets a copy of the proposed wording which the Board office had received from Lora Miller, Director of Governmental Affairs & Public Relations, Ohio Council of Retail Merchants, regarding change of scope of practice to allow spectacle licensed opticians and apprentices to be able to sell/dispense contact lenses. Ms. Miller had also left a package with individual letters addressed to each Board member that was also included in the Board member packets. Director Manns handed each Board member their envelope and requested that they read everything over this evening and then we would discuss this issue further at the Thursday morning Board meeting. Director Manns also requested that the Board consider giving authority to her and a Board member to meet with Retail Merchants to try to reach a compromise.

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 MICHAEL HALL AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD ADJOURN FOR THE DAY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

The meeting was adjourned at 8:35 P.M. until Thursday, June 14, 2007.

On **Thursday, June 14, 2007 at 9:00 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 W. Hall, Treasurer; Susan C. Benes, M.D.; Timothy Fries, O.D.; Susan Bender, James Fortune, Sr.; James DeDario; Oscar J. Watson.

STAFF MEMBERS IN ATTENDANCE:

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

President Bitonte welcomed the visitors and had the Board members introduce themselves to the guests..

Board Governance/Planning

As discussed at the April Board meeting, 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. Sample copies of various mission statements were handed out to the Board by Director Manns. Director Manns proposed that since we had three new Board members, we should give everyone time to review the hand-outs and place this item on the agenda for the August Board meeting. The Board agreed by consensus.

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

Continuing Education

Optical Training Institute – Internet – Calendar Year 2007:

2 Contact Lens Hours

Geauga Vision – Middlefield, OH – November 17, 2007:

4 Spectacle Hours

Opticians Association of Ohio – Fairfield, OH – September 16, 2007:

4 Spectacle/Contact Hours

4 Contact Lens Hours

C.E.D.O. – Dublin, OH – October 13, 2007:

4 Spectacle Hours

C.E.D.O. – Blue Ash, OH – October 13, 2007:

4 Spectacle Hours

C.E.D.O. – Independence, OH – October 14, 2007:

4 Spectacle Hours

Investigator's Report

Investigator Lehman informed the Board that the illegal dispensing of plano contact lenses is still a problem and will continue to be until we can get the law changed on the definition of optical aids.

Investigator Lehman also informed the Board that at the Board's direction, a licensee was offered a Consent Agreement which included a \$300.00 fine, 30 day suspension, which was stayed, and probation of a term of one year and a requirement for quarterly employer reports. If this person is hired as an optician, the employer will need to send a report to the Board. After discussion by the Board,

IT WAS MOVED BY MICHAL HALL AND SECONDED BY SUSAN C. BENES, M.D.
TO RATIFY THE CONSENT AGREEMENT FOR CASE NUMBER 0710014. MOTION
ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Investigator Lehman informed the Board that on May 14, 2007 he attended the oral arguments portion of the appeal filed against the Board's injunction in Lucas County against dispensing contact lenses. Mr. Lehman informed the Board that the decision would probably take a few weeks to months.

Investigator Lehman went over all the open cases with the Board.

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY DR. TIMOTHY FRIES THAT THE BOARD ACCEPT THE INVESTIGATOR'S REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

New Business

Executive Director Manns informed the Board that we have received an invoice from the National Committee of State Opticianry Regulatory Boards (NCSORB) for membership dues. The dues have increased from \$350 to \$700 annually.

Director Manns reminded the Board members that they had previously received a report from Brian Miller that outlined the observations and impressions of the annual meeting that he and Director Manns had attended in January, 2007. Ms. Manns told the Board that it was her impression that the fee increase would not be in place until the following year to allow member boards to make budgetary provisions for the increased fees. This was not indicated in the meeting minutes nor on the invoice.

Vice President Brian Miller reported that there are 26 licensing states and there were only six member states were represented at the January, 2007 meeting. Vice President Miller felt that the meeting was not promoted as well as it should have been, appeared to be disorganized about meeting times and places. Mr. Miller again expressed concern that despite efforts to verify, it cannot be determined that the organization had secured nor maintained the non-profit status with the IRS.

After additional discussion,

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY MICHAEL HALL THAT THE BOARD NOT AUTHORIZE EXECUTIVE DIRECTOR MANN'S TO PAY THE DUES FOR \$700 FOR BOARD MEMBERSHIP TO THE NATIONAL COMMITTEE OF STATE OPTICIANRY REGULATORY BOARDS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

It was decided by consensus of Board members that Ms. Manns should send a letter to NCSORB management notifying them that the Ohio Optical Dispensers Board would not be renewing their membership and to outline the reasons behind the decision.

Other Issues

Board Member Michael Hall informed the Board that he had received a promotional notification card from Quantum Optical for on-line continuing education credits which stated that the licensee could “roll over” or “carry over” hours for continuing education until the following year. Director Manns informed the Board that we had received a few calls on this matter also, and, upon investigation learned that what Quantum meant was that you could buy a package of continuing education courses for a lower price and then take the courses as you needed them to renew your license for up to two years. The intent was not that a person could take an excess of hours this year and use the extra hours for renewal the following year.

Proposed National Association of Optometrists & Opticians (NAOO) Legislation:

Director Manns once again clarified with the Board that this proposed legislation that was to be sponsored by Senator Joy Padgett (R-Coshocton) was to change the scope of practice section of Chapter 4725 to allow spectacle licensed opticians in Ohio to dispense contact lenses. After a discussion with Senator Padgett at which time Ms. Manns informed Senator Padgett that the Board had never been consulted about the proposed changes and that the Board had concerns not only about the fact that the Board had not been part of the discussion about the changes, but also about the fact that there did not seem to be any consumer safeguards that would ensure that these individuals would be educated and competent to perform this task safely. At the end of that phone conversation, Sen. Padgett assured Director Manns that she would pull the amendment from the budget bill and would not re-introduce any language until all interested parties had an opportunity to meet and agree upon a compromise.

Ms. Manns also shared with the Board that she had had several e-mail communications with Lora Miller, of the Ohio Council of Retail Merchants (Council), in which there were indications that the Council and the National Association of Opticians and Optometrists were willing to meet to discuss compromises.

After discussion, it was the consensus of the Board that the talking points for future meetings with these organizations would be:

1. The term “sale” was used in the initial proposed language. Do they really mean “sale” which is not currently prohibited, or “dispensing”?
2. Should spectacle apprentices be given the authority to engage in this practice?
3. Will the proposed language provide the authority and the appropriate amount of time for writing rules to outline the procedures, completion of required education, etc.?
4. Education requirements to meet competency standards. CE vs. basic education.
5. Legitimacy of an unlicensed person doing this
6. Changes and the additional cost to the Board for incorporating the changes to the e-licensing system.

June 13-14, 2007

Page 9

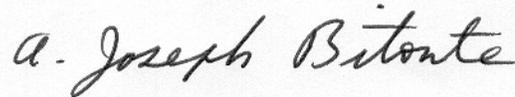
After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY MICHAEL HALL THAT THE BOARD NOT ACCEPT THE PROPOSED CHANGES PRESENTED BY LORA MILLER, DIRECTOR OF GOVERNMENTAL AFFAIRS & PUBLIC RELATIONS, OHIO COUNCIL OR RETAIL MERCHANTS; THAT DIRECTOR NANCY MANN AND A SELECTED COMMITTEE FROM THE BOARD MEET WITH INTERESTED PARTIES TO DISCUSS THE PROPOSED LAW CHANGES TO COME TO A RESOLUTION THAT WOULD BENEFIT THE BOARD AS WELL AS THE RETAIL MERCHANTS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

President Joe Bitonte agreed to participate in the initial meetings with the interested parties.

The meeting was adjourned at 10:00 AM, June 14, 2007.

ATTESTED:



PRESIDENT, JOE BITONTE



EXECUTIVE DIRECTOR, NANCY MANN

Future Board Meeting Dates:

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 6/13/2007 at 10:19:05 AM

name	address1	address2	city	statecode	zipcode
Judith L. Miller	114 East Main Street		Tremont City	OH	45372
Terri L. Sidwell	322 East Payne Avenue		Galion	OH	44833

ODB - Pending Applicants - Spectacle/Contact Lens

Report Parameters

Board = ODB
 Credential prefix = SC

Report generated on 6/13/2007 at 9:56:25 AM

name	address1	address2	city	statecode	zipcode
Julie Beth Johnson	5710 Denali Street		Anchorage	AK	99518

ODB - Pending Applicants - Contact Lens

Report Parameters

Board = ODB
 Credential prefix = C

Report generated on 6/13/2007 at 10:12:56 AM

name	address1	address2	city	statecode	zipcode
Candace R. Hill	39 Hollencamp Avenue		Dayton	OH	45427
Brent Hurevitch	41 Brookside Avenue Apt 6A		Somerville	NJ	8876
Terri L. Walters	7071 State Route 329		Guysville	OH	45735

ODB - Pending Applicants - Ocularist

Report Parameters

Board = ODB
 Credential prefix = O

Report generated on 6/13/2007 at 9:58:33 AM

name	address1	address2	city	statecode	zipcode
Theodore R. Arlotto	12282 West River Road		Columbis Station	OH	44028