



OHIO OPTICAL DISPENSERS BOARD

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MINUTES OF MEETING OCTOBER 17-18, 2007

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 17-18, 2007

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Wednesday, October 17, 2007, at 7:01 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; Susan Bender; Susan C. Benes, M.D.; James DeDario; James Fortune, Sr.; Timothy Fries, O.D.; Oscar J. Watson.
Absent: Michael W. Hall, Treasurer

STAFF MEMBERS IN ATTENDANCE:

Present: 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 SUSAN C. BENES, M.D. THAT THE AGENDA FOR THE OCTOBER 17-18, 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 JAMES DEDARIO AND SECONDED BY OSCAR WATSON THAT THE MINUTES OF THE AUGUST 15-16, 2007 BOARD MEETING BE APPROVED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Executive Director's Report

Director Manns informed the Board that a total of 3,277 license renewals were mailed the first week of October. The mailing had generated numerous phone calls requesting information about resources for continuing education. Most callers had been directed to the Board's web site.

Ms. Manns informed the Board that the OAKS report for payroll spending has not yet been updated.

Executive Director Manns informed the Board that the information on the financial report in their packets for payroll is a rough estimate based on current projections. The payroll amount documented on the report reflects the amount spent through October 1, 2007. Boards and Commissions are now being charged for 54% more square footage for rent due to the fact that each Board in the Riffe center is paying for a percentage for "common areas". This has resulted in a 7% increase in the rent paid to the Department of Administrative Services.. All Boards are being charged the same percentage for the common areas.

Ms. Manns went on to say that the Board had \$11,000 not spent in FY 2007 that was encumbered for FY 2008 expenditures.

Executive Director Manns discussed with the Board the request from the Commission on Optician Accreditation (COA) to send a letter of support from the Board stating that among other documents, the Board may use accreditation by COA of a program as a validation that the educational program meets the standards of law and rule. A copy of the letter of recommendation was sent to all Board members.

Executive Director Manns informed the Board that the forms to be used for her evaluation by Board members and staff were previously sent to Board members in the Board packet and that the Board member responses needed to be sent to President Bitonte as soon as possible. The floor was then open for questions in regard to the evaluation process. The final evaluation of the Executive Director will be at the December Board meeting in Executive Session.

Executive Director Manns informed the Board that Wal-Mart had requested to be placed on the agenda for the Open Forum session of the October, 2007 Board meeting. However, Wal-Mart later requested to be removed from the Open Forum section for this Board meeting, but indicated that they may request to address the Board at the December Board meeting.

Executive Director Manns informed the Board that everyone, with the exception of two Board members, had attending the Ethics Training and that she had received the timesheets from those who had attended. Director Manns informed the Board that the handout, Executive Order #2007-01S, in their packets would be a good source of information for future ethical considerations.

Executive Director Manns informed the Board that she had received an invitation from the Opticians Council of Canada and Transitions Optical to meet during the Vision Expo West in Las Vegas on October 5, 2007 in order to participate in a discussion of “common goals, obstacles and opportunities for the profession with the ultimate goal of creating a networking group.” However, since the invitation was received too late to discuss with the Board, that she had informed the national group that in the future she would be very interested in attending such a national forum but would need a more timely notification in order to discuss with the Board and to get authorization to attend.

Executive Director Manns discussed with the Board the information the Board had received regarding the Georgia Optician Association’s “eyeglass tune-up” which they hosted for their state representative and senators. Mark Bennett, Executive Director of the Opticians Association of Ohio stated that the association had implemented a program similar to the Georgia program at the Ohio State House earlier this year and was willing to let the Board know if they plan to do this again in the future so that the Board may participate as well.

Executive Director Manns reminded the Board that the first Executive Order promulgated by the present Governor focused on ethical issues. To that end, Governor Strickland’s office requested attendance records of Board meetings from all Boards and Commissions for the previous two years. The Governor’s office is required to monitor the attendance records of Governor-appointed members. In the future, the Governor’s office may also monitor hours served and the reimbursement for hours served.

Executive Director Manns informed the Board that she had been appointed to a small group of Executive Directors who will work with Advantage Ohio, a larger group established by Governor Strickland to focus on regulatory reform that is to work on “easing the unnecessary burdens of regulations that prohibit and constrain business and development in Ohio.” One of the first initiatives being tackled by the Advantage Ohio Group is to determine the feasibility of having an agency for Hearing Officers who are specifically trained to conduct administrative hearings for Boards and Commissions. Ms. Manns and other Executive Directors are to work with the Advantage Ohio Group to formulate a survey for Boards and Commissions that would help to determine the feasibility of such an agency.

Executive Director Manns informed the Board that she and Investigator Lehman met with Kelly Clifford, Program Coordinator, Opticians Association of Ohio, to discuss the Board’s continuing education approval policy.

Executive Director Manns informed the Board that she had included a copy of the Attorney General's Administrative Law Newsletter which included information about the Board's successful appeal in Lucas County.

Executive Director Manns informed the Board that she will be speaking in Fairborn October 21st on the laws and rules and again in Perrysburg on November 4th. Director Manns has also submitted a program for consideration to the Optometric Association for an informative presentation at the 2008 East West Conference.

Executive Director Manns referred the Board to handout number 1.5.5 which demonstrates the number of hits to our website. There were a total of 79,000 hits the first year, 76,146 hits the first quarter of this year and a total of 390,000 hits from July, 2006 – June, 2007. These numbers reflect an average 827 hits per day to the Board's web page.

Approval of Financial Report

After discussion,

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

Special Orders:

Annual Report:

Director Manns informed the Board that a draft copy of the Board's Annual Report had been mailed to all the Board members in their Board packet for review.

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD ACCEPT THE ANNUAL REPORT FOR FY 07 WITH THE AMENDMENTS TO THE TABLE OF CONTENTS PAGE. 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 BRIAN MILLER AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW WITH THE EXCEPTION OF SECO INTERNATIONAL, VISION SERVICE PLAN AND DIVERSIFIED OPHTHALMICS. MOTION ADOPTED BY A MAJORITY VOTE OF THE BOARD MEMBERS. BRIAN MILLER ABSTAINED FROM THE VOTE ON THE APPLICATION SUBMITTED BY THE OPTICIANS ASSOCIATION OF OHIO IN PERRYSBURG, OH ON NOVEMBER 4, 2007.

Ohio Optical Dispensers Board Meeting Minutes
October 17-18, 2007
Page 5

Opticians Association of Ohio – Perrysburg, OH – November 4, 2007:

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

Opticians Association of Ohio – Girard, OH – November 11, 2007:

4 Spectacle Hours
4 Contact Lens Hours

North Carolina Opticians Association – Charlotte, NC – May 6, 2007:

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

Tennessee Dispensing Opticians Association – Johnson City, TN – October 21, 2007:

4 Spectacle Hours
4 Contact Lens Hours

Opticians Association of Ohio – Independence, OH – September 23, 2007:

4 Contact Lens Hours

Opticians Association of Ohio – Internet Courses – Calendar Year 2007:

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

Requests for CE Waivers/Extensions:

After discussion,
IT WAS MOVED BY BRIAN MILLER AND SECONDED BY OSCAR WATSON
THAT THE BOARD GRANT THE REQUESTS FOR WAIVER OF CONTINUING
EDUCATION FOR RENEWAL OF 2008 LICENSE OF L. J. FOR REASONS OF
HARDSHIP. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS
PRESENT.

After discussion,

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY OSCAR WATSON THAT THE BOARD GRANT THE REQUESTS FOR WAIVER OF CONTINUING EDUCATION FOR RENEWAL OF 2008 LICENSE OF J. Y. FOR REASONS OF HARDSHIP. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Licenses

After review of licensure applications by Board members,

IT WAS MOVED BY OSCAR WATSON AND SECONDED BY SUSAN BENDER 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 TIMOTHY FRIES, O.D. THAT THE BOARD ADJOURN FOR THE DAY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

The meeting was adjourned at 8:50 P.M. until Thursday, October 18, 2007.

On **Thursday, October 18, 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; Susan Bender; Susan C. Benes, M.D.; James DeDario; James Fortune, Sr.; Timothy Fries, O.D.; Oscar J. Watson.

Absent: Michael W. Hall, Treasurer

STAFF MEMBERS IN ATTENDANCE:

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

President Bitonte welcomed the visitors.

President Bitonte returned the discussion to the continuing education programs. After additional discussion,

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE SECO INTERNATIONAL CONTINUING EDUCATION PROGRAM AS SHOWN BELOW AND THAT THE PROGRAMS “NEW FRAME AND LENS DESIGNS IN THE OPTOMETRIC OFFICE” PRESENTED BY SHARON LEONARD AND “THE EVOLUTION OF MODERN PROGRESSIVE LENSES” PRESENTED BY DEBRA WHITE BE APPROVED FOR SPECTACLE CREDIT HOURS CONTINGENT ON RECEIPT OF RE-SUBMITTED APPLICATION FOR APPROVAL AS SPECTACLE CREDIT HOURS ONLY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

SECO International – Atlanta, GA –February 27 – March 2, 2008:

38 Spectacle Hours
19 Contact Lens Hours
3 Spectacle/Contact Lens Hours
29 Management Hours

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY JAMES DEDARIO THAT THE BOARD DENY THE APPLICATION FOR APPROVAL OF THE VISION SERVICE PLAN CONTINUING EDUCATION PROGRAM BASED ON NO DOCUMENTED EVIDENCE OF A COURSE OUTLINE, AND, NO DOCUMENTED EVIDENCE OF SPEAKER INFORMATION/CREDENTIALS IN ADDITION TO BEING SUBMITTED LESS THAN 60 DAYS PRIOR TO THE PROGRAM DATE WITHOUT SUPPORTING DOCUMENTATION FOR LATE SUBMISSION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Vision Service Plan –Columbus, OH – August 23, 2007:

0 Hours

IT WAS MOVED BY BRIAN MILLER AND SECOND BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE THE DIVERSIFIED OPHTHALMICS CONTINUING EDUCATION PROGRAM AS SHOWN BELOW AND THAT THE PROGRAM “MERCHANDISING OPHTHALMIC PRODUCTS AND SERVICES” PRESENTED BY PETE HANLIN BE APPROVED FOR ONE MANAGEMENT HOUR CONTINGENT UPON RECEIPT OF RE-SUBMITTED APPLICATION FOR APPROVAL AS ONE CREDIT HOUR OF MANAGEMENT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Diversified Ophthalmics – Cincinnati, OH – December 2, 2007:

3 Spectacle Hours

A.A.G. Report

Assistant Attorney General (AAG) Peter Casey reported to the Board that the proposed legislative change for the definition of optical aid is moving forward. The current plan is to add this change as an amendment to HB 104, the Optometry Association's legislation. The Association has tentatively agreed to add the Board's legislative change to HB 104, pending agreement by the sponsor.

P. R. Casey, AAG, discussed with the Board that the focused enforcement effort in Lucas County to search for entities that are illegally selling/dispensing of cosmetic contact lenses has been started. The Consumer Protection section of the Attorney General's office as well as Investigator Lehman and Ms. Manns, have been making preliminary phone calls to beauty supply shops, costume shops and convenience stores to determine if they were selling/dispensing contact lenses. At the time of the Board meeting, there had been only one store who admitted by phone to selling of contact lenses. AAG Casey assured the Board that efforts would continue. The next phase would be to issue injunctions to those who are found to be illegally dispensing contact lenses. This information would then be used by Attorney General Dann's office as part of a press conference to inform the public of the dangers of wearing cosmetic lenses without professional eye care.

P. R. Casey, AAG, informed the Board that he and Director Manns have been dealing with the issue of an unlicensed person who has been dispensing at a free clinic operated by The Ohio State University. Although the individual was working under the supervision of an Optometrist, the unlicensed person was not employed by the Optometrist and therefore did not meet the exemption from licensure as defined in Section 4725.59 ORC. However, the Optometry Board has a rule which permits the delegation of duties by an Optometrist to an unlicensed person regardless of employment. This conflict was discussed by the AG's office and it was determined that the Section 4725.59 ORC would override the rule of the Optometry Board. The Board discussed several options to resolve the conflict, including the revision of Section 4725.59 to expand the exemptions from licensure. Ohio State has agreed to suspend the practice of allowing the unlicensed person to dispense without the direct supervision of an Optometrist. The Board determined that this would be a safe practice, and after additional discussion, it was decided that the Board would review the recommended amendment to Section 4725.59 ORC and bring it back for discussion and a decision at the December Board Meeting.

Investigator's Report

Investigator Lehman informed the Board that he is continuing to send out Cease & Desist letters to places illegally selling/dispensing cosmetic contact lenses. Investigator Lehman

feels that this had been very effective and may be why we did not find as many businesses still selling/dispensing cosmetic contact lenses, particularly in the NE section of the state.

Investigator Lehman informed the Board that he met with the Investigative Committee prior to the Board meeting and that there will be approximately seven cases going to Consent Agreements which he hopes to have signed and ready for ratification at the December, 2007 Board meeting.

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY OSCAR WATSON THAT THE BOARD ACCEPT THE INVESTIGATOR'S REPORT. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

Discipline

Director Manns informed the Board that in June, 2006 the Board approved a policy that any licensee attempting to renew their license after December 31st would be required to complete an "Application, Part II" form to declare whether they had been working and holding themselves out as a License Dispensing Optician since the expiration date of their license. The approved discipline was as follows:

- Renewed within (From December 31st):
- 30 day or less – Letter of reprimand which would be placed in the licensee's file;
- Greater than 30 days – Consent Agreement with \$250.00 fine.

It was voted on in December, 2006 to implement this policy and procedure starting with the 2008 renewal period. Director Manns requested that the Board review this policy and discipline and reaffirm their commitment to enforce this policy with the 2008 renewal period.

After discussion,

IT WAS MOVED BY BRIAN MILLER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD REAFFIRM AND APPROVE, WITH THE FOLLOWING AMENDMENT, THE POLICY REGARDING DISCIPLINE FOR WORKING ON A LAPSED LICENSE. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

RENEWED WITHIN:

- 30 DAY OR LESS – LETTER OF REPRIMAND WHICH WOULD BE PLACED IN THE LICENSEE'S FILE;
- 31 - 60 DAYS – LETTER OF REPRIMAND, CONSENT AGREEMENT WITH \$250.00 FINE;
- 61 – 90 DAYS - LETTER OF REPRIMAND, CONSENT AGREEMENT WITH \$350.00 FINE.

New Business

Practice questions related to filling of Contact Lens prescription due to expire.

Director Manns informed the Board that the office had been receiving phone calls in regards to filling a Contact Lens prescription which would be due to expire within a short period of time, and the customer is asking for a larger amount of the refills beyond the expiration date. After much discussion and after referring to Bulletin No. 3, Volumes No. 63 dated July 29, 2004 of the Federal Trade Commission Contact Lens Rule to Take Full Effect on August 2, 2004, it was decided that it should be considered to be an alteration of the prescription to provide the customer with more than would be allowed beyond the expiration date; that the prescription should be filled with the least amount possible based on the customer's documented requirements.

Vice President Brian Miller suggested that a section of frequently asked questions and answers be placed on the Board's web page. Director Manns informed the Board that at the present time there was not, but would be implemented in the future.

Vice President Brian Miller informed the board that he had attended a Medicare Reimbursement Conference and discussed some of the changes that may impact the practice and reimbursement for services provided by opticians and ophthalmologists.

Board Governance/Planning

As discussed at the June 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.

After discussion; Board members agreed by consensus to re-affirm the current mission statement:

The mission of the Ohio Optical Dispensers Board is to protect and serve the public of Ohio by effectively and efficiently regulating the practice of Opticianry and Ocularistry in the State of Ohio through the licensing of qualified practitioners, the establishment of standards for Optician and Ocularist educational programs, and the enforcement of the laws and rules governing their practice.

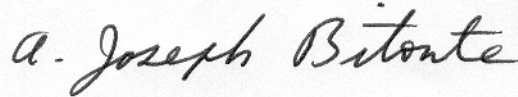
President Bitonte reminded the Board members that the completed Executive Director's evaluation needed to be to him by October 31st.

Ohio Optical Dispensers Board Meeting Minutes
October 17-18, 2007
Page 11

President Bitonte reminded everyone that the next Board Meeting would be December 12-13, 2007.

The meeting was adjourned at 11:45 AM, October 18, 2007.

ATTESTED:



PRESIDENT, JOE BITONTE



EXECUTIVE DIRECTOR, NANCY MANNNS

Future Board Meeting Dates:
December 12-13, 2007

ODB - Pending Applicants - Spectacle

Report Parameters

Board = ODB
 Credential prefix = S

Report generated on 10/1/2007 at 11:07:56 AM

name	address1	address2	city	statecode	zipcode
Rebecca L. Brewer	1785 State Route 28 Lot 149F		Goshen	OH	45122
Heather J. Bright	326 Washington Street		Newton Falls	OH	44444
Patricia J. Crane	4531 Belmont Avenue		Youngstown	OH	44505
Brandy Leigh Crosby	4456 Douglas Road		Toledo	OH	43613
Robin G. Dimit	4918 Clines Chapel Road		Waverly	OH	45690
Kristen K. Sandridge	221 North Park Drie		Wadsworth	OH	44281
Tammy S. Shuttleworth	141 Pleasant Street		Circleville	OH	43113
Amanda Yohn	13774 Kent Avenue		Hartville	OH	44632

ODB - Pending Applicants - Combination

Report Parameters

Board = ODB
 Credential prefix = SC

Report generated on 10/1/2007 at 11:10:41 AM

name	address1	address2	city	statecode	zipcode
Dawn L. Beatty	6475 Wooden Shoe Drive		Liberty Township	OH	45044
Tristine A. Buchanan	7311 Joshua Trace		Canal Winchester	OH	43110
Judy E. Logue	12539 North Road		Cleveland	OH	44111
Elizabeth A. Mock	5934 W State Route 635		Kansas	OH	44841
Brian S. Nash	7273 Elyria Road		Medina	OH	44256
Jennifer L. Taylor	5408 Ackley Road		Parma	OH	44129

ODB - Pending Applicants - Reciprocity Combination

Report Parameters

Board = ODB
 Credential prefix = SC

Report generated on 10/1/2007 at 11:12:41 AM

name	address1	address2	city	statecode	zipcode
Mary Beth Bell	140 Buckhorn Court Apt 8		Erlanger	KY	41018
Janice E. Bessette	25 Unicorn Avenue		Weymouth	MA	2189