



## **OHIO OPTICAL DISPENSERS BOARD**

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### **MINUTES OF MEETING** **APRIL 17, 2008**

#### **REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD APRIL 17, 2008**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, April 17, 2008, at 9:10 A.M. at 77 South High Street, West B & C, 31<sup>st</sup> Floor, Columbus. President Brian Miller called the meeting to order in open session.

#### **BOARD MEMBERS IN ATTENDANCE:**

Present:, Brian J Miller, President; Michael W. Hall, Vice President; Susan C. Benes, M.D.; A. Joseph Bitonte ; James DeDario; James Fortune, Sr.; Timothy Fries, O.D.; Oscar J. Watson.

Absent: Susan Bender; Treasurer

#### **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 consent and regular agenda prior to the meeting.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JOE BITONTE THAT THE CONSENT AGENDA FOR THE APRIL 17, 2008 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN C. BENES, M.D. THAT THE REGULAR AGENDA FOR THE APRIL 17, 2008 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **President's Report**

President Miller welcomed the guests attending the meeting. Name tags had been provided to guest in order to facilitate communication between Board members and guests. President Miller encouraged Board members to introduce themselves to guests.

President Miller thanked the Board for the opportunity to serve as President of the Board and informed the Board that he will make every attempt to fulfill the duties and responsibilities of the office of President of the Board.

President Miller informed the Board that he had attended the American Society of Ocularist Spring meetings in Destin, Florida earlier in the month. President Miller stated that much of the information provided at the conference was about CMS office accreditation. Mr. Miller reminded the Board that this was the topic of the presentation of Mr. Bud Turntine at the February, 2008 Board meeting at Open Forum.

President Miller asked the Board to continue to adhere to the basics of Roberts Rules by initiating a motion that is seconded (motions can die for a lack of a second), followed by discussion and the vote. President Miller stated that he felt that the Board meetings can be efficient meetings by following the basics of Roberts Rules.

President Miller informed the Board that he and Director Manns had a meeting on Wednesday, April 16, 2008 with Frank Rozak, National Association of Opticians and Optometrists, Lara Miller, Director of Governmental Affairs and Public Relations, Ohio Council of Retail Merchants, and Joe Neville, Associate Vice President, Regulatory Services, Luxottica Retail. President Miller asked Director Manns to provide details of the meeting to the Board members. Director Manns informed the Board that last year the retail merchants and representatives from Luxottica submitted legislation to Senator Joy Padgett that would change the law regulating the practice of Opticianry and Ocularistry to allow Spectacle Licensees to dispense contact lenses without being registered as a contact lens apprentice or having a Contact Lens License. At that time, the legislation was pulled from consideration after Ms. Manns had conversations with Senator Padgett informing her that the Board had not been able to provide any input into the legislation; that the legislation as proposed did not provide for basic education for spectacle licensees to provide these services; and, may place an unfunded financial burden on the Board. At the recent meeting, Mr. Rozak and Mr. Neville provided another proposal that they felt would deal with the issues previously brought forward concerning the education and the finances. Ms. Manns informed the members of the Board that this proposal had only been received on the morning of the scheduled meeting. At that meeting, both Ms. Manns and President Miller informed Mr. Rozak, Mr. Neville and Ms. Miller that they were prepared to only briefly discuss the newest proposal and would share the proposal with the full Board at the regularly scheduled meeting of the Board the next day. A copy of the newest proposal for a change of the law regulating the practice of Opticianry and Ocularistry was provided to Board members.

President Miller and Director Manns requested that the Board review the newest proposal and be prepared to discuss it at the next scheduled Board meeting on June 19, 2008.

President Miller informed the Board that he and Director Manns had discussed prior to the Board meeting a new office filing system that was being considered to help alleviate storage problems in the office for the least cost. Director Manns then informed the Board that she had been offered a "rolling" metal file system for only the cost of moving the system from one part of the 16<sup>th</sup> floor to the Board offices. Recent directives from the Office of Budget and Management (OBM) prohibits the Board from purchasing new equipment. The \$2,000 that had been allotted for new computers, therefore, could be used toward the cost of moving the file system and to partially fund a new paper file system that would result in a more efficient use of the current space in the Board office. The total cost for the move and reconstruction of the metal file system in the Board office and the new paper system, all non-equipment costs would come to \$3,619.68. Another option would be to scan files, and save the data to computerized disks at an estimated cost of close to \$15,000. President Miller relayed to the Board that Treasurer Bender had called him prior to the Board meeting and had given her support to the proposal.

After additional discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY OSCAR J. WATSON TO AUTHORIZE DIRECTOR MANN'S TO GO FORWARD TO CHANGING THE PAPER FILING SYSTEM AND TO PAY FOR THE MOVE OF THE NEW ROLLING FILE CABINETS TO THE BOARD OFFICE FOR THE COST OF \$3,619.68. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

### **Approval of Minutes**

IT WAS MOVED BY JOE BITONTE AND SECONDED BY SUSAN C. BENES, M.D. THAT THE MINUTES OF THE FEBRUARY 21, 2008 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 her personal goals for 2008 and markers indicating progress toward meeting the goals were included in their Board packet. Ms. Manns indicated that the Board would receive at each Board meeting such updates that should be used by the Board members for evaluation of the Executive Director in the Fall.

Director Manns reminded the Board members that they needed to mail in their respective parking receipts as soon as possible after the Board meeting so that their expense accounts could be processed without delay.

Director Manns reported to the Board that 3,297 License Renewals were mailed in October, 2007 and that 3,155 licensees had renewed as of the current Board meeting. There were a total of 144 which did not renew and a total of 134 paid the late fee of \$75.

Director Manns informed the Board that the payroll totals are accurately reflected on the fiscal report current to the end of the 3<sup>rd</sup> quarter of FY '08. Reports for payroll are being posted in OAKS and have been found to be accurate.

Director Manns informed the Board that the law requiring Criminal Records Checks prior to initial licensure was in effect. Ms. Manns reminded the Board that the members had approved draft rules related to the criminal records checks at the February Board meeting. It is anticipated that the hearing for the rules will be held at the June 19, 2008 Board meeting. A diagram outlining the time frame for rule filing was provided to the Board.

Director Manns informed the Board that Consent Agreements are now a part of the addendums to the minutes of the Board meetings and will be posted along with the approved minutes on the Board's web page.

Director Manns informed the Board that the Apprentice Registration Cards will be updated during the upcoming renewal period to reflect the different licensure types for which they are apprenticing. This should be another quick reference for the investigator when he makes site visits.

Director Manns informed the Board that a new Board Member Roster had been included in the packets which had been mailed to Board members prior to the Board meeting. Ms. Manns requested that the Board members review the information for accuracy.

Director Manns informed the Board that she has been requested to be a speaker at the First Annual ABO/NCLE National Education Conference in September at the Duke Energy Center in Cincinnati, OH. Director Manns also advised the Board that ABO has offered to give us a booth fee of charge at the Exhibition Center.

**Special Orders:**

**Approval of Public Records Policy:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE PUBLIC RECORDS POLICY AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Supervising Disciplinary Member Policy:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE THE SUPERVISING DISCIPLINARY MEMBER

POLICY AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Financial Report**

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

**Strategic Planning:**  
**Systematic Plan for Review of Law Changes**

Director Manns reminded the Board that one of the primary goals of the Board for 2008 was to review the law regulating the practice of Opticianry and Ocularistry in Ohio, Sections 4725.40-4725.99 of the ORC. Director Manns informed the Board that she had included in their packets a draft of a systematic plan for the review of the current law, and some recommended revisions. At the February Board Meeting it was voted that the Board start the law review at the April Board Meeting and would begin that process later in the current meeting.

Director Manns reported to the Board that a situation had been brought to her attention where an individual optician left his Opticianry practice without making provisions for patient records and office equipment. The owners of the building, a realty company, has filed suit in Montgomery County in order to force the Board, as well as Attorney General Mark Dann, to take receivership of the records. A.A.G. Casey had filed a motion to dismiss and is currently waiting for a response to that motion. Because of this action, however, the Board was asked to consider adding language to the current law that would address the issue of "abandonment" should it arise in the future. By consensus, the Board agreed to not pursue this legislative change at the current time.

The Board reviewed the following sections of the law regulating the practice of Opticianry and Ocularistry in Ohio, made suggestions for revisions and directed Ms. Manns to bring draft language back to the Board for additional discussion at the June 19, 2008 Board meeting:

Section 4725.40

Define "current, valid prescription"

Inclusion of administration of topical eye agents at direction of authorized prescriber

Define "supervision," "direct supervision," and "on site."

Include delegation of tasks to apprentices

Section 4725.41

Add section defining "unlicensed practice."

Seek language to define "abandonment" of patients

Section 4725.42

Ohio Optical Dispensers Board Meeting Minutes

April 17, 2008

Page 6

Add language regarding the role of the Supervising Disciplinary Member  
Section 4725.44

Add language in accordance with the standards as written on the document previously distributed.

Rule Changes

Ms. Manns reminded the Board of the Criminal Records Checks legislation and the process required for initial licensure of licensure applicants.

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY JOE BITONTE THAT THE BOARD APPROVE THE POLICY FOR PROCESSING BCII/FBI CRIMINAL RECORDS CHECKS AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Continuing Education**

After review by Board members of submitted applications for approval of continuing education hours and discussion,

IT WAS MOVED BY JOE BITONTE AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Quantum Optical – Internet Courses – Calendar Year 2008 (New Courses):

3 Spectacle Hours  
1 Management Hour

Tennessee Dispensing Opticians – Pigeon Forge, TN – June 21-22, 2008 :

8 Spectacle Hours  
6 Contact Lens Hours  
2 Spectacle/Contact Hours  
With recommendation – Use Board’s Application and reminder to include course outline for all courses

Opticians Association of Ohio – Internet Courses – Calendar Year 2008 (New Courses):

4 Spectacle Hours  
1 Spectacle/Contact Lens/Ocularist Hour  
2 Management Hours

Ohio Optical Dispensers Board Meeting Minutes  
April 17, 2008  
Page 7

Ohio Optometric Association – Dublin, OH – May 7, 2008:

4 Management Hours

VSP Lab – Columbus, OH – Date TBD, 2008:

2 Spectacle Hours

Contact Lens Society of America – Internet Courses – Calendar Year 2008:

1 Spectacle Hour  
60 Contact Lens Hours  
2 Spectacle/Contact Lens Hours  
3 Contact/Ocularist Hours  
1 Contact/Ocularist with infectious control Hour  
3 Management Hours

COSTCO – Orlando, FL – September 23-25, 2008:

1 Spectacle Hour  
4 Contact Lens Hours  
3 Management Hours

### **Approval of Licenses**

After review of licensure applications by Board members,  
IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY OSCAR J.  
WATSON THAT THE BOARD APPROVE FOR LICENSURE THE APPLICANTS  
LISTED ON ADDENDUM 1.0. MOTION ADOPTED BY MAJORITY VOTE OF THE  
BOARD MEMBERS. MICHAEL HALL ABSTAINED.

### **Investigator's Report**

Investigator Lehman informed the Board that there are currently four on-going disciplinary investigations and 16 cases had been closed in fiscal year 2008. Mr. Lehman informed the Board that he had conducted an investigation on an individual in Cleveland who was allegedly selling her contact lenses that were no longer needed because of laser surgery on the internet on "Craig's List." Investigator Lehman called the person selling the contacts, and also called "Craig's List" to let them know that it is illegal to sell/dispense contact lenses in this manner in the State of Ohio.

**New Business**

**Approval of Policy for Submission for hours worked by Board Members In Discharge of Official Duties:**

After discussion;

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD APPROVE AS AMENDED THE POLICY FOR SUBMISSION FOR HOURS WORKED BY BOARD MEMBERS IN DISCHARGE OF OFFICIAL DUTIES. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Explanation of the Complaint and Investigation Process**

Director Manns informed the Board that one of the goals of the Board staff for 2008 was to update the Board's web page in order to make it user-friendly, easy to navigate and provide as much information as possible about the Board's processes, forms and outcomes of the Board meetings. For that reason, a section on "Frequently Asked Questions" (FAQ's), important "links", adding approved Consent Agreements with the approved minutes posted on the web page have been incorporated into the web page. In addition, Director Manns developed an informational sheet on "Explanation of Complaint and Investigatory Process" to also be added to the web page.

After discussion;

IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD APPROVE AS AMENDED THE EXPLANATION OF THE COMPLAINT AND INVESTIGATION PROCESS TO BE POSTED ON THE BOARD'S WEB PAGE. MOTION WITHDRAWN.

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.D. THAT AMENDMENTS BE MADE AS DISCUSSED TO THE "EXPLANATION OF THE COMPLAINT AND INVESTIGATION PROCESS" AND BE BROUGHT BACK TO THE JUNE, 2008 BOARD MEETING FOR REVIEW AND/OR APPROVAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

**Recommendations to the Governor Regarding Future Board Appointments**

After discussion;

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN C. BENES, M.D. THAT THE BOARD TABLE THE POLICY "RECOMMENDATIONS TO THE GOVERNOR REGARDING FUTURE BOARD APPOINTMENTS." MOTION WITHDRAWN.

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY SUSAN C. BENES, M.D.

THAT THE BOARD AMEND THE POLICY “RECOMMENDATIONS TO THE GOVERNOR REGARDING FUTURE BOARD APPOINTMENTS POLICY” BY STRIKING (A)(2) AS WRITTEN.

MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS.

**Additional Discussions**

Joe Bitonte informed the Board that he had attended the Opticians Association of Ohio (OAO) April seminar held in Columbus and informed the Board that he thought that the courses were “excellent.” Mr. Bitonte stated that the proof of attendance certificates were handed out to participants prior to the individual presentations as part of their informational packets. Mr. Bitonte went on to say that he felt that attendees could possibly leave without having completed the course, but still have the certificates indicating that they had attended the course when, in fact, they had not. Mr. Bitonte suggested that the attendees be given the attendance certificates at the end of the program. Mr. Bennett, Executive Director, OAO, who was in attendance at the Board meeting, agreed to look into this procedure.

James DeDario informed the Board that Tom Hicks, a licensed Optician from Oxford, Ohio had been elected as the President of the National Association of Opticians. Mr. DeDario also stated that Shirley Earley is in charge of the continuing education for the OAO in the Cincinnati/Dayton area and he, too, felt that the courses being given were “excellent.”

Michael Hall informed the Board that included in the Board’s packet of FYI’s was an article about a child in Cincinnati who had lost an eye as a result of an accident. Mr. Hall went on to say that he wanted to commend Board member Oscar Watson for garnering support and assistance for this seven year old child. President Miller added that a local Cincinnati Ocularist was aware of the situation and the child’s circumstances and would offer support as needed when released from the surgeon’s care.

The meeting was adjourned at 2:42 PM, April 17, 2008.

**ATTESTED:**



**PRESIDENT, BRIAN J MILLER**



**EXECUTIVE DIRECTOR, NANCY MANNS**

Future Board Meeting Dates:

June 19, 2008 – 9:00 AM – 4:00 PM

August 21, 2008 – 9:00 AM – 4:00 PM

October 16, 2008 – 9:00 AM – 4:00 PM

December 4, 2008 – 9:00 AM – 4:00 PM

## ODB - Pending Applicants - Spectacle Report Parameters

Board = ODB  
Credential prefix = S

Report generated on 4/8/2008 at 11:32:04 AM

name	address1	address2	city	state code	zipcode
Lucia M. Cosma	13263 Maple Brook Trail		Strongsville	OH	44136
Lindsay K. McKittrick	6154 Meteor Avenue		Toledo	OH	43623
Sandra F. O'Dell	226 Jefferson Street		Norwalk	OH	44857
Tracy Warnke	407 Bette Lane		Port Clinton	OH	43452

## ODB - Pending Applicants - Spectacle/Contact Lens Report Parameters

Board = ODB  
Credential prefix = SC

Report generated on 4/8/2008 at 11:35:02 AM

name	address1	address2	city	state code	zipcode
Casey Lee Cilimburg	13414 Emerson Avenue		Lakewood	OH	44107-2704
Robin L. Crawford-Ulrich	359 West Appleton Terrace		Holland	OH	43528
April Morgan	512 North Buckeye Street		Crooksville	OH	43731
Marie E. Rave	3697 West 133rd Street		Cleveland	OH	44111
Danielle Rea	11352 Tritts Street NW		Canal Fulton	OH	44614
Terri L. Walters	7071 State Route 329		Guysville	OH	45735
Amanda M. Weller	11627 Timber Ridge Lane Apt 3		Sharonville	OH	45241

## ODB - Pending Applicants - Spectacle Reciprocity Report Parameters

Board = ODB  
Credential prefix = S

Report generated on 4/8/2008 at 11:30:11 AM

name	address1	address 2	city	state code	zipcode
Donald E. Kreider, Jr.	RR1 Box 629		Sugar Grove	OH	43155

## ODB - Pending Applicants - Spectacle/Contact Lens Reciprocity Report Parameters

Board = ODB  
Credential prefix = SC

Report generated on 4/8/2008 at 11:30:50 AM

name	address1	address 2	city	state code	zipcode
Sharon Marie Kurtz	1116 Lake Weldana Drive		Orlando	FL	32806