



## **OHIO OPTICAL DISPENSERS BOARD**

77 SOUTH HIGH ST. 16<sup>TH</sup> FLOOR  
COLUMBUS, OHIO 43215-6108  
(614) 466-9709 FAX (614) 995-5392  
[WWW.OPTICAL.OHIO.GOV](http://WWW.OPTICAL.OHIO.GOV)  
Email: [odb@odb.ohio.gov](mailto:odb@odb.ohio.gov)

### **MINUTES OF MEETING** **OCTOBER 16, 2008**

#### **REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 16, 2008**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, October 16, 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 Bender, Treasurer; Susan C. Benes, M.D ; A. Joseph Bitonte ; 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; Melissa Wilburn, 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 JOE BITONTE AND SECONDED BY MICHAEL HALL THAT THE CONSENT AGENDA FOR THE OCTOBER 16, 2008 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY OSCAR WATSON THAT THE REGULAR AGENDA FOR THE OCTOBER 16, 2008 MEETING BE APPROVED AS AMENDED. 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 guests in order to facilitate communication between Board members and guests. President Miller encouraged Board members to introduce themselves to guests.

President Miller welcomed the Board's new Assistant Attorney General Melissa Wilburn . Ms. Wilburn provided a brief summary of her education and experience to the Board.

President Miller advised the Board that the Medicare accreditation program, which had been discussed at previous Board meetings, appears to have been put on hold for the current time. Dr. Fries concurred with Mr. Miller's assessment of the program's status.

### **Approval of Minutes**

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY SUSAN BENDER THAT THE MINUTES OF THE AUGUST 21, 2008 BOARD MEETING BE APPROVED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

### **Executive Director's Report**

Director Manns reminded the Board to turn in their time sheets to her on a weekly basis for time spent reviewing continuing education programs or any other approved Board functions between meetings in order that they receive reimbursement for the activity in a timely manner.

Director Manns informed the Board that license renewals are expected to be mailed October 17, 2008. Director Manns stated that the office has been encouraging individuals to mail their renewals early and asked Board members to encourage their co-workers to do the same.

Director Manns informed the Board that budget information for FY '10 and FY'11 has been submitted to the Office of Budget and Management (OBM) as well as the draft language for the proposed fee increases. As of yet there has been no feedback on either the budget submission or the draft fee changes to the law.

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. The forms for the evaluation of the Executive Director were included in the packet mailed to the Board members' home. Ms. Manns reminded Board members to mail their individual evaluations of the Executive Director to President Miller in the addressed envelopes provided in the mailing.

Director Manns informed the Board that changes have been made to the license verification web page so that the licensure status and any discipline or licensure restrictions will now be displayed on the first page. Director Manns informed the Board that new licensure classifications have also been added and that it is hoped that these changes will be beneficial to employers when verifying licensure of employees.

Director Manns informed the Board that she had attended a mandatory Minority Business Enterprise (MBE)/Encouraging Diversity, Growth and Equity (EDGE) training program on August 28, 2008. The MBE and EDGE programs are designed by the Ohio Department of Administrative Services' Equal Opportunity Division (EOD) to facilitate the growth of small businesses in Ohio. Each year, as the Chief EOD officer of the Board, Ms. Manns will be required to submit an annual expenditure projection plan to forecast which expenditures made by the Board will be selected for contracting opportunities for businesses that are certified as EDGE and/or MBE businesses. Director Manns also informed the Board that she would be required to attend an additional series of six classes to become a certified CEEO officer. The classes begin October 27, 2008 and the Board will receive a "score card" on the Board's compliance with all these directives.

Director Manns informed the Board that the new filing system has been installed and all files have been transferred.

Director Manns informed the Board that she, Investigator Lehman and Secretary Simmons attended the first annual ABO/NCLE Education Convention in Cincinnati, Ohio on September 20, 2008. Part of the convention included an exam review course on Friday prior to the exam that was given on the following day. The Conference was attended by approximately 600 opticians from Ohio and many other states.

**Special Orders:**

**Approval of Process to Investigate Complaint Against a Board Member Policy:**

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JOE BITONTE THAT THE BOARD TABLE THE DISCUSSION OF THE POLICY "PROCESS TO INVESTIGATE COMPLAINT AGAINST A BOARD MEMBER" UNTIL THE DECEMBER BOARD MEETING. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Re-affirmation of Granting Extensions/Waivers for CE Policy:**

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY MICHAEL HALL THAT THE BOARD RE-AFFIRM THE POLICY GRANTING EXTENSION/WAIVERS FOR CONTINUING EDUCATION AS AMENDED. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Revision of Processing Complaints Policy:**

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY JAMES DEDARIO THAT THE BOARD TABLE THE POLICY, "PROCESSING COMPLAINTS" UNTIL THE DECEMBER, 2008 BOARD MEETING AT WHICH TIME THE BOARD WOULD CONSIDER REVISIONS TO THE POLICY TO INCLUDE ADDITIONAL LANGUAGE REGARDING DISCIPLINE AGAINST A LICENSEE WHO ALLOWS AN UNLICENSED PERSON TO WORK AS A DISPENSING OPTICIAN OR OCULARIST UNTIL THE DECEMBER BOARD MEETING. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Fiscal Year 2008 Annual Report:**

After discussion,

IT WAS MOVED BY MICHAEL HALL AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE BOARD'S ANNUAL REPORT FOR FISCAL YEAR 2008 AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval to Give Executive Director Authority to Make Editorial Changes only to Motions:**

After discussion,

IT WAS MOVED BY JOE BITONTE AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD GIVE AUTHORITY TO THE EXECUTIVE DIRECTOR TO MAKE ONLY EDITORIAL CHANGES TO MOTIONS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Financial Report**

After discussion,

IT WAS MOVED BY JAMES DEDARIO AND SECONDED BY SUSAN C. BENES, M.D. THAT THE FINANCIAL REPORT FOR CURRENT FY 2009 BE ACCEPTED AS SUBMITTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Strategic Planning:**

**Systematic Plan for Review of Law Changes**

In accordance with the Board's goal for calendar year 2008 to conduct a review of Chapter 4725.40-4725.99 Ohio Revised Code (ORC), Director Manns had included in the Board members mailing packets a draft of concepts for revisions to Chapter 4725.51 – 4725.53 that had been discussed at the August, 2008 Board meeting. The Board reviewed these revisions extensively and by consensus agreed with the proposed concepts for change. The Board then

reviewed and discussed at length proposed changes to Chapter 4725.54-4725.59 & 4725.99 ORC. After review of those sections by Board members and comments from the Board members, and comments from visitors in the gallery, Director Manns informed the Board that she would once again draft language that would include the Board members' input into Chapter 4725.54-4725.59 & 4725.99 ORC for review and discussion at the December, 2008 Board meeting. Also to be included would be various options and or policies to reinforce some of the changes discussed.

**Continuing Education**

After review by Board members of submitted applications for approval of continuing education hours and discussion,  
IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY JOE BITONTE 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.

**OAO – Boardman, OH – November 9, 2008:**

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

**Rooney Optical –Cleveland, OH– November 2, 2008:**

- 2 Spectacle Hours

**Diversified Ophthalmics – Cincinnati, OH – December 7, 2008:**

- 3 Spectacle Hours
- 1 Management Hour

**Summit Eye Care Network – Columbus, OH – November 5, 2008:**

- 1 Management Hour

**A.A.G. Report:**

AAG Melissa Wilburn informed the Board that the Flagel Realty Company, Inc., Dayton, Ohio, continues to pursue through the Montgomery County Courts the requirement that the Board take receivership of the Northmont Opticians records and files. AAG Wilburn informed the Board that the presiding judge ordered the realty company to provide a detailed inventory of the business' contents and to date that has not happened. AAG Wilburn informed the Board that she has filed a petition to meet with the judge and opposing counsel to get acquainted and more familiar with the case. AAG Wilburn informed the Board that she had been informed that two Opticians from the Dayton area are willing to take receipt of any medical records that may be still in the office. However, the inventory of the contents of the business must be completed first.

**Approval of Licenses**

After review of licensure applications by Board members,  
IT WAS MOVED BY JOE BITONTE 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 PRESENT.

**New Business:**

**Practice Question for Web Page: Filling Expired Scripts:**

After discussion,  
IT WAS MOVED BY SUSAN BENDER AND SECONDED BY SUSAN C. BENES, M.D.  
THAT THE BOARD TABLE THE FAQ, "FILLING EXPIRED PRESCRIPTIONS", FOR  
INCLUSION ON THE BOARD'S WEB PAGE UNDER THE "FAQ SECTION" UNTIL  
FURTHER INFORMATION ON THIS SUBJECT IS RECEIVED. MOTION ADOPTED  
BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**2009 Proposed Meeting Dates:**

Two proposals were handed out by the Executive Director for proposed Board Meeting dates for the year 2009. After discussion, it was the consensus of the Board to keep the same schedule of every other month for a total of six meeting dates as follows.

February 12, 2009

April 16, 2009

June 18, 2009

August 20, 2009

October 15, 2009

December 3, 2009

Director Manns discussed with the Board two additional items that were included in their information packets:

1.) A report from the July 11, 2008 Gongwer that quoted a Policy Matters Ohio report detailing falling wages for health care support occupations. The report identified a dramatic decline in apprenticeships and public sector training programs and recommended more research into ways to rebuild apprenticeships to solve some of the unemployment issues in Ohio. Ms. Manns emphasized that this report makes for a wonderful tool for recruiting individuals for Opticianry/Ocularistry apprenticeships, a “earn-as-you-learn” opportunity for citizens of Ohio.

2.) Ms. Manns also shared with the Board a press release that was developed and sponsored by the Board, Prevent Blindness Ohio and the Opticians Association of Ohio that emphasized the safety steps at Halloween that would reduce or eliminate eye injuries, including the use of plano decorative contact lenses. The release provided information to the public on how to report to the Board any entities selling/dispensing contact lenses without a valid prescription or the proper fitting by an eye health care provider.

Hearing no other discussion on any other topic, President Miller adjourned the meeting at 12:45 PM, October 16, 2008.

**ATTESTED:**

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**PRESIDENT, BRIAN J MILLER**

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**EXECUTIVE DIRECTOR, NANCY MANN**

Future Board Meeting Dates:

December 4, 2008 – 9:00 AM – 4:00 PM  
February 12, 2009 – 9:00 AM – 4:00 PM  
April 16, 2009 – 9:00 AM – 4:00 PM  
June 18, 2009 – 9:00 AM – 4:00 PM  
August 20, 2009 – 9:00 AM – 4:00 PM  
October 15, 2009 – 9:00 AM – 4:00 PM  
December 3, 2009 – 9:00 AM – 4:00 PM

**ODB - Pending Applicants - Spectacle**

**Report Parameters**

Board = ODB  
 Credential prefix = S

Report generated on 10/15/2008 at 3:47:11 PM

name	address1	address2	city	statecode	zipcode
Carla S. Brumfield	18460 Clarks Run Road		Mt. Sterling	OH	43143
Mark Edwards	2029 Weyer Avenue		Norwood	OH	45212
Cheryl Ann Guerriero	4 Ohio Avenue		Poland	OH	44514
Andrew R. Pavolillo IV	23 Ohio Avenue		Niles	OH	44446
Charles Edward Rhome, IV	9344 June Drive		Streetsboro	OH	44241
Rhonda A. Worcester	26 Spring Street Apt A-3		Norwalk	OH	44857

**ODB - Pending Applicants - Spectacle/Contact Lens**

**Report Parameters**

Board = ODB  
 Credential prefix = SC

Report generated on 10/15/2008 at 3:55:03 PM

name	address1	address2	city	statecode	zipcode
Cindy L. Arnold	984 River Hill Road SW		Port Washington	OH	43837
Pamela Jane Finck	2432 Marietta Road SW		Junction City	OH	43748
Victoria Priscilla Nemergut	34854 Lakeshore Blvd Apt D		Eastlake	OH	44095
Sandra F. O'Dell	226 Jefferson Street		Norwalk	OH	44857
Teena Marie Warwick	6661 River Road		Hebron	KY	41048