



## **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 21, 2010**

#### **REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 21, 2010**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, October 21, 2010 at 9:04 A.M. at 77 South High Street, East B, 31<sup>st</sup> Floor, Columbus. President Susan Bender called the meeting to order in open session.

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

Present: Susan Bender, President; Brian J Miller, Vice President; James Fortune, Sr., Treasurer; Thomas Barracato; Timothy Fries, O.D.; Michael W. Hall; Paul R. King; Oscar J. Watson.

Absent: Susan C. Benes, M.D.

#### **STAFF MEMBERS IN ATTENDANCE:**

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; Leah O'Carroll, Assistant Attorney General; Wilma Simmons, Executive Secretary.

#### **ADMINISTRATIVE MATTERS**

##### **Ordering of the Agenda**

The President and Executive Director reviewed the consent agenda prior to the meeting.

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY MICHAEL W. HALL THAT THE CONSENT AGENDA FOR THE OCTOBER 21, 2010 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

The President and Executive Director also reviewed the regular agenda prior to the meeting.

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY MICHAEL W. HALL THAT THE REGULAR AGENDA FOR THE OCTOBER 21, 2010 MEETING BE APPROVED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS.

##### **President's Report**

President Bender welcomed the guests and asked that they introduce themselves to the Board and other guests.

Ohio Optical Dispensers Board Meeting Minutes  
October 21, 2010

**Approval of Minutes**

IT WAS MOVED BY PAUL R. KING AND SECONDED BY THOMAS BARRACATO THAT THE MINUTES OF THE AUGUST 19, 2010 BOARD MEETING BE APPROVED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Executive Director's Report**

Director Manns informed the Board that a public member to fill the position held by Mr. Watson has not been named by the Governor's office.

Director Manns stated that the Board would be discussing the proposed changes to the rules for the mandatory five-year Rule review during this meeting.

Director Manns informed the Board that starting with FY '11, July 1, 2010, the Board will be charged by the Department of Administrative Services \$12 for every travel expense and wage expense vouchers that are processed. This will result in an additional cost to the Board of approximately \$1300/year for the cost of processing travel expense payments just for Board meetings. The charge of \$12/expense is charged regardless of the amount of the reimbursement.

Director Manns informed the Board that her personal goals and steps toward achieving those goals were documented and part of the Board's mailing packet.

Director Manns informed the Board that she has initiated the process for on-line renewals of the 2011 optician and ocularist licenses. The preliminary work has begun and we initiated test procedures in August through early September with plans of implementation by mid-to-late-October when the license renewals normally are mailed.

Director Manns informed the Board that she met with the Board's assigned Budget Analyst, Dan Schreiber, to discuss specifics regarding the budget. Budget submissions for FY'12 and FY'13 are due November 1, 2010.

Director Manns informed the Board that she provided a two hour presentation at the ABO/NCLE National Education Conference in Cincinnati on September 17, 2010 and at the East West Eye Conference on October 9, 2010. Both organizations graciously agreed not to charge participants for the presentation. The presentations were well received.

Director Manns informed the Board that she was interviewed on September 21, 2010 by a reporter, Benjamin Duer, of the Canton Repository about the illegal sale and dispensing of cosmetic contact lenses, particularly in Halloween costume shops. He asked knowledgeable questions and showed genuine interest and concern about the harm that could result from purchasing and wearing contact lenses without the benefit of the care provided by an eye care professional.

Director Manns informed the Board that the process for the annual evaluation of the Executive Director was to be completed by the Board members prior to the December Board meeting. Ms. Manns told the Board that she had included in the Board's packets the policies for the process of the evaluation; the Executive Director's duties; the Directors personal goals and attainment of those goals; the Executive Director's self evaluation; and, forms for the Board members to use to complete their individual Director evaluation. The completed evaluation must be returned to President Bender no later than October 31, 2010.

Director Manns informed the Board that she had included in their Board packets a copy of the joint Press Release from Ohio Attorney General Richard Cordray, Prevent Blindness of Ohio and the Ohio Optical Dispensers Board warning consumers about the danger of over-the-counter sales of decorative contact lenses during this Halloween season.

**Special Orders:**

**Review and Approval of Proposed Rules: Chapter 4726-1 Board Organization**

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULES AS WRITTEN. 4726-1-01-BOARD ORGANIZATION; 4726-1-02-ADOPTION, AMENDMENT, OR RESCISSION OF RULES; AND, 4726-1-03-METHOD OF NOTICE OF MEETINGS; 4726-1-04-BOARD RECORDS, DOCUMENT, FEES. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULES AS WRITTEN FOR FILING AND TO SET THE RULES HEARING FOR THE FOLLOWING RULES FOR THURSDAY, DECEMBER 2, 2010: 4726-1-05-ACCESSING CONFIDENTIAL PERSONAL INFORMATION; 4726-1-06-PROCEDURES FOR ACCESSING CONFIDENTIAL PERSONAL INFORMATION; 4726-1-07-VALID REASONS FOR ACCESSING CONFIDENTIAL PERSONAL INFORMATION; 4726-1-08-CONFIDENTIALITY STATUTES; AND 4726-1-09 RESTRICTING AND LOGGING ACCESS TO CONFIDENTIAL PERSONAL INFORMATION IN COMPUTERIZED PERSONAL INFORMATION SYSTEMS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE TO SET THE RULES HEARING FOR THURSDAY, DECEMBER 2, 2010 FOR THE FOLLOWING PROPOSED RULES: 4726-1-01-BOARD ORGANIZATION; 4726-1-02-ADOPTION, AMENDMENT, OR RESCISSION OF RULES; 4726-1-03-METHOD OF NOTICE OF MEETINGS; AND, 4726-1-04-BOARD RECORDS, DOCUMENT, FEES. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Proposed Rules: Chapter 4726-3 Definitions**

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY MICHAEL W. HALL THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULE AS AMENDED. 4726-3-01-DEFINITIONS. MOTION RESCINDED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

After additional discussion, the Board by consensus agreed to consider at the December Board meeting an amended version of the proposed rule, 4726-3-01 OAC.

**Fee Rates/Recommendations for law changes:**

After discussion,

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY OSCAR J. WATSON THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO MAKE THE INITIAL APPLICATION FEE FOR LICENSURE FIFTY DOLLARS THROUGHOUT THE CALENDER YEAR. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO CHANGE THE WORDING "PENALTY FEE" TO "LAPSED FEE." MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO INCREASE THE INITIAL APPRENTICE REGISTRATION FEE TO TWENTY DOLLARS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY MICHAEL W. HALL THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO INCREASE THE APPRENTICE REGISTRATION RENEWAL FEE TO TWENTY DOLLARS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO DECREASE THE RECIPROCITY/ENDORSEMENT INITIAL LICENSURE FEE TO FIFTY DOLLARS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO INITIATE A FEE OF FIFTEEN DOLLARS FOR LICENSURE VERIFICATION. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE RECOMMENDATION FOR A LAW CHANGE TO SECTION 4725.53 (A)(10) OF THE REVISED CODE TO READ: "VIOLATIONS OF SECTIONS 4725.40 TO 4725.59 OF THE REVISED CODE AND VIOLATIONS OF BOARD RULES UNDER CHAPTER 4726." MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Annual Report**

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD APPROVE THE FISCAL YEAR 2010 ANNUAL REPORT OF THE BOARD AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Financial Report**

After discussion,

IT WAS MOVED BY JAMES FORTUNE, SR. AND SECONDED BY BRIAN J MILLER THAT THE FINANCIAL REPORT FOR CURRENT FY 2011 BE ACCEPTED AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Board Meeting Dates for 2011:**

President Bender informed the Board that a schedule of proposed Board meeting dates for calendar year 2011 had been included in the Board packet.

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY TIMOTHY FRIES, O.D. THAT THE BOARD ACCEPT THE PROPOSED BOARD MEETING DATES: FEBRUARY 17, 2011, APRIL 21, 2011, JUNE 16, 2011, AUGUST 18, 2011, OCTOBER 20, 2011 AND DECEMBER 8, 2011. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Continuing Education**

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

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JAMES FORTUNE, SR. THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAMS WITH THE APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY MAJORITY

VOTE OF THE BOARD MEMBERS PRESENT. THOMAS BARRACATO ABSTAINED FROM NCRx AND OAO NEW ON-LINE COURSES. MICHAEL W. HALL ABSTAINED FROM NCRx..

**East/West Eye Conference – Cleveland, OH –October 7, 2010:**

1 Spectacle Hours

**Davis Eye Center – Columbus, OH –October 27, 2010:**

2 Spectacle Hours

2 Management Hours

**NCRx Optical Solutions – Twinsburg, OH –October 20, 2010 and November 10, 2010 in Dublin, OH:**

2 Spectacle Hours

**Opticians Association of Ohio –Renewal of Internet Courses –Calendar Year 2011:**

27 Spectacle Hours

3 Contact Lens Hours

1 Spectacle/Contact Lens Hour

1 Spectacle/Contact Lens/Ocularist Hour

11 Management Hours

**Diversified Ophthalmics –Cincinnati, OH –December 5, 2010:**

4 Spectacle Hours

**Opticians Association of Ohio – New Internet Courses – Calendar Year 2011:**

13 Spectacle Hours

1 Contact Lens Hour

1 Spectacle/Contact Lens Hour

4 Management Hours

**Cuyahoga Community College – Warrensville Heights, OH – December 2, 2010:**

4 Spectacle/Contact Lens Hours

**Approval of Licenses:**

After review of licensure applications by Board members,  
IT WAS MOVED BY TIMOTHY FRIES, O.D. AND SECONDED BY THOMAS BARRACATO 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:**

**Approval of out-of-state Opticianry Schools:**

Michael Hall informed the Board that he had reviewed the material from The Naval School of Opticianry, Mr. Hall stated that the documentation provided by the school demonstrated that the program met the statutory requirements to be approved as a Board-approved school of Opticianry.

After discussion,

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE NAVAL SCHOOL OF OPTICIANRY, YORKTOWN, VA, AS A SCHOOL OF OPTICIANRY THAT MEETS THE EDUCATIONAL REQUIREMENTS FOR LICENSURE IN OHIO. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of out-of-state Opticianry Schools:

Michael Hall informed the Board that he had also reviewed the material from Newbury College School of Opticianry, Brookline, MA. Mr. Hall stated that the documentation provided by the school demonstrated that the program met the statutory requirements to be approved as a Board-approved school of Opticianry.

After discussion,

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY BRIAN J MILLER THAT THE BOARD APPROVE THE NEWBURY COLLEGE SCHOOL OF OPTICIANRY, BROOKLINE, MA, AS A PROGRAM OF OPTICIANRY THAT MEETS THE EDUCATIONAL REQUIREMENTS FOR LICENSURE IN OHIO. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Proposed Rules: Chapter 4726-7 Renewal of Licenses and  
Apprentice Registrations**

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULES AS AMENDED. 4726-7-01- DEFINITIONS; 4726-7-02-LICENSURE RENEWAL REQUIREMENTS; 4726-7-03-EXTENSION, WAIVER OF CONTINUING EDUCATION; 4726-7-04-APPRENTICE REGISTRATION RENEWAL. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Proposed Rules: Chapter 4726-9 Board Approval of Continuing  
Education**

After discussion,

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULES AS AMENDED. 4726-9-01- DEFINITIONS; 4726-9-02-APPLICATION FOR APPROVAL OF CONTINUING EDUCATION; 4726-9-03-EDUCATIONAL ACTIVITIES THAT MEET AND EDUCATIONAL ACTIVITIES THAT DO NOT MEET THE CONTINUING EDUCATION REQUIREMENTS. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. MICHAEL W. HALL OPPOSED.

**Review and Approval of Proposed Rules: Chapter 4726-11 Delegation to Apprentices**

After discussion,

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULES AS AMENDED. 4726-11-01- DEFINITIONS; 4726-11-02-GENERAL INFORMATION; 4726-11-03- PROHIBITIONS; 4726-11-04-CRITERIA AND STANDARDS FOR A LICENSED OPTICIAN OR OCULARIST DELEGATING TO THE REGISTERED APPRENTICE; 4726-11-05-MINIMUM CURRICULUM REQUIREMENTS FOR TEACHING AN OPTICIANRY OR OCULARISTRY TASK; 4726-11-06-SUPERVISION OF THE PERFORMANCE OF AN OPTICIANRY OR OCULARISTRY TASK PERFORMED BY A REGISTERED APPRENTICE. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Proposed Rules: Chapter 4726-13 Standards of Safe, Competent Care**

After discussion,

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE FOLLOWING PROPOSED RULES AS AMENDED. 4726-13-01- GENERAL INFORMATION; 4726-13-02-STANDARDS RELATING TO COMPETENT PRACTICE AS A LICENSED DISPENSING OPTICIAN; 4726-13-03- STANDARDS RELATING TO COMPETENT PRACTICE AS AN OCULARIST. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Licensure Issues:**

After discussion,

IT WAS MOVED BY MICHAEL W. HALL AND SECONDED BY OSCAR J. WATSON THAT THE BOARD TABLE DISCUSSIONS RELATED TO LICENSURE OF OUT-OF-STATE LICENSURE APPLICANTS INDEFINITELY. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Hearing no other issues for discussion, President Bender adjourned the meeting at 2:47 PM, October 21, 2010.

**ATTESTED:**

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**PRESIDENT, SUSAN BENDER**

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**EXECUTIVE DIRECTOR, NANCY MANNS**

**Future Board Meeting Dates:**

Feb. 17, 2011	April 21, 2011	June 16, 2011	August 18, 2011
Oct. 20, 2011	Dec. 8, 2011		

**ODB - Pending Applicants - Spectacle**

**Report Parameters**

Board = ODB  
 Credential prefix = S

Report generated on 10/19/2010 at 8:55:37 AM

name	address1	address2	city	statecode	zipcode
Julie L. Bolton	2904 Brimstone Road		Wilmington	OH	45177
Kimberly A. Fuller	1100 Housel Craft Road		Cortland	OH	44410
Rob Green	7266 Sorrelwood Court		Reynoldsburg	OH	43068
Julie M. Gurgol	13771 Rustic Drive		North Royalton	OH	44133
Melva Rae Homer	945 Oak Hill Road		Wooster	OH	44691
Kathleen R. Morris	428 Courtland Lane		Pickerington	OH	43147
Destiny M. Noble	576 West State Route 122		Lebanon	OH	45036
Claire J. Revalee	7686 Styra Lane		Cincinnati	OH	45236
Robert J. Sakie	4120 Cherokee Trail		Brunswick	OH	44212
Kristi L. Thornton	1935 Country Trace 7G		Toledo	OH	43615
Lynn Beran Ueltschi	982 Woodlyn Drive North		Cincinnati	OH	45230

**ODB - Pending Applicants - Contact Lens**

**Report Parameters**

Board = ODB  
 Credential prefix = C

Report generated on 10/14/2010 at 9:14:20 AM

name	address1	address2	city	statecode	zipcode
Lois J. McKnight-Rapp	2090 State Route 220		Pikeeton	OH	45661

**ODB - Pending Applicants - Combination**

**Report Parameters**

Board = ODB  
 Credential prefix = SC

Report generated on 10/14/2010 at 9:24:10 AM

name	address1	address2	city	statecode	zipcode
Dara Bartley	203 Caroline Street		New Richmond	OH	45157
Colette M. Carpenter	1047 McIntire Avenue		Zanesville	OH	43701-2831
Le'Anna Kennedy	318 Hawthorne Street		Elyria	OH	44035
Schira S. King	1115 Wayne Street		Troy	OH	45373
Tammy S. Shuttleworth	7889 Stout Road		Circleville	OH	43113
Melinda A. Sievers	5128 Highview Drive		Cincinnati	OH	45238

**ODB - Pending Applicants - Reciprocity - Combination**

**Report Parameters**

Board = ODB  
 Credential prefix = SC

Report generated on 10/14/2010 at 9:10:07 AM

name	address1	address2	city	statecode	zipcode
David Lee Brack	4270 Aspen Drive Apt #6		Independence	KY	41051
Barbara Moses	4220-290th Street		Toledo	OH	43611