



OHIO OPTICAL DISPENSERS BOARD

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
(614) 466-9709 FAX (614) 995-5392
WWW.OPTICAL.OHIO.GOV
Email: odb@odb.ohio.gov

MINUTES OF MEETING **OCTOBER 20, 2011**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 20, 2011

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, October 20, 2011 at 9:20 A.M. at 77 South High Street, West B & C, 31st Floor, Columbus following the scheduled rules hearing which began at 9:00 AM. President Thomas Barracato called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

Present: Thomas Barracato, President; Paul R. King, Vice President, Brian J Miller, Treasurer; Susan Bender; Timothy Fries, O.D.; Susan C. Benes, M.D.; Jeffrey R. Rohlf; James Fortune, Sr.; James Ashenhurst

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 agenda prior to the meeting.

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY PAUL R. KING THAT THE CONSENT AGENDA FOR THE OCTOBER 20, 2011 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

The President and Executive Director reviewed the regular agenda prior to the meeting. IT WAS MOVED BY SUSAN BENDER AND SECONDED BY SUSAN C. BENES, M.D. THAT THE REGULAR AGENDA FOR THE OCTOBER 20, 2011 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

President's Report

President Barracato welcomed guests in the gallery and newly appointed Board member James Ashenhurst. President Barracato also welcomed back Susan Bender and AAG Melissa Wilburn.

Approval of Minutes

IT WAS MOVED BY PAUL R. KING AND SECONDED BY JEFFREY R. ROHLF THAT THE MINUTES OF THE AUGUST 18, 2011 BOARD MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Executive Director's Report

Director Manns welcomed James Ashenhurst to the Board and informed the Board members that Mr. Ashenhurst had been appointed to replace the vacant Public Member position on the Board.

Director Manns also introduced and welcomed the Board's newly appointed Assistant Attorney General Melissa Wilburn.

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 in addition to the Annual Report to complete their individual Director evaluation. The completed evaluation must be returned to President Barracato no later than October 31, 2011.

Director Manns informed the Board that she had been working with Prevent Blindness to develop a joint press release regarding the dangers of purchasing cosmetic contact lenses without the benefit of the expertise of an eye care professional.

Director Manns informed the Board that we are finishing up the five year rule review process. Director Manns further explained that it will be her goal to have a rule review process for one or two chapters of the rules on a yearly basis to avoid reviewing all the chapters of rules at one time.

Director Manns informed the Board that Central Service Agency (CSA) processes for encumbering money from FY '11 into FY '12 have changed. In the past, funds left over from one fiscal year could be encumbered and used for payment of services and goods for the following fiscal year up to November of the following fiscal year. After the Audit of CSA this past spring by state auditors, Board Directors were informed that these encumbered funds may only be used to pay for services that were incurred in the previous fiscal year. This means we no longer have access to approximately \$12,000 of encumbered money from FY '11 to be used in FY '12. Director Manns informed the Board that she has been assured by CSA that we will have enough money to pay any bills/payroll, and supplies that may be incurred during this fiscal year, FY '12 despite the loss of the encumbered money.

Director Manns informed the Board that she represented the Board at the ABO/NCLE National Education Conference in Cincinnati on September 9, 2011 and at the October 2, 2011 OAO Seminar in Fairfield. Director Manns informed the Board that while at the ABO/NCLE conference she was able to speak with Jim Gandorf, Director of ABO/NCLE, regarding the contract for the administration of the examination by ABO/NCLE and she was informed that a new contract will be sent to the Board for approval and signatures. As of the Board meeting, the contract has not been received.

Director Manns informed the Board that the Ohio Business Expo will be held on November 30, 2011 at the Franklin County Fairgrounds. This is an opportunity for Minority Business Enterprises to gather in one place to obtain information about the goods and services that various Boards and Commissions may require. As in the past, Director Manns will be representing the Board and several other Boards and Commissions at this expo.

Approval of Financial Report

After discussion,

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY SUSAN BENDER THAT THE FINANCIAL REPORT FOR CURRENT FY 2012 BE ACCEPTED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

New Business

Rules Hearing Discussion:

Treasurer Brian Miller thanked Director Manns and President Barracato for all their hard work and working with everyone involved to create rules that not only protects the public but establishes professional standards for opticians and ocularists in Ohio.

President Barracato thanked the Opticians Association of Ohio and guests whose comments and suggestions made the process of reviewing and completion of the rules an easier and smooth process.

Approval of Board Meeting Dates for 2012:

President Barracato informed the Board that a schedule of proposed Board meeting dates for calendar year 2012 had been included in the Board packet.

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY PAUL R. KING THAT THE BOARD ACCEPT THE PROPOSED BOARD MEETING DATES: FEBRUARY 16, 2012, APRIL 19, 2012, JUNE 21, 2012, AUGUST 16, 2012, OCTOBER 18, 2012 AND DECEMBER 6, 2012. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Processing of License Applications:

After discussion,

It was the consensus of the Board that Vice President Paul King work with the Board staff to set up a guideline procedure for the approval of license applications by staff and Board members.

Treasurer Brian Miller informed the Board about a conversation with a representative, Mr. Amaya, of the Ohio Jobs and Family Services regarding the Medicaid Reimbursement for ocularistry services. Mr. Amaya was requesting that the Board create and forward a recommendation on whom in the state of Ohio should be eligible for Medicaid reimbursement for these services.

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JEFFREY R. ROHLF THAT THE BOARD APPROVE AS AMENDED THE RECOMMENDATION TO BE PRESENTED TO THE OHIO DEPARTMENT OF JOBS AND FAMILY SERVICES REGARDING REIMBURSEMENT FOR OCULARISTRY SERVICES: OCULARISTS HOLDING A CURRENT VALID LICENSE ISSUED BY THE STATE OF OHIO;

OPTOMETRISTS HOLDING A CURRENT VALID LICENSE ISSUED BY THE STATE OF OHIO;
PHYSICIANS PRINCIPALLY ENGAGED IN THE PRACTICE OF OPHTHALMOLOGY AND HOLDING A CURRENT VALID LICENSE ISSUED BY THE STATE OF OHIO;
AND,
CORPORATIONS, COMPANIES OR BUSINESSES THAT EMPLOY ANY OF THE ABOVE LISTED, LICENSED INDIVIDUALS OR BUSINESSES.

MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Goals of the Board

President Barracato led a discussion regarding implementation of the Board's accepted goals for FY '12 as previously prioritized by Board members.

After discussion, it was the consensus of the Board that the Board staff work with other entities to distribute information about the new rules, expectations for apprentice supervisors, and the work of the Board through various publications and speeches provided by the Director.

Continuing Education

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

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY TIMOTHY FRIES, O.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.

Opticians Association of Ohio – Perrysburg, OH – November 6, 2011:

3 Spectacle/Contact Lens Hours

4 Contact Lens Hours

1 Management Hour

Diversified Ophthalmics – Cincinnati, OH – December 4, 2011:

4 Spectacle Hours

Request for Waiver of Continuing Education:

After discussion,

IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE REQUEST FOR THE WAIVER OF CONTINUING EDUCATION REQUIREMENTS FOR THE 2012 LICENSURE RENEWAL FOR LICENSEE P.K. FOR REASONS OF DOCUMENTED MEDICAL HARDSHIP. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Licenses:

After review of licensure applications by Board members,

IT WAS MOVED BY SUSAN C. BENES, M.D. 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.

AAG Report:

AAG Wilburn thanked the Board for the warm welcome back. AAG Wilburn informed the Board that she had received an email from Attorney General (A.G.) Mike DeWine which outlined the A.G.'s opinion that all decisions made by the Boards to be done in open session, including the balloting processes for election of officers of the Board, in accordance with Ohio's Open Records mandate. It was the opinion of A.G. DeWine's office that you may no longer vote by secret ballot in an open Board meeting. AAG Wilburn further explained that the Board may deliberate in executive session but all actions taken by the Board and any voting must occur in an open Board session with a ye or nay vote.

Discipline:

After review of the Consent Agreement for Case #1102021 by Board members,
IT WAS MOVED BY SUSAN C. BENES, M.D. AND SECONDED BY BRIAN J MILLER
THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1102021.
MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS
PRESENT. (See Addendum 2.0)

Hearing no other issues for discussion, President Barracato adjourned the meeting at 11:30 a.m., October 20, 2011.

ATTESTED:

PRESIDENT, THOMAS BARRACATO

EXECUTIVE DIRECTOR, NANCY MANNIS

Future Board Meeting Dates:

December 8, 2011

February 16, 2012

April 19, 2012

June 21, 2012

August 16, 2012

October 18, 2012

December 6, 2012

ODB - Pending Applicants - Spectacle**Report Parameters**

Board = ODB
 Credential prefix = S

Report generated on 10/19/2011 at 2:16:10 PM

name	address1	address2	city	statecode	zipcode
Wendy Sue Ashworth	1783 Steckel Rd		Reynoldsburg	OH	43068
Julie C. Barber	924 Songbird Lane Apt I7		Sevens Point	WI	54482
Kari L. Best	2495 Northland Street		Cuyahoga Falls	OH	44221
Christopher F. Brown	5666 Turney Road		Garfield Heights	OH	44125
Jenny L. Clark	8024 Fillmore Lane		Reynoldsburg	OH	43068
Rose M. Drexler	1950 Havemann Rd		Celina	OH	45822
Elizabeth Edwards	2221 Hamilton Cleves Road		Hamilton	OH	45013
Venessa M. Heinbaugh	9000 Shawhan Drive		Centerville	OH	45458
Amanda L. Hennon	12 Hickory Lane		New Wilmington	PA	16142
Ryan J. Holte	3555 West Legendary Run		Cincinnati	OH	45245
Charmaine N. Hunter	875 East 131st Street		Cleveland	OH	44108
Alicia Danielle Johnson	1200 Moore Street		Fremont	OH	43420
Diane K. Lay	1483 Cranwood Drive		Columbus	OH	43229
Frances L. Lennon	2377 Burson Street		Grove City	OH	43123
Dori Padavana	2436 Anson Drive		Upper Arlington	OH	43220
Jonathan P. Pettrey	2701 Jackson Avenue NW		Massillon	OH	44646
Paula M. Shirey	13161 Township Road 220		Rushsylvania	OH	43347
Michael Stevenson	5295 Knollwood Drive #8		Parma	OH	44129
Colleen A. Stiles	2264 Abbeyville Road		Valley City	OH	44280
Elizabeth Willman	86 Westfield Drive		Harrison	OH	45030

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

Board = ODB
 Credential prefix = SC

Report generated on 10/14/2011 at 11:08:05 AM

name	address1	address2	city	statecode	zipcode
Rebecca S. Ferguson	1013 Meadowsweet Drive		Clayton	OH	45315
Juli Anne Grafton	1629 Safford Ave		Columbus	OH	43223
Rodney W. Herzner	1818 Fullerton Drive		Cincinnati	OH	45240
Ann L. Hootman	236 Saint Clair SW		New Philadelphia	OH	44663
Tina L. Ogden	161 Township Road 125		Dillonvale	OH	43917
Craig R. Weber	6804 Glen Cove Drive		Mason	OH	45040

ODB - Pending Applicants - Reciprocity - Spectacle**Report Parameters**

Board = ODB
 Credential prefix = S

Report generated on 10/19/2011 at 2:12:58 PM

name	address1	address2	city	statecode	zipcode
Karen Butler	9315 Fern Street		Cabot	AR	72023

ODB - Pending Applicants - Reciprocity - Combination**Report Parameters**

Board = ODB
 Credential prefix = SC

Report generated on 10/19/2011 at 2:13:17 PM

name	address1	address2	city	statecode	zipcode
Jermaine Macaraniag	705 Meadow Wood Drive Apt 4		Crescent Springs	KY	41017



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**VOLUNTARY SURRENDER OF LICENSE
TO PRACTICE AS A LICENSED
DISPENSING OPTICIAN**

I, **ANGIE SUE FAIRBANKS**, am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein.

I, **ANGIE SUE FAIRBANKS**, do hereby voluntarily, knowingly, and intelligently surrender my license to practice as a licensed dispensing optician, license # 9601-S, to the Ohio Optical Dispensers Board ("Board"), thereby relinquishing all rights to practice as a licensed dispensing optician in Ohio.

With the exception of Ohio Revised Code 4725.59, I understand that as a result of the surrender herein that I am no longer permitted to practice as a licensed dispensing optician in any form or manner in the State of Ohio.

I agree, that for a period of not less than one (1) year, I shall be ineligible for, and shall not apply for, reregistration, reinstatement, or restoration of licensure as an optician in Ohio, license # 9601-S, or issuance of any other license and/or certificate pursuant to 4725.40 to 4725.99, Ohio Revised Code, on or after the date of signing this Voluntary Surrender of License to Practice as a Licensed Dispensing Optician. Any such attempted reapplication prior to the end of the one (1) year shall be considered null and void and shall not be processed by the Board.

I agree that reregistration, reinstatement or restoration of my license as a licensed dispensing optician shall be at the discretion of the Board. I agree, that upon reregistration, reinstatement or restoration of licensure as a licensed dispensing optician by the Board, I shall enter into a Consent Agreement placing my license as a licensed dispensing optician in Ohio on probation for a period of not less than two (2) years, the terms and conditions of the probation, including employer monthly and quarterly reports shall be determined at the time of entering into the Probationary Consent Agreement.

I hereby authorize the Ohio Optical Dispensers Board to enter upon its Journal an Order revoking my license to practice as a licensed dispensing optician, license # 9601-S, in conjunction with which I expressly and forever waive all rights as set forth in Chapter 119, Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal

the Order of the Board revoking my license to practice as a licensed dispensing optician in Ohio.

I, **ANGIE SUE FAIRBANKS**, hereby release the Ohio Optical Dispensers Board, its members, employees, agents and officers, jointly and severally, from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

Further, this information may be reported to appropriate organizations, data banks, and governmental bodies.

I stipulate and agree that I am taking the action described herein in lieu of formal disciplinary proceedings pursuant to Section 4725.53(A), ORC.

SEP 09 2011 4:02 PM

Signed this 21 day of September, 2011.

Angie Fairbanks
ANGIE SUE FAIRBANKS

(This form must be either witnessed OR notarized)

Matt Pendergrass
WITNESS

Cindy Lynn Pendergrass
WITNESS

Or

Sworn to and subscribed before me this _____ day of _____,
20_____.

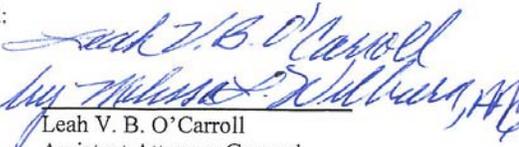
(SEAL)

NOTARY PUBLIC

Accepted by the Ohio Optical Dispensers Board:



Thomas Barracato
President



Leah V. B. O'Carroll
Assistant Attorney General

DATE 10/20/11

DATE 10-20-2011