



OHIO OPTICAL DISPENSERS BOARD

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
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MINUTES OF MEETING **AUGUST 16, 2012**

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD AUGUST 16, 2012

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, August 16, 2012 at 9:12 A.M. at 77 South High Street, 31ST Floor, Columbus, Ohio. President Paul R. King called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

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

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 SUSAN BENDER AND SECONDED BY JAMES ASHENHURST THAT THE CONSENT AGENDA FOR THE AUGUST 16, 2012 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 BRIAN J MILLER AND SECONDED BY JEFFREY R. ROHLF THAT THE REGULAR AGENDA FOR THE AUGUST 16, 2012 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

President's Report

President King welcomed guests in the gallery.

Approval of Minutes

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY JEFFREY R. ROHLF THAT THE MINUTES OF THE JUNE 21, 2012 BOARD MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Executive Director's Report

Director Manns informed the Board members that there had been no word from the Governor's office regarding the re-appointment of Mr. Fortune, Susan Bender or Dr. Fries.

Director Manns informed the Board that ABO/NCLE will be going to computerized testing starting with the November, 2012 exam. There will be a window from November 15th-21st for those who are registered to take the exam at a location assigned by ABO. All applicants will be required to have a working email.

Director Manns informed the Board, that at the direction of the Board members, the Board will continue to review Sections 4725.40-4725.59 of the Revised Code for the remainder of the year.

Director Manns informed the Board that the budget remains on target for the current fiscal year. Budget preparations for FY'14 and FY'15 have begun and initial documents are to be into the Office of Budget and Management (OBM) by September 19, 2012.

Director Manns informed the Board that the exam stats from the May, 2012 ABO/NCLE exam are in and the Ohio pass rate was 43% on the spectacle exam compared to a 55% national pass rate for the spectacle exam. The pass rate for the contact lens for Ohio was 68% compared to a 65% national pass rate.

Director Manns informed the Board that she received a phone call at the end of July from Mr. Jason Wetzell, Director at Sanford Brown College, Columbus, asking questions about developing an opticianry program at the school. Information gathered from the web about the college was included in Board member packets. This school appears to be a proprietary college which offers technical courses. Director Manns informed the Board that she directed Mr. Wetzell to our law and rules and suggested that he begin the process by reviewing the Commission on Opticianry Accreditation (COA) for classroom development since our rules were largely based on COA's criteria.

Ms. Manns also reported to the Board that the average length of time from receipt of a complete application for licensure to issuance of the license is now 0.58 days.

President King asked that the record reflect that AAG Melissa Wilburn was now present.

Special Orders:

Review and Approval of Policy: Board Meeting Format:

After discussion,

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY SUSAN BENDER THAT THE BOARD RE-AFFIRM THE POLICY "BOARD MEETING FORMAT".
MOTION WITHDRAWN.

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY SUSAN BENDER THAT THE BOARD RE-AFFIRM WITH AMENDMENTS THE POLICY "BOARD MEETING FORMAT". MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review and Approval of Policy: Board Meeting Minutes:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JAMES ASHENHURST THAT THE BOARD RE-AFFIRM THE POLICY “BOARD MEETING MINUTES”. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review and Approval of Policy: Overnight Accommodations:

After discussion,

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY SUSAN BENDER THAT THE BOARD RE-AFFIRM THE POLICY “OVERNIGHT ACCOMMODATIONS”. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review and Approval of Policy: Process to Investigate a Complaint Against a Board

Member:

After discussion,

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY JEFFREY R. ROHLF THAT THE BOARD RE-AFFIRM WITH AMENDMENTS THE POLICY “PROCESS TO INVESTIGATE A COMPLAINT AGAINST A BOARD MEMBER”. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Financial Report

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JEFFREY R. ROHLF THAT THE FINANCIAL REPORT FOR CURRENT FY 2013 BE ACCEPTED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Board Governance/Planning:

In keeping with the agenda as established at the February, 2012 Board meeting, the Board began its review of the composition of the Board and Board duties.

Composition of the Board:

After discussion the following changes were recommended:

- Reduce number of Board members from 9 to a total of 7 consisting of: 5 Opticians, or, 4 opticians and one ocularist; combine the optometrist and ophthalmologist into one position that could be either an optometrist or one ophthalmologist; and reduce the number of public members from 2 to 1.
- In addition, the Board recommended, by consensus, to leave the terms of board members to 5-year terms and to be eligible to serve a second term.
- The Board also recommended, by consensus, to designate the Board president to serve as the Supervising Disciplinary member.
- The Board went on to recommend by consensus to maintain the office of President, Vice-president and Treasurer but to combine the Vice-president and Treasurer as one position. The Board agreed that each elected officer may serve in their respective position for up to 3 years. Elections of officers will continue to be held annually.
- It was also agreed by consensus to change title “executive secretary-treasurer” to “executive director”.

Board Duties:

After discussion the following was decided that the duties of the Board should include, but not be limited to:

- Administer and enforce provisions of this chapter including taking disciplinary action for violations of law and rules
- Establish criteria that an applicant must meet to be eligible for licensure
- Issue and renew licenses and apprentice registrations including continuing education
- Define the minimum curricula and standards for education programs for schools of opticianry and ocularistry
- Provide guidance and make recommendations to the general assembly, the Governor, other state agencies with respect to the regulation of the practice of opticianry and ocularistry
- Make annual report to governor
- Maintain and have open for public inspection records of all meetings and proceedings

Continuing Education

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

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE CONTINUING EDUCATION PROGRAM WITH THE APPROVED HOURS AS LISTED BELOW. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Opticians Association of Ohio – Fairfield, OH – February 24, 2013:

2 Spectacle Hours

Ratification of Licenses:

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY THOMAS BARRACATO THAT THE BOARD RATIFY FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.0. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

AAG Report:

AAG Wilburn informed the Board that she will be attending the CLEAR conference in California from September 6-8, 2012. Ms. Wilburn will then bring information and training for Board members and investigators.

Discipline:

After review of the Consent Agreement for Case #1207037 by Board members, IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1207037. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

New Business

The National Commission of State Opticianry Regulatory Boards (NCSORB) - Annual Meeting:

Optical Dispensers Board
August 16, 2012

The Board confirmed that the Board president, Mr. King, should attend the annual meeting of NCSORB. After compiling some additional information from leaders of NCSORB, a decision will be made if any additional members or staff will attend.

National Federation of Opticianry Schools (NFOS) Proposal:

Treasurer Barracato provided a brief explanation of the work of this organization and described the organization as a group of dedicated people who are trying to establish national standards for training and education of opticians. Treasurer Barracato informed the Board that he has worked with this group and suggested that Director Manns provide information to NFOS regarding the Board's educational requirements.

Practice Issues:

Confirmation regarding apprentice time for Spectacle License to obtain Contact Lens License:
After discussion;

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY SUSAN BENDER THAT THE BOARD REQUIRE A TOTAL OF TWELVE MONTHS OF DOCUMENTED CONTACT LENS APPRENTICESHIP FOR AN INDIVIDUAL WHO IS CURRENTLY SPECTACLE LICENSED IN ORDER TO BE ELIGIBLE FOR A COMBINATION LICENSE. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Confirmation regarding apprentice time for Contact Lens License to obtain Spectacle License:
After discussion;

IT WAS MOVED BY SUSAN BENDER AND SECONDED BY BRIAN J MILLER THAT THE BOARD REQUIRE A TOTAL OF TWELVE MONTHS OF DOCUMENTED SPECTACLE APPRENTICESHIP FOR AN INDIVIDUAL WHO IS CURRENTLY CONTACT LENS LICENSED IN ORDER TO BE ELIGIBLE FOR A COMBINATION LICENSE. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Hearing no other issues for discussion, President King adjourned the regularly scheduled meeting at 11:55 a.m. August 16, 2012.

ATTESTED:

PRESIDENT, PAUL R. KING

EXECUTIVE DIRECTOR, NANCY MANN

Future Board Meeting Dates:

October 18, 2012
December 6, 2012

ODB - First Issued

Report Parameters

Board = ODB
 Credential status = ACTIVE
 Credential prefix = C, O, S, SC
 From 06/19/2012 to 08/15/2012

Report generated on 8/15/2012 at 2:19:51 PM

Type	Number	Name	Add Line 1	City	State	Zip
SC	13393	ALEXANDER ROBERT	2430 Twp Rd 425 SE	Crooksville	OH	43731
SC	7058	ALKINS PAMELA	93 N Pershing	Akron	OH	44313
S	13160	BANKS AMBER	6411 Luton Court	Huber Heights	OH	45424
S	12155	BELL MALEESHA	1753 Gilsey Avenue Apt 15	Cincinnati	OH	45205
S	11937	CARDWELL STACIE	358 Coldwell Court	Gahanna	OH	43230
S	12471	CRAWFORD SHEREE	150 Helen Avenue	Mansfield	OH	44903
S	13298	CROCKER TAMARA	800 Maple Street Apt 203	Stryker	OH	43557
SC	12538	DAWSON SUSAN	34 Wildwood Drive	Fairfield	OH	45014
SC	13263	DETTY KARYN	355 Sunset Drive	Chillicothe	OH	45601
S	12031	FANI JOSHUA	7377 Ford Drive	Mentor	OH	44060
SC	6707	FONTANA JULIE	623 Harrison Street	Port Clinton	OH	43452
S	12260	FREIMARK AARON	12712 W Portage River South Rd	Oak Harbor	OH	43449
S	11163	GARTIN LYN	244 Nicholas Drive	Circleville	OH	43113
S	13051	HAMMER KAREN	3135 Shaw Road	Zanesville	OH	43701
SC	11705	HARRIS DANA	3571 Ripplegrove Drive	Cincinnati	OH	45251
SC	9712	HERNANDEZ MICHELLE	7747 Lupine Drive	Blacklick	OH	43004
S	11044	HILL THERON	220 Vill Edge Dr	Granville	OH	43023
SC	13031	HONEL-MATHEWS CYNTHIA	7853 3rd Street	Masury	OH	44438
S	12530	HUSEIN HASEN	269 Abbeyville Rd Unit 65	Medina	OH	44256
SC	11507	JENNINGS KAREY	1308 Michigan Avenue	Monroe	MI	48162
S	13470	KELLER JULIA	12686 West River Road	Columbia Station	OH	44028
SC	12714	KELLEY AMANDA	3698 Pansy Road	Clarksville	OH	45113
SC	11700	LOWER THOMAS	7390 Warwick Avenue	Reynoldsburg	OH	43068
S	13552	MAGNAN MELODIE	16 Jefferson Avenue	Greenfield	MA	1301
SC	13594	O'SHIELDS LAREE	2440 Foxhill Dr Apt 1C	Miamisburg	OH	45342
S	12009	PETRO DAVID	9304 Beech Avenue	Cleveland	OH	44144
SC	13619	RONSON TERIN	2 Collier Court	Palm Coast	FL	32137
SC	13595	RUFF KAYLEE	31601 Harsh Road	Logan	OH	43138
SC	13027	TINNEY JESSICA	14627 State Route 56 West	Mount Sterling	OH	43143
SC	5516	WRAY EMMA	230 South 3rd Street	Tipp City	OH	45371
SC	12735	WYRICK TIA	PO Box 132	Junction City	OH	43748

31 Items Found



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**CONSENT AGREEMENT
BETWEEN
JULIE FISH
AND
THE OHIO OPTICAL DISPENSERS BOARD**

This CONSENT AGREEMENT is entered into by and between **JULIE FISH**, Opticians, License No. 6957-SC and the **OHIO OPTICAL DISPENSERS BOARD** ("Board"), a state agency charged with enforcing Chapter 4725 of the Ohio Revised Code, and all rules promulgated thereunder.

JULIE FISH enters into this CONSENT AGREEMENT being fully informed of her rights under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues considered herein.

BASIS FOR ACTION

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. The **BOARD** is empowered by Section 4725.53 of the Ohio Revised Code to refuse to grant a license, suspend or revoke a license or impose a fine or order restitution for any of the enumerated violations.
2. The **BOARD** enters into this CONSENT AGREEMENT in lieu of formal proceedings based upon the violation of Section 4725.51(2) of the Ohio Revised Code and Ohio Administrative Code 4726-7-02(G)(2) **JULIE FISH** could not show proof that she obtained eight (8) contact lens continuing education hours, in response to the yearly audit conducted on May 2, 2012. **Ms. FISH** was one (1) hour short.

Julie Fish
Consent Agreement
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3. The **BOARD** expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4725 of the Ohio Revised Code or any rules promulgated there under, whether occurring before or after the effective date of this **CONSENT AGREEMENT**.
4. **JULIE FISH** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 6957-SC
5. **JULIE FISH** admits the factual and legal allegations set forth in this Consent Agreement issued by the **BOARD**.

AGREED CONDITIONS

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth and in lieu of any further formal proceedings at this time, **JULIE FISH** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **JULIE FISH** shall obtain four (4) additional Spectacle continuing education hours, and thirteen (13) Contact Lens continuing education hours that will be applied toward her 2013 license renewal. The four (4) additional Spectacle hours and thirteen (13) Contact Lens hours cannot be the same as those obtained for her 2012 renewal. The four (4) additional Spectacle hours and thirteen (13) Contact Lens hours must be received by the Board at the Ohio Optical Dispensers Board, 77 South High Street, 16th Floor, Columbus, Ohio 43215-6108 not later than 30 days from the ratification by the Board of this consent agreement..
- B. **JULIE FISH** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **JULIE FISH** shall obey all laws and rules of the Ohio Revised Code and Ohio Administrative Code governing Licensed Opticians in Ohio.

Julie Fish
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D. The **BOARD** agrees not to institute formal proceedings against **JULIE FISH** as long as she is in compliance with the terms and conditions of this CONSENT AGREEMENT.

FAILURE TO COMPLY

If, in the discretion of the Board or its Designate, **MS. FISH** appears to have violated or breached any term or condition of this Agreement, the Board reserves the right to institute formal disciplinary proceedings pursuant to ORC 4725.53 or rules promulgated under OAC 4726 for any and all possible violations or breaches, including but limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.

Any action initiated by the Board based on alleged violations of this Agreement shall comply with the Administrative Procedure Act, Chapter 119, of the Ohio Revised Code.

ACKNOWLEDGEMENTS/LIABILITY RELEASE

JULIE FISH agrees that in the event the Board, in its discretion, does not ratify this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **MS. FISH** agrees that should the **BOARD** reject this CONSENT AGREEMENT and if this case proceeds to hearing, she will assert no claim that the **BOARD** was prejudiced by this review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

MS. FISH acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

MS. FISH waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

JUL 25 2012 4:03:55

Julie Fish
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EFFECTIVE DATE

It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the **BOARD** prior to signature by the President / Supervising Disciplinary Member and shall become effective upon the last date of signature below.

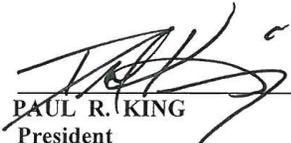


JULIE FISH

7-20-12

DATE

THE OHIO OPTICAL DISPENSERS
BOARD



PAUL R. KING
President
Supervising Disciplinary Member

16-Aug-12

DATE



MELISSA L. WILBURN, Esq
Assistant Attorney General
Attorney for Ohio Optical Dispensers Board

August 16, 2012

DATE