



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 18, 2012

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 18, 2012

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, October 18, 2012 at 9:06 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; James Fortune, Sr.; Jeffrey Hutchison, D.O.
Absent: Timothy Fries, O.D.

STAFF MEMBERS IN ATTENDANCE:

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; Yazan Ashrawi, Assistant Attorney General; Scott Myers, 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 THOMAS BARRACATO THAT THE CONSENT AGENDA FOR THE OCTOBER 18, 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 SUSAN BENDER THAT THE REGULAR AGENDA FOR THE OCTOBER 18, 2012 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

President's Report

President King introduced our new Assistant Attorney General Yazan Ashrawi and his mentor Scott Myers, and also welcomed guests in the gallery.

Approval of Minutes

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY SUSAN BENDER THAT THE MINUTES OF THE AUGUST 16, 2012 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 license renewals are scheduled to be mailed on October 29, 2012. Director Manns further requested that the Board members and guests in the gallery to inform licensed opticians that if they have not received their renewal by the middle of November, 2012 they should contact the Board office. Address changes will still be accepted; however, the renewals are already set up so whatever address the Board currently has on file will be the address where the renewal will be mailed; change of addresses cannot be made now on the licensure system until after the mailing date.

Director Manns informed the Board that she will be working with the Attorney's General office and Prevent Blindness of Ohio to create a press release regarding the dangers of decorative contact lenses purchased without a prescription. The press release has been very successful in previous years for bringing this problem to the attention of the general population and has resulted in an increased number of complaints received at the Board offices following the press release.

Director Manns informed the Board that ABO/NCLE will be going to computerized testing starting with the November, 2012 exam and that a list of the various exam sites in Ohio was included in the Board packet. At this time, it is not known how long it will take to get results to the Board and to the applicants after completion of the test date.

Director Manns informed the Board that the Governor has instituted a statewide initiative to increase awareness of the problem of human trafficking in Ohio and to educate individuals, such as licensees, on identifying victims of human trafficking and to be aware of the steps necessary to get help to a suspected victim of human trafficking. Reports indicate that Toledo, Ohio is the fourth largest recruitment site for human trafficking in the country. House Bill 262 raised the penalty for committing the crime of human trafficking to a first degree felony with a mandatory minimum sentence of 10-15 years. The proposed legislation will also mandate regulatory agencies to require education about human trafficking for licensees as part of their required continuing education for licensure renewal and as a result will require the Boards to promulgate rules to that affect. Director Manns added that she will be a part of a group of directors who are working with the Governor's office on the development of rules, and, that she has volunteered to take part in a train-the-trainer program to become qualified to present the one hour required course.

Director Manns informed the Board that two options for proposed dates for the 2013 Board meetings were included in the Board member meeting packets. One set of proposed dates was for 6 meetings and another set of dates for 5 meetings. The second set of five dates was proposed as a result of budget constraints that will also be part of the budget report and discussion later in the meeting.

Director Manns informed the Board that all state Centrex phone users will be going to a telecommunication service known as VoIP, or, Voice over Internet Protocol which means that all voice communication will now be over the same network infrastructure as the computer lines. The

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Board will be required to purchase or lease new phones. The system will be in place before June 30, 2013.

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 to discuss possible changes to the law regulating Opticianry and Ocularistry in Ohio. Director Manns also reported to the Board that she and two other directors represented the Boards and Commissions at the Ohio Business Expo which was held on September 19, 2012 at the Ohio Fairgrounds.

Director Manns reported to the Board that a letter was sent to Kristina Green regarding the Board's support of the Opticianry Summit and the development of national educational standards for opticians.

Director Manns reminded the Board that if they had not already done so to be sure to complete the Executive Director evaluation and send it to Paul King.

Director Manns also reminded the Board that effective September 10, 2012 the financial disclosure filing fee was increased from \$40 to \$60. The fee increase will cost the Board an additional \$100.00 per filing. Also, starting in January, 2013 all filers, including the Board members, will be able to electronically file 2012 financial disclosure statements. Additional information about the electronic disclosure will be provided over the next few months. The disclosure form will be due no later than April 15, 2013.

Director 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 averaging 8 days.

Director Manns reported that due to the new requirements of the Collateral Sanctions legislation that has resulted in additional oversight and review by the Bureau of Criminal Identification and Investigation of each report, it now may take up to 30 days or longer to receive criminal records checks due to that fact that each one has to be reviewed prior to being mailed.

Special Orders:

Review and Approval of Policy: Processing Complaints Based on Working on a Lapsed License:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JEFFREY R. ROHLF THAT THE BOARD RE-AFFIRM AS AMENDED THE POLICY "PROCESSING COMPLAINTS BASED ON WORKING ON A LAPSED LICENSE." MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Financial Report

After discussion,

IT WAS MOVED BY JAMES ASHENHURST AND SECONDED BY JAMES FORTUNE, SR. THAT THE FINANCIAL REPORT FOR CURRENT FY 2013 BE ACCEPTED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Fiscal Year 2014-2015 Budget Discussion

Director Manns informed the Board that the Board's budget allotment for FY'14-FY'15 was reduced by approximately \$14,000 per fiscal year as compared to FY'12. Ms. Manns went on to say that if the Board is not successful in its bid for additional allocation for each year, the Board will be required to look a cost saving measures. Increased fixed costs for routine business procedures and support programs, including payroll, OIT, payroll support, e-licensing, and the Department of Administrative Services, may create budget difficulties without additional funding allocation.

Board Governance/Planning:

In keeping with the agenda as established at the February, 2012 Board meeting, the Board began its review of the disciplinary procedures of the Board.

Disciplinary Procedures:

After discussion the following changes were suggested:

- The Board agreed to consider to not place a dollar limit on disciplinary fines;
- To consider adding the authority to impose administrative costs associated with disciplinary hearings;
- Clarify that information received by the Board pursuant to an investigation is considered to be confidential and not subject to discovery; and,
- Clarify the Board's subpoena power.

Collateral Sanctions:

Director Manns reminded the Board that as a result of the passage of SB 337 the Board will be required to promulgate rules related to collateral sanctions and the Board's ability to deny, refuse or revoke a license only under certain circumstances; and, that the Board will be beginning to work on that process as early as December.

Human Trafficking:

Director Manns informed the Board that there is new legislation pending which, if passed, will require all licensees to take a one-time, one hour course on human trafficking for licensure renewal. Director Manns said that this one time requirement would not be an additional hour to the already required hours of continuing education. Director Manns has agreed to attend the train-the trainer classes so that she can incorporate this subject in her courses and presentations. It was reported that the Ohio Department of Health has developed an on-line video program that will also meet the requirement for renewal of licenses at no cost. More information about this will be forthcoming in the next few weeks. Passage of the legislation will also require the Board to write rules.

Continuing Education

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

IT WAS MOVED BY THOMAS BARRACATO 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.

Law and Rules Regulating the Practice of Licensees and Apprentices in Ohio – Nancy Manns:

2 Spectacle/Contact/Management/Ocularist Hours per each 2 hours of presentation.

Ratification of Licenses:

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JAMES ASHENHURST 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 Ashrawi gave a brief review of his educational and work experience and stated that he is looking forward to working with the Board.

New Business

Annual Report:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY JEFFREY R. ROHLF THAT THE BOARD APPROVE THE ANNUAL REPORT AS AMENDED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Meeting Dates 2013:

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN BENDER THAT THE BOARD APPROVE THE 2013 MEETING DATES SCHEDULE FOR THE FOLLOWING SIX DATES AS SHOWN BELOW.

February 21, 2013

June 20, 2013

October 17, 2013

April 18, 2013

August 15, 2013

December 5, 2013

A ROLL CALL VOTE WAS TAKEN.

YEA VOTES: JEFF ROHLF, BRIAN J MILLER, JAMES FORTUNE, SR.,

NAY VOTES: SUSAN BENDER, THOMAS BARRACATO, JEFFREY HUTCHISON, D.O., AND JAMES ASHENHURST. MOTION OPPOSED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY THOMAS BARRACATO AND SECONDED BY JAMES ASHENHURST THAT THE BOARD APPROVE THE 2013 MEETING DATES SCHEDULE FOR THE FIVE DATES AS SHOWN BELOW.

February 21, 2013

July 25, 2013

December 5, 2013

May 2, 2013

October 3, 2013

A ROLL CALL VOTE WAS TAKEN.

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YEA VOTES: SUSAN BENDER, THOMAS BARRACATO, JEFFREY HUTCHISON, D.O.,
AND JAMES ASHENHURST.

NAY VOTES: JEFF ROHLF, JAMES FORTUNE, SR.,
BRIAN MILLER ABSTAINED.

MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.

Open Forum

Tresa Goodwin, Medina County Career Center, Assistant Principal, and Amanda Hamm, Medina County Career Center:

Ms. Goodwin and Ms. Hamm gave a presentation regarding Medina County Career Center's optical technology program and requested that the Board give consideration to giving students some credit toward the apprenticeship requirements after completing the course of studies in Optical Technology at the Career Center. The Board thanked Ms. Goodwin for presenting the information and would take her request under advisement when the Board would be discussing pre-licensure education requirements.

Becky Ferguson, Miami Valley CTC:

Ms. Ferguson gave a presentation regarding the Miami Valley CTC Optical Technician program and also requested that the Board consider granting credits to graduates of the Optical Technician program for apprenticeship time. The Board thanked Ms. Ferguson and also suggested that she may wish to attend the December 6, 2012 Board meeting to provide additional information to the Board during the discussion on pre-licensure requirements.

Hearing no other issues for discussion, President King adjourned the regularly scheduled meeting at 12:15 p.m. October 18, 2012.

ATTESTED:

PRESIDENT, PAUL R. KING

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

December 6, 2012

February 21, 2013

May 2, 2013

July 25, 2013

October 3, 2013

December 5, 2013

ADDENDUM 1.0

ODB - First Issued

Report Parameters

Board = ODB
 Credential status = ACTIVE
 Credential prefix = C, O, S, SC
 From 08/17/2012 to 10/17/2012

Report generated on 10/17/2012 at 3:07:19 PM

| Type | Number | Name | Add Line 1 | City | State | Zip | Orig Issue |
|------|--------|----------------------------|----------------------------------|-------------------------|-------|-------|------------|
| SC | 11982 | ARMAS MARCO | PO Box 794 | Somerset | OH | 43783 | 20120831 |
| S | 13359 | ARTRIP COURTNEY | 9641 Waterford Place Apt 309 | Loveland | OH | 45140 | 20120821 |
| S | 13142 | BERRY ALEXANDER | 6840 Spring Garden Drive Apt 21 | Middletown | OH | 45044 | 20121004 |
| SC | 12700 | BRADLEY STARDRINA | 5111-A Outhwaite Avenue | Cleveland | OH | 44104 | 20120830 |
| S | 12161 | GLEESING ANDREW | 1012 Park Lane | Toledo | OH | 43615 | 20120827 |
| SC | 12245 | GRUBB DONALD | 140 Rustic Lane | Mansfield | OH | 44907 | 20120924 |
| SC | 10430 | HAMILTON-KUTZ CONSTANCE | 13666 Baywood Street SE | Paris | OH | 44669 | 20120910 |
| S | 12038 | HELTON TIMOTHY | 10481 Dorval Avenue | Miamisburg | OH | 45342 | 20120920 |
| S | 13704 | HIRST EMILY | 107 1/2 Central Ave | Athens | OH | 45701 | 20120920 |
| SC | 6283 | JANES-RIOCH CHERYL | 1795 Hill Avenue | Albany | OH | 45710 | 20120920 |
| SC | 11983 | LABORA PATRICIA | 2019 Queens Meadow Lane | Grove City | OH | 43123 | 20120821 |
| S | 13635 | LATHAM MELISSA | 1219 Shanahan Road | Lewis Center | OH | 43035 | 20120823 |
| S | 12338 | LIVINGSTONE, III WILLIAM | 857 Ginger Ridge Dr | Trenton | OH | 45067 | 20121011 |
| S | 11975 | MCIVER KATHY | 1705 East 51st Street | Ashtabula | OH | 44004 | 20121015 |
| S | 12814 | NEISWANGER JOSHUA | 3468 Addison Place North | Grove City | OH | 43123 | 20121004 |
| S | 11633 | PARKER ASHLEY | 7030 Hills & Dales Rd NW Apt E22 | Canton | OH | 44708 | 20121017 |
| S | 13634 | PERRIN RYAN | 1983 Spring Ridge Drive | Beavercreek Township | OH | 45385 | 20120823 |
| S | 12110 | PERRY WILLIAM | 4603 Citation Court | Batavia | OH | 45103 | 20121012 |
| S | 11759 | PRITCHARD BRITTANY | 5340 Darlington Road Apt D | Columbus | OH | 43220 | 20120820 |
| SC | 13684 | ROTHENBERG RICHARD | 122 N Clifton Apt 24 | Louisville | KY | 40206 | 20120904 |
| S | 12646 | RUGGLES KRYSTAL | 6792 Peck Road Unit 1 | Ravenna | OH | 44266 | 20120920 |
| SC | 11932 | SHIREY PAULA | 13161 Township Road 220 | Rushsylvania | OH | 43347 | 20120822 |
| S | 12204 | SHLAHTECHMAN DIMITRY | 4524 Hunt Road | Cincinnati | OH | 45242 | 20120827 |
| S | 13239 | SMITH JASON | 4645 County Road 16 | Wauseon | OH | 43567 | 20121016 |
| SC | 12293 | SOBOCINSKI BARBARA | 4829 East 86th Street | Garfield Heights | OH | 44125 | 20120911 |
| S | 13711 | SULAK JOYCE | 321 E Wilberth Road | Akron | OH | 44301 | 20120921 |
| S | 13642 | THOMPSON ANGELA | 3623 Wolf Road | Taylor Mill | KY | 41015 | 20120827 |
| SC | 11965 | UZUAKPUNDU PATIENCE | 969 Atlantic Avenue Apt 663 | Columbus | OH | 43229 | 20120910 |

28 Items Found



OHIO OPTICAL DISPENSERS BOARD

GOALS 2012

Nancy Manns

1.5.1

GOAL/ACTIONS

PROGRESS

TO BE COMPLETED

| | | |
|---|-------------------------------|---|
| Take appropriate steps to prioritize revisions to law and implement steps for introduction to the legislative process | December 31, 2012 | Developed in conjunction with Board members a method of systematic revue of the law for changes 2/12 Hosted meeting of interested parties for discussion of proposed law changes. Review and Discussion at April, June, August Board meeting. |
| Maintain Budget priorities; develop and implement budget for FY'13. | June 30, 2012 | Encumbered funds from FY'12 for FY'13 Submitted Allotments to OBM for FY'13 Budget 6/12 |
| Develop, with Board input, the standards for apprenticeship to include reports of apprentice progress to the Board as outlined in revised rules | December 31, 2012 | On-going |
| Explore process/costs for implementation of on-line renewal for apprentices and budgeting for FY'12 | March 31, 2012 | On-line renewal implemented for 2012-2013 renewal |
| Obtain Board re-approval for one contact hour of continuing education for on-line and classroom CE that focuses on the law and rules. | December 31, 2011 | To be submitted for December Board meeting |
| Continue on-going review of rules. | August 31, 2012 | Completed. |
| Write and publish at least two articles for OAO Newsletter | By December 30, 2012 | Article #1 submitted 1/17/12 and #2 submitted 8/12 Disciplinary reports submitted to OAO as requested. |
| Develop plan for systematic review of policy and procedure manual to ensure that each policy/procedure is reviewed every 2 years | Ongoing at each Board meeting | Policies submitted at each meeting 2/12, 4/12 and 6/12, 8/12, 10/12 for review and approval |
| Facilitate development of Task Forces as directed by the Board as needed for special Board projects. | Ongoing | Sub-group met with interested parties for implementation of planned law review. |

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| | | |
|---|---------|--|
| Continue to provide presentations to licensed opticians and ocularists as requested. | Ongoing | For OAO: 4 hours 2/12/12 Warrensville Heights and 4 hours 3/18/12 Columbus |
| Establish and maintain a working relationship with professional organizations, associations, other state agencies, employers and licensees. | Ongoing | Elected Chair of the Ohio Boards and Commissions Management Group 1/12 Completed Review and Ratification of contract with ABO/NCLE 4/12 Worked with Mr. Amaya and ODJFS on issues related to reimbursement for services rendered by Ocularists in Ohio |
| Maintain communication with Board officers and members as appropriate. | Ongoing | |
| Update and maintain Board's web page; include section dedicated to consumer issues; Explore use of popular social networks (Twitter) to increase communication with licensee, employers and consumers. | Ongoing | 1/12 Updated Initial Licensure App and uploaded on the Web Page to reflect recent changes by the Board. 1/12 Updated CE information on Web Page in accordance with recent Board policy changes. Updated "Privacy Policy" as required by Office of Information Technology |
| Maintain personal on-going continuing education | Ongoing | 4/23/12 2012 Data Privacy Point of Contact Training/DAS Office of Information Security and Privacy 2.5 hours MBE/EDGE Training for Projection Plans 3/22/12 The Records Manager's Role in E-Discovery provided by the AG's office 2/16/12 Ethics Training 4/11/12 CSA End of Year projects 5/2/12 Executive Director Summit provided by the Attorney General's Office 11/9/12 |



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8.1

INVESTIGATOR'S DISCIPLINARY AND INVESTIGATORY REPORT FOR THE PERIOD OF January 1, 2012 TO October 18, 2012

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|--|------------------|---------------|---|---|
| 1201016 Licensee | 1/13/12 | CLOSED | Obtained continuing education for renewal in the current year vs. last year in violation of OAC | 1/31/2012 Offered a Consent Agreement. For ratification by Board at April 19 th Board meeting. |
| 1202017 M B Hair Braiding & Beauty Supply Columbus, OH | 2/8/12 | CLOSED | Selling Contact Lenses without a prescription | 2/9/12 Cease & Desist Notice Sent. Followed-Up on 3/21/12 by visit they have ceased selling. |
| 1202018 Shady Lane Shell Gas Station Columbus, OH | 2/9/12 | CLOSED | Selling Contact Lenses without a prescription | 2/10/12 Cease & Desist Notice sent. Followed-Up on 3/21/12 by visit, they have ceased selling. |

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|--|------------------|---------------|---|--|
| #1202019 Papa Smokers Mentor-On-The-Lake, OH | 2/15/2012 | CLOSED | Selling Contact Lenses without a prescription | 2/16/12 Cease & Desist Notice sent. Followed-Up on 3/21/12 by phone, indicated they have ceased selling. |
| 1202020 Casey's Boutique Jackson, OH | 2/8/12 | CLOSED | Selling Contact Lenses without a prescription | 2/21/12 Cease & Desist Notice Sent 2/27/2012 Followed-Up with phone call they have ceased selling. |
| 1202021 A-1 Market Akron, OH | 2/28/12 | CLOSED | Selling Contact Lenses without a prescription | 2/29/12 Cease & Desist Notice Sent Followed-Up 3/27/2012 with phone call they have ceased selling |
| 1202022 A-1 Wireless & Fashion Akron, OH | 2/28/12 | CLOSED | Selling Contact Lenses without a prescription | 2/29/12 Cease & Desist Notice Sent Trip to Akron for Inspections and visit to this store planned. |

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|-------------------------------------|-----------|------------|--|--|
| 1202023 Berris Optical | 2/13/12 | CLOSED | Consumer stated that the temple fell off their frame | 2/14/12 Berris to contact customer and fix problem. 2/20/2012 Berris called stating they had corrected the problem with consumer. |
| 1202024 Milk Bar Columbus, OH | 2/22/12 | MONITORING | Complaint stating that dispensing glasses was occurring without a Licensee or Dr. on premises. | 3/5/12 Inspection of the Milk Bar revealed that the owners were using a pupillometer. Law explained and they were told to cease & desist this practice. Follow-Up pending. |
| 1203025 Licensee | 3/5/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC. | 3/9/2012 Offered CA stating that they must obtain 12 additional hrs. of CE's that will be used for renewal next year. For ratification by Board at April 19 th Board meeting. |

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|--|-----------|--------|---|--|
| 1203026 Licensee | 3/5/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC. | 3/9/2012 Offered CA stating that they must obtain 4 additional hrs. of CE's that will be used for renewal next year. For ratification by Board at April 19 th Board meeting. |
| 1203027 Downtown Dayton Optical Dayton, OH | 3/20/12 | CLOSED | Complaint that BBB Dayton had the licensee at this location listed as a Doctor. | 3/22/2012 Called this store, licensee did not know that information. Licensee stated that he will call BBB to have that designation removed. 4/12/2012 Contact Dayton BBB Dr. designation has been removed. |
| 1203028 Wal Mart Vision Lancaster, OH | 3/8/12 | CLOSED | Complaint received stating that this store was scheduling an apprentice to work with no supervision | 3/23/12 After review of work schedule from Headquarters in Bentonville, AK it was determined that the allegation was not true. |

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|---------------------|------------------|---------------|--|---|
| 1203029 Licensee | 3/28/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC. | 3/28/2012 Offered CA stating that they must obtain 4 additional hrs. of CE's that will be used for renewal next year. For ratification by Board at April 19 th Board meeting. |
| 1203030 Licensee | 3/30/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC. | 4/3/2012 Offered CA stating that they must obtain 4 additional hrs. of CE's that will be used for renewal next year. For ratification at the June 21, 12 Board meeting. |
| 1203031 Licensee | 3/29/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC. | 4/3/2012 Offered Consent Agreement. Needs to obtain 4 additional hours. For ratification at the June 21, 12 Board meeting. |

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|---|------------------|---------------|---|---|
| 1204032 Licensee | 3/29/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC. | 4/3/2012 Offered Consent Agreement. Needs to obtain 4 additional hours. Ratified by Board at April 19 th Board meeting. |
| 1204033 Licensee | 4/9/12 | CLOSED | Obtained CE's for renewal in the current year vs. last year in violation of OAC | 4/11/2012 Offered Consent Agreement. Needs to obtain 12 additional hours. Ratified by Board at June 21 st Board meeting. |
| 1204034 Wig City Lima, OH | 4/2/12 | MONITORING | Selling Contact Lenses without a prescription | 4/17/2012 Cease & Desist Notice sent. This is a second violation for this store. Working with AG on Injunction. |
| 1204035 Gutzwiller Optical Cincinnati, OH | 4/2/12 | CLOSED | Consumer on MEDICAID ordered glasses in Feb. As of March 10 th still did not have glasses. | Per MEDICAID not eligible until March 10 th . Order placed and consumer received glasses on April 11, 2012. |
| 1204036 The Garden Columbus, OH | 4/19/12 | OPEN | Selling Contact Lenses without a prescription | 4/27/2012 Cease & Desist Notice Sent Followed-Up with a phone call on 5/17/2012 they have ceased selling |
| 1207038 Beauty Connection Columbus, OH | 7/17/12 | OPEN | Selling Contact Lenses without a prescription | 8/9/2012 Cease & Desist Notice Sent. |

BEGIN 2013 CASES

| CASE # | DATE OPEN | STATUS | TYPE | ACTIONS |
|---|------------------|---------------|---|--|
| 1309001 LensCrafters Maumee, OH | 9/25/12 | OPEN | Working an apprentice without direct supervision | |
| 1309002 McGuffey Market Columbus, OH | 9/27/12 | OPEN | Violation of ORC 4725.40(A) selling C/L without a prescription | 9/28/2012 Cease & Desist Notice Sent. |
| 1309004 Scream Mentor, OH | 9/27/12 | OPEN | Violation of ORC 4725.40(A) selling C/L without a prescription | 10/4/2012 Cease & Desist Notice Sent. |
| 1310005 La Jaliscience Mexican Groceries Defiance, OH | 10/3/12 | OPEN | Violation of ORC 4725.40(A) selling C/L without a prescription | 10/4/2012 Cease & Desist Notice Sent. |
| #1310006 Island Rayz South Point, OH | 10/5/12 | OPEN | Violation of ORC 4725.40(A) selling C/L without a prescription | 10/9/2012 Cease & Desist Notice Sent. |
| #1310007 Friendly's Market Cincinnati, OH | 10/5/12 | OPEN | Violation of ORC 4725.40(A) selling C/L without a prescription | 10/9/2012 Cease & Desist Notice Sent. |
| #1310008 Jovert Garotti Cincinnati, OH | 10/9/12 | OPEN | Consumer not satisfied how glasses were made. | |

TRAVELS

| Date | Location | Purpose | Findings | No. of Stores Visited |
|----------|------------------------|---|---|-----------------------|
| 08/28/12 | Summit County | In Response to a Complaint | Confirmed two stores no longer selling contact lens without Rx. | 8 |
| 09/18/12 | Cuyahoga County | General Monitoring | None | 15 |
| 9/25/12 | Franklin County | General Monitoring/verifying complaints | Confirmed Store was selling C/L without Rx. | 9 |
| 10/10/12 | Hamilton/Warren County | General Monitoring/complaint | Optical did all they could do to correct the problem. Refund given. | 10 |

SUMMARY

Case Status for the Period of January 1, 2012 to October 18, 2012

| | |
|---|-----------|
| CLOSED | 18 |
| MONITORING OF CEASE AND DESIST ORDER | 6 |
| MONITORING OF COMPLIANCE WITH CONSENT AGREEMENT | 0 |
| 119 HEARING NOTICE | 0 |
| CURRENTLY UNDER INVESTIGATION | 3 |
| CONSENT AGREEMENT OFFERED | 0 |
| TO AG FOR INJUNCTION | 0 |
| TOTAL 1/1/12 – 8/16/12 | 27 |

Data Bank Webinar

On September 20, 2012 I participated in a Webinar for the HPDB-HIPDB (National Practitioner Data Bank). They went over the importance of entering data into the Data Bank, and how the information is only to be of actions taken by the Board against a licensee, which involves Revocation, Suspension, or Fines. They discussed the new format on the Data Bank website and the better ways to enter data. Over this was all good information.



Ohio State Board of Optometry



Prescription Release

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PATIENT PRESCRIPTION'S POLICY

The purpose of this policy is to provide further guidance in the application of portions of Ohio Administrative Rule 4725-7-06 and Ohio Revised Code 4725.28 relative to patient prescriptions.

Upon completion of a vision examination and diagnosis, an optometrist shall provide each patient a copy of the prescription for any vision correcting item, device or procedure. This can only be delayed if there is a significant medical reason or the patient has not paid the professional fee for the eye examination.

Patients who have successfully been wearing contact lenses and have no major change in their prescription or type of lens would be eligible to receive a copy of the prescription at the end of the examination. Contact lens examinations which involve new patients, patients making a significant change in the type of contact lens, or patients with an ocular abnormality shall be considered complete under the following parameters: 1) the patient has been evaluated for the fit of the lenses 2) the contact lenses have been dispensed to the patient 3) a trial wearing period has taken place and 4) the contact lens fit has been re-evaluated to determine if the prescription is correct for the patient. The examining optometrist must be satisfied that the prescribed lenses are correct for the patient before releasing the contact lens prescription. The issue date of a prescription means the date on which the patient receives a copy of the prescription at the completion of a contact lens fitting.

Spectacle prescriptions may be expired at the end of two years under normal circumstances unless medical reasons would prohibit the release. Contact lens prescriptions may be expired at the end of one year under normal circumstances unless medical reasons would prohibit the release. The prescription must be given to the patient provided the professional fee for

the examination is paid.

The Fairness to Contact Lens Consumer's Act requires that, at the conclusion of a contact lens fitting, each patient automatically be provided with a copy of his or her own contact lens prescription, whether or not the patient asks for a copy. The new law generally prohibits persons authorized by the state to fit and dispense contact lenses from making the release or verification of a patient's contact lens prescription conditional. Furthermore, the optometrist may not charge a fee for prescription release, require the person to purchase contact lenses at their business, require the patient to sign a waiver or release, or write an expiration date of less than one year unless there is specific medical reason which must be documented in the patient's record.

Persons authorized by the state to complete vision examinations and diagnosis and then to prescribe and dispense any vision correcting item, device or procedure are responsible for knowing and following the full content of all applicable state and federal laws or rules. You may wish to view the full content of the Board's related law and rule at www.optometry.ohio.gov or the Federal Trade Commission's rules relative to the Fairness to Contact Lens Consumer's Act at www.ftc.gov.

Adopted January 19, 2005
Revised 11-24-08

4/13/12

The Board has received several calls in the past month about expiration dates for contact lens and spectacle prescriptions.

The rule (4725-7-06) states in part:

1. The examining optometrist may expire a contact lens prescription at the end of ONE year after the eye examination and completed diagnosis under normal circumstances.
2. The examining optometrist may expire a spectacle prescription at the end of TWO years after the eye examination and completed diagnosis under normal circumstances.

A copy of the Board's policy on Prescription Release is attached.

Jeff May
Investigator