



OHIO OPTICAL DISPENSERS BOARD

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

October 3, 2013

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD OCTOBER 3, 2013

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, October 3, 2013 at 9:09 A.M. at 77 South High Street, 31st Floor, Columbus, Ohio. President Jeffrey R. Rohlf called the meeting to order in open session.

BOARD MEMBERS IN ATTENDANCE:

Present: President, Jeffrey R. Rohlf; Treasurer, Paul R. King; Brian J Miller; Susan Robus; James Ashenhurst

Absent: Vice President, Thomas Barracato; Jeffrey Hutchison, D.O.; Timothy Fries, O.D.; James Fortune, Sr.

STAFF MEMBERS IN ATTENDANCE:

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; Heidi Dorn, 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 3, 2013 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 ROBUS AND SECONDED BY BRIAN J MILLER THAT THE REGULAR AGENDA FOR THE OCTOBER 3, 2013 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

President's Report

President Rohlf welcomed the guests in the gallery.

Approval of Minutes

IT WAS MOVED BY JAMES ASHENHURST AND SECONDED BY PAUL R. KING THAT THE MINUTES OF THE JULY 25, 2013 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 that there had been no news regarding re-appointments or appointments of new Board members.

Director Manns informed the Board that since renewals for apprentices ended on June 30, 2013 the Board had received 224 apprentice renewals, which means 15% of apprentices renewed late. These renewals were accompanied by the Part II form, a notarized document on which the supervisor must attest that the apprentice has or has not worked as a dispensing apprentice optician since the expiration of the apprenticeship.

Director Manns informed the Board that work has begun to prepare for the 2014 licensure renewal and that it is expected that the licensure renewal notices will go out at the end of October, 2013.

Director Manns informed the Board that she and Wilma Simmons, the Board's Administrative Professional, will be attending a week-long training the second week of October from 8:00 a.m. to 4:00 p.m. every day in preparation for a "User Acceptance Testing-Part I" for the new licensure system that will go into effect in the Fall of 2014. The testing of the system would begin the following week after the training. The testing will not be done using real/live data from the current system. This testing is merely to test if the Board's licensure system profile has been constructed correctly.

Director Manns informed the Board that at the same time as the Board staff are preparing for the new licensing system, the staff will also be preparing for the new Voice over Internet Phone system (VoIP) which will impact the phone system statewide. The new phones will be on staff desks October 24th and will roll over beginning October 31st. We have been assured that there will be no disruption in phone service. New hands free headsets have been purchased for the new phones which helped the Board's to reach its MBE/EDGE purchasing goal since the headsets were purchased from an MBE vendor.

Director Manns informed the Board that she attended the ABO/NCLE National Education Conference in Cincinnati on September 20 & 21, 2013. The educational meetings started on Friday and concluded on Sunday at noon. Over 40 hours of approved continuing education were offered over the 2 ½ days of the Conference. The Board had a booth in the Exhibition Hall as well. Director Manns and Treasurer King attended The National Commission of State Opticianry Regulatory Boards (NCSORB) which was held Saturday September 21, 2013. Five other state opticianry regulatory boards were represented as well. The next annual meeting for ABO/NCLE/NCSORB will be held in Nashville, TN on September 4-7, 2014.

Director Manns informed the Board that the financial audit of the Board has been completed; but the auditors have not met with her for the final exit interview. All Board members will receive directly from the auditor's office copy of the final review and findings.

Director Manns informed the Board that she received permission from the American Academy of Ophthalmology to place a copy of their public service announcement regarding the warning of buying decorative contact lenses without a prescription on the Board's webpage. Director Manns

further informed the Board that she is working with the Attorney General's office and Prevent Blindness of Ohio to send out a press release regarding the same topic.

Director Manns informed the Board that she will be attending an Executive Director's Summit provided by the Attorney General's office on Friday, October 18, 2013 which is a three hour conference put on by the Attorney General's office each year to discuss updates on laws/policies or procedures that affect the business of the Boards.

Director Manns informed the Board that, as most of the Board already knew; Representative Gonzales has introduced a piece of legislation that will impact the Board by changing the scope of practice of the Spectacle Optician. Director Manns further stated that she had heard from many who have sent letters/emails and made phone calls to the Representative's office opposing the change. There will be a meeting on October 16, 2013 in the Representative's office at 4:00 p.m. If any interested parties were planning to attend, it was requested that those persons contact the aides for Representative Gonzales to let them know so they can assure adequate space for the meeting. Chris Corder is the Representative's aide who can be reached at 614-466-4847 or at chris.corder@ohiohouse.gov.

Director Manns informed the Board that she contacted the acting Executive Director of the Cosmetology Board, Lori Pearson, about working with the inspectors of the Cosmetology Board to have them act as additional pairs of eyes looking for the illegal sales of contact lenses while they are doing their respective inspections. Director Pearson was receptive to the idea and stated that she would take this matter to the supervisors of the inspectors for consideration.

Director Manns informed the Board that the licensure statistics for the last 3 month period averaged from receipt of an application to completed/issued application was 11.58 days. Director Manns further reported that there were 1,666 hits to the webpage for the month of September, 2013. The bulk of the hits were to look for forms.

Special Orders:

Review and Approval of Policy: Review & Processing of Applications and Issuance of Initial Licenses

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY SUSAN ROBUS THAT THE BOARD APPROVE THE POLICY "REVIEW & PROCESSING OF APPLICATIONS AND ISSUANCE OF INITIAL LICENSES" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review and Approval of Policy: ePerformance Evaluation of Employees

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE POLICY "ePERFORMANCE EVALUATION OF EMPLOYEES" AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of Financial Report

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY JAMES ASHENHURST THAT THE FINANCIAL REPORT FOR CURRENT FY 2014 BE ACCEPTED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Ratification of Licenses:

IT WAS MOVED BY PAUL R. KING AND SECONDED BY SUSAN ROBUS THAT THE BOARD RATIFY FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.0. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Discipline:

After review of the Consent Agreement for Case #1303025 by Board members,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY PAUL R. KING THAT THE BOARD RATIFY THE CONSENT AGREEMENT FOR CASE #1303025. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0)

New Business

Board Meeting Schedule for 2014:

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY SUSAN ROBUS THAT THE BOARD ACCEPT THE SCHEDULE OF 2014 BOARD MEETINGS FOR FIVE MEETINGS: FEBRUARY 13TH, APRIL 10TH, JUNE 19, SEPTEMBER 4TH AND NOVEMBER 20, 2014. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Annual Report Fiscal Year 2013:

After discussion,

IT WAS MOVED BY SUSAN ROBUS AND SECONDED BY PAUL R. KING THAT THE BOARD APPROVE THE FISCAL YEAR 2013 OPTICAL DISPENSERS BOARD ANNUAL REPORT AS WRITTEN. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review of Strategic Planning:

Director Manns discussed the next steps which would need to be taken after the Board's Strategic Planning meeting: the development of a Mission and Vision Statement; the validation of Strengths/Weaknesses/Opportunities/Threats; and, the overall assessments.

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY BRIAN J MILLER THAT THE BOARD ACCEPT AS WRITTEN THE PLANNED REVIEW AND FOLLOW-UP IN REGARDS TO THE STRATEGIC PLANNING SESSION OF JULY 25, 2013. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

AAG REPORT:

AAG Dorn informed the Board that she is working with the Attorney General's office on a press release for cosmetic contact lenses.

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Annual Evaluation of Executive Director:

Director Manns informed the Board that a copy of the policy and procedure for the evaluation of the director, the Director's self- evaluation and an evaluation form for each Board member to complete. A self-addressed stamped envelope was also attached for each Board member to mail their respective evaluation of the Director to President Rohlf.

Hearing no other matters for discussion the Board meeting adjourned at 10:30 a.m.

ATTESTED:

PRESIDENT, JEFFREY R. ROHLF

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

December 5, 2013
February 13, 2014
April 10, 2014
June 19, 2014
September 4, 2014
November 20, 2014

ADDENDUM 1.0

ODB - First Issued

Report Parameters

Board = ODB
 Credential status = ACTIVE
 Credential prefix = , C, O, S, SC
 From 07/26/2013 to 10/02/2013

Report generated on 10/2/2013 at 3:16:22 PM

Type	Number	Name	Add Line 1	City	State	Zip	Orig Issue
SC	11594	ALLEYNE M.	4234 Sunbury Road	Galena	OH	43021	20130923
SC	4032	AYERS THERESA	5766 Huckleberry Street NW	North Canton	OH	44720	20130820
SC	12739	BAKER CHRISTENE	2837 Thackery Avenue NW	Massillon	OH	44646	20130820
SC	6411	BAUMAN ANNA	1198 Georgian Drive	Kettering	OH	45429	20130806
S	12764	BEALL STEVE	9692 Woodmill Lane	Cincinnati	OH	45231	20130806
SC	13655	BOYER KELSEY	166 Darla Dr NE	Newark	OH	43055	20130930
S	12418	BURNAT ALISHA	340 S Reynolds Road Lot 246	Toledo	OH	43615	20130917
S	14394	BUTLER JAMES	4965 Willow Dale Rd	Springfield	OH	45502	20130913
SC	5154	COLEGROVE REBECCA	23 Club Drive	Chillicothe	OH	45601	20130806
S	12936	CONSTANTINE MICHELE	2407 Granada Court	Galloway	OH	43119	20130821
SC	14344	CROFT NORINE	5656 Old Hickory Lane	Tallahassee	FL	32303	20130826
SC	11822	DAIGLE MATTHEW	405 La Mar Street	Bluffton	IN	46714	20130814
SC	14291	DAUWALDER-DACHTYL LINDA	4845 Ridgerun Dr	Columbus	OH	43229	20130807
S	13555	DAVIS KATINA	145 Poplar Street	Conneaut	OH	44030	20130812
SC	14122	GARD MELINDA	27 First Street	Athens	OH	45701	20130806
SC	11163	GARTIN LYN	244 Nicholas Drive	Circleville	OH	43113	20130806
SC	11140	GELDER SHAUN	7836 State Route 43	Bergholz	OH	43908	20130917
SC	13875	HILLYARD CHRISTY	4219 Beechgrove Dr	Grove City	OH	43123	20130917
S	13431	HIRE TRACEY	16497 Nottingham Drive	Wapakoneta	OH	45895	20130910
SC	12039	HOLLAND COLE	8890 Lancaster-Thornville Road NE	Pleasantville	OH	43148	20130822
S	14103	HOOD CHRIS	6417 Groton St NW Apt F6	Canton	OH	44708	20130910
SC	12530	HUSEIN HASEN	2313 Income Dr	Akron	OH	44305	20130930
SC	5596	JACKSON THERESE	2441 East Rahn Road	Kettering	OH	45440	20130729
SC	7194	KARKUTT ELLEN	2002 Footville Richmond Rd W	Jefferson	OH	44047	20130806
SC	12246	KEVELDER LYNDSEY	2672 Sawmill Meadows Avenue	Dublin	OH	43016	20130820
SC	13936	KOEHLER CORRIE	10587 Twp Rd 15	Thornville	OH	43076	20130726
S	11430	LEWIS SABINA	5971 Spring Run Drive	Columbus	OH	43229	20130820
SC	13964	MARTINDALE KEYLEE	2237 Twp Rd 362 SE	Junction City	OH	43748	20130925
S	11868	MATTHEWS TINA	74075 Edwards Road	St. Clairsville	OH	43943	20130806
S	14267	MICHELI RICHARD	3111 Brandon Court	Akron	OH	44312	20130729
SC	14404	MIDDLEBROOKS CAROLYN	3534 East 135th St	Cleveland	OH	44120	20130919
S	14399	MILLER EMILY	5308 Cornell Blvd	North Ridgeville	OH	44039	20130917
SC	14351	POWELL JEFFREY	2401 Bentzen Cir Apt A18	Anchorage	AK	99517	20130829
S	13043	RICHARDSON BETHANY	2828 11th Street	Cuyahoga Falls	OH	44221	20130911
S	11952	RUSCH LAURA	7283 Timberrnoll Drive	West Chester	OH	45069	20130926
SC	14400	SNYDER MEGAN	156 Valley Blvd	Newark	OH	43055	20130917
SC	5963	SOBOL BARBARA	25300 Maple Ridge Road	Westlake	OH	44145	20130903
S	11613	SPECK JENNIFER	1169 Whitney Lane	Westerville	OH	43081	20130820
SC	13879	STANLEY DEDRA	PO Box 79	Shawnee	OH	43782	20130927
S	13667	STENGER MELISSA	1887 Clayburn Circle	Cincinnati	OH	45240	20130812
SC	5815	SWAN SHAREESE	1257 Hardesty Boulevard	Akron	OH	44320	20130923
S	12507	THOMPSON TOYI	222 Third Avenue	Galion	OH	44833	20130731
S	12552	WHITE CALLIE	560 Wilson Avenue	Marion	OH	43302	20130806

43 Items Found



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SEP 16 2013 9:01:11

**CONSENT AGREEMENT
BETWEEN
HEIDI JO BREECE
AND
THE OHIO OPTICAL DISPENSERS BOARD**

CASE#1303025

This CONSENT AGREEMENT is entered into by and between **HEIDI JO BREECE**, Opticians, License No. 10965-S 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.

HEIDI JO BREECE 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 4725.52 of the Ohio Revised Code and Ohio Administrative Code 4726-3-01(I). From July 12, 2012 to March 7, 2013 **MS. BREECE** was the only registered supervisor of apprentice #9194 at Sears Optical, 67800 Mall Ring Rd., St. Clairsville, OH. During this period **MS. BREECE** was a casual, part time employee working only every other weekend. During the time period of July 12, 2012 through March 7, 2013, **MS. BREECE** knowingly permitted apprentice #9194 to engage in optical dispensing without direct supervision on an average of four times per week.

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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. **HEIDI JO BREECE** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 10965-S
5. **HEIDI JO BREECE** 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, **HEIDI JO BREECE** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

- A. **HEIDI JO BREECE** shall be required to come to the Board's office, 77 South High St., 16th Floor, Columbus, OH 43215 on a date and time specified by the Board to receive an Educational Class provided by the Executive Director on the Laws and Rules governing opticians in Ohio.
- B. **HEIDI JO BREECE** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in her licensure file.
- C. **HEIDI JO BREECE** shall obey all laws and rules of the Ohio Revised Code and Ohio Administrative Code governing Licensed Opticians in Ohio.

Heidi Jo Breece
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D. The **BOARD** agrees not to institute formal proceedings against **HEIDI JO BREECE** 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. BREECE** 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

HEIDI JO BREECE 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. BREECE** 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. BREECE 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. BREECE waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

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Heidi Jo Breece
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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.

**THE OHIO OPTICAL DISPENSERS
BOARD**

Heidi Jo Breece Channels
HEIDI JO BREECE

Jerry R. Rohlf
JERRY R. ROHLF
President
Supervising Disciplinary Member

9-13-2013
DATE

10/3/13
DATE