



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

February 13, 2014

REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD FEBRUARY 13, 2014

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, February 13, 2014 at 9:05 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; Vice President, Thomas Barracato; Treasurer, Paul R. King; Brian J Miller; James Ashenhurst; Susan Robus; Jeffrey Hutchison, D.O.

Absent: James Fortune, Sr.; Timothy Fries, O.D.

STAFF MEMBERS IN ATTENDANCE:

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; Yvonne Tertel, Assistant Attorney General; Wilma Simmons, Administrative Professional.

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 SUSAN ROBUS THAT THE CONSENT AGENDA FOR THE FEBRUARY 13, 2014 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 PAUL R. KING AND SECONDED BY JAMES ASHENHURST THAT THE REGULAR AGENDA FOR THE FEBRUARY 13, 2014 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. President Rohlf introduced Assistant Attorney General (AAG) Yvonne Tertel. President Rohlf informed the Board that the Board's former AAG, Heidi Dorn, had accepted a position with the Ohio Supreme Court and Ms. Tertel was temporarily filling the vacancy.

Approval of Minutes

IT WAS MOVED BY PAUL R. KING AND SECONDED BY JAMES ASHENHURST THAT THE MINUTES OF THE DECEMBER 5, 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 of the 3,267 license renewal notices that had been mailed 3,134 had renewed at the time of the Board meeting. That number represents approximately 96% of eligible licensees had renewed, and of those, 40 licensees had renewed late and were required to pay the \$75 late fee. The largest number to renew in one day was on December 31, 2013, the last day to renew without paying the late fee. Director Manns further informed the Board that this is the lowest number of licensees who have been charged the late fee and the lowest number of those who did not renew in the last seven years. On January 15, 2014 Cease and Desist From Practice letters were mailed to all those who had not renewed. Ms. Manns went on to say that a copy of that letter had been provided for the Board members.

Director Manns informed the Board that the implementation of the new eLicensing system had been pushed back to mid-December, 2014 which would occur during the renewal of 2015 licenses. Director Manns also informed the Board that she and Ms. Simmons had attended several days of off-site testing of the system based on the profile created for our Board. Several corrections to the profile were needed to be made to meet the specific requirements of the Board. The next testing of the Board's profile sessions are to be held in August and September of 2014.

Director Manns informed the Board that each Board member should have received the Management letter from the State Auditor's office outlining the findings of the FY'12-'13 financial audit of the Board.

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 13.5 days; from completed to approved/issued was 1.24 days.

Director Manns informed the Board that the Board's new Mission and Vision statements that had been approved at the December, 2013 meeting had been added to the Board's webpage and that the new mission statement is now on the Board's meeting agenda. Additionally, information regarding the Governor's initiative for raising awareness about human trafficking in Ohio had also been added to the Board's webpage.

Director Manns informed the Board that the test results for the ABO/NCLE exams which were given in November, 2013 were sent out in January and the Board had begun to receive applications for licensure shortly thereafter.

Special Orders:

Review and Approval of Policy: Supervising Disciplinary Member:

After discussion,

IT WAS MOVED BY SUSAN ROBUS AND SECONDED BY BRIAN J MILLER THAT THE BOARD APPROVE AS WRITTEN THE POLICY "SUPERVISING DISCIPLINARY MEMBER". MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review and Approval of Policy: Processing Ohio Bureau of Criminal Identification and Investigation (BCII) and Federal Bureau of Investigation (FBI) Reports:

IT WAS MOVED BY PAUL R. KING AND SECONDED BY JAMES ASHENHURST THAT THE BOARD APPROVE THE POLICY "PROCESSING OHIO BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION (BCII) AND FEDERAL BUREAU OF

INVESTIGATION (FBI) REPORTS” AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Review and Approval of Policy: Processing of Initial Application for Licensure Policy:

After discussion,

IT WAS MOVED BY SUSAN ROBUS AND SECONDED BY THOMAS BARRACATO THAT THE BOARD APPROVE AS AMENDED THE POLICY “PROCESSING OF INITIAL APPLICATION FOR LICENSURE POLICY”. 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 THOMAS BARRACATO 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 JAMES ASHENHURST THAT THE BOARD RATIFY FOR LICENSURE THE APPLICANTS LISTED ON ADDENDUM 1.0. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. PAUL KING ABSTAINED FROM VOTING ON APPLICANT BRENT WILHELM.

AAG Report

AAG Tertel informed the Board that she was happy to sit in for our Board meeting until the Board was assigned another Assistant Attorney General to replace AAG Heidi Dorn who recently left the Attorney General’s office.

Discipline:

After review of the Consent Agreement for Case #2014-ODB-8005 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 #2014-ODB-8005. MOTION ADOPTED BY MAJORITY VOTE OF THE BOARD MEMBERS PRESENT. (See Addendum 2.0) THOMAS BARRACATO ABSTAINED.

New Business:

House Bill 98 Military Experience/Development of Rules

After discussion;

IT WAS MOVED BY PAUL R. KING AND SECONDED BY THOMAS BARRACATO THAT THE BOARD ACCEPT AS MODIFIED THE DRAFT CONCEPTS FOR RULE DEVELOPMENT FOR ACCEPTING MILITARY EDUCATION AND EXPERIENCE TOWARDS REQUIREMENTS FOR LICENSURE AND RENEWAL AS AN OPTICIAN IN OHIO. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Approval of out-of-state Opticianry School:

Vice President Barracato informed the Board that he had reviewed materials, including a course syllabus, submitted by Baker College School of Opticianry, Allen Park, Michigan and recommended that the Board accept the program as a school of Opticianry that met the educational requirements for licensure in Ohio.

Optical Dispensers Board
February 13, 2014

After discussion,

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN ROBUS THAT THE BOARD APPROVE BAKER COLLEGE SCHOOL OF OPTICIANRY AS A PROGRAM THAT MEETS THE EDUCATION REQUIREMENTS FOR LICENSURE IN THE STATE OF OHIO. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

After additional discussion, the Board members requested that Director Manns contact the National Federation of Opticianry Schools and the COA to develop a list of schools that have been nationally accredited as schools of opticianry. Director Manns was to bring that information to the Board at the April 10, 2014 Board meeting.

Approval of Board Office Schedule:

IT WAS MOVED BY BRIAN J MILLER AND SECONDED BY SUSAN ROBUS THAT THE BOARD APPROVE THE BOARD OFFICE SCHEDULE AS PRESENTED. MOTION ADOPTED BY A UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

Current Legislation

House Bill 258: Change of Scope of Practice for Licensed Spectacle Dispensing Opticians. President Rohlf stated that the Board at this time would be re-visiting HB 258 which, if passed, would permit spectacle only licensed opticians to dispense contact lenses. Board members voiced opposition to the language of the bill. President Rohlf requested that Board members contact their individual legislators regarding their opposition to HB258. Board members present at the Board meeting voiced their opposition to HB258 citing concerns for the safety of patients when individuals who had not been trained nor determined to be competent were interpreting prescriptions for contact lenses and dispensing contact lenses. Members of the Opticians Association of Ohio who were in the galley also voiced opposition to HB258 as written.

Hearing no other matters for discussion the Board meeting adjourned at 11:30 a.m.

ATTESTED:

PRESIDENT, JEFFREY R. ROHLF

EXECUTIVE DIRECTOR, NANCY MANNS

Future Board Meeting Dates:

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 12/06/2013 to 02/12/2014

Report generated on 2/12/2014 at 1:47:36 PM

Type	Number	Name	Add Line 1	City	State	Zip	Orig Issue	Expiration Date	description
S	10812	BAYLISS ROBIN	2512 Galway Court	Troy	OH	45373	20140127	20141231	ACTIVE
SC	4895	BRICKNER MARCEY	1309 Ricker Street	Delphos	OH	45833	20140210	20141231	ACTIVE
SC	10060	CORDRAY BARBARA	152 Carmel Court	Thornville	OH	43076	20140203	20141231	ACTIVE
S	12709	DAIGNEAULT SARAH	1674 Blue Rock Street	Cincinnati	OH	45223	20140130	20141231	ACTIVE
S	14644	GLASSFORD JULIE	4900 Coldwater Creek Rd	Celina	OH	45822	20140210	20141231	ACTIVE
S	14626	GODBY PHILLIP	4955 Higbee Ave NW Apt 212	Canton	OH	44718	20140127	20141231	ACTIVE
SC	11374	HUGHES AMANDA	378 Pennsylvania Avenue	Mansfield	OH	44905	20140116	20141231	ACTIVE
S	13575	KING ORI	1474 1/2 N 5th St	Columbus	OH	43201	20140117	20141231	ACTIVE
S	12150	MAHAFFEY JILLIAN	5552 Stonelick Williams Corner Rd	Batavia	OH	45103	20140115	20141231	ACTIVE
S	14610	MALONJAO ADAM	5140 Tilbury Road	Huber Heights	OH	45424	20140116	20141231	ACTIVE
S	13083	MARTIN CORY	8933 Galecrest Drive	Maineville	OH	45249	20140113	20141231	ACTIVE
S	10885	NORRIS BRITTANY	2408 Waterford Drive	Troy	OH	45373	20140203	20141231	ACTIVE
SC	14564	PIERCE LAURIE	519 W Davis Blvd	Tampa	FL	33606	20140103	20141231	ACTIVE
S	11724	SHANNAK ROBYN	167 Edgewood Drive	Perrysburg	OH	43551	20140127	20141231	ACTIVE
SC	14563	SHARP STEPHANIE	3005 49th St SW	Lehigh Acres	FL	33976	20140103	20141231	ACTIVE
S	13063	SMITH KINDRA	19269 Reineke Schipper	Botkins	OH	45306	20140204	20141231	ACTIVE
S	12771	SMITH TIFFANY	1330 Chapel Street	Cincinnati	OH	45206	20140116	20141231	ACTIVE
S	12870	URBANEK LOUELLA	50327 Trembly Ridge Road	Beallsville	OH	43716	20140211	20141231	ACTIVE
SC	10950	WALTERS AMBER	2148 Lyn Grove Dr	Lima	OH	45806	20140211	20141231	ACTIVE
S	13115	WILHELM BRENT	2939 Larchwood Court	Maineville	OH	45039	20140127	20141231	ACTIVE
S	13152	WILLIAMS MICHAEL	212 Liberty Street	Fostoria	OH	44830	20140203	20141231	ACTIVE

21 Items Found

ADDENDUM 2.0

Optical Dispensers Board
February 13, 2014



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

February 14, 2014

John Bruening
5142 Parks West Rd.
Middlefield, OH 44062

Case#2014-ODB-8005

Dear Mr. Bruening:

Enclosed you will find a copy of the consent agreement entered into between you and the Ohio Optical Dispensers Board (Board) that was ratified by the Board at the regularly scheduled Board meeting on February 13, 2014. Please keep this copy for your records.

Your payment for the fine of five hundred dollars (\$500.00), in the form of a certified check or money order, must arrive in the Board's office no later than **March 17, 2014**. Please send the certified check or money order in the enclosed envelope.

Please be advised that this consent agreement is a disciplinary action on your license and will become a permanent part of your file.

This consent agreement is also considered to be a public record as used in Section 149.43 Ohio Revised Code and may appear in future publications.

Please feel free to contact Bill Lehman, Investigator, at (614) 644-7251 if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Manns".

Nancy L. Manns RN, MS, CNS
Executive Director

Certified No. 7003 0500 0002 4334 7161



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

**CONSENT AGREEMENT
BETWEEN
JOHN BRUENING
AND
THE OHIO OPTICAL DISPENSERS BOARD**

CASE#2014-ODB-8005

This CONSENT AGREEMENT is entered into by and between **JOHN BRUENING**, Opticians, License No. 3884-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.

JOHN BRUENING enters into this CONSENT AGREEMENT being fully informed of his 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(G), and 4726-7-04(A)(E). **JOHN BRUENING** employed an unlicensed individual as a apprentice optician; allowed the individual to hold themselves out as a apprentice dispensing optician; and, allowed the individual to engage in the practice of dispensing optical aids at Geauga Vision, 14901 State Ave., North, Middlefield, OH for the period of on or about July 1, 2012 through on or about September 19, 2013.

**John Bruening
Consent Agreement
Page 2**

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 thereunder, whether occurring before or after the effective of this **CONSENT AGREEMENT**

4. **JOHN BRUENING** is a Licensed Dispensing Optician in the State of Ohio, and holds license number 3884-SC.

5. **JOHN BRUENING** 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, **JOHN BRUENING** knowingly and voluntarily agrees with the **BOARD** to the following terms, conditions, and limitations:

A. **JOHN BRUENING** shall pay a fine of five hundred dollars (\$500.00) pursuant to Section 4725.53(A)(B) of the Ohio Revised Code. The five hundred dollar (\$500.00) fine in the form of a certified check or money order made payable to the Treasurer State of Ohio, 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. **JOHN BRUENING** agrees and acknowledges that this disciplinary action shall be entered in the **BOARD'S** journal and will be maintained in his licensure file.

C. **JOHN BRUENING** shall obey all laws and rules of the Ohio Revised Code and Ohio Administrative Code governing Licensed Opticians in Ohio.

John Bruening
Consent Agreement
Page 3

D. The **BOARD** agrees not to institute formal proceedings against **JOHN BRUENING** as long as he 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, **MR. BRUENING** 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

JOHN BRUENING 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. **MR. BRUENING** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, he will assert no claim that the **BOARD** was prejudiced by this review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

MR. BRUENING acknowledges that he 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.

MR. BRUENING waives all of his rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

John Bruening
Consent Agreement
Page 4

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**



JOHN BRUENING

12/01/2013

DATE



JEFFREY R. ROHLF
President
Supervising Disciplinary Member

2/13/2014

DATE