



## **OHIO OPTICAL DISPENSERS BOARD**

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### **MINUTES OF MEETING**

**January 22, 2015**

#### **REGULAR MEETING OF THE OHIO OPTICAL DISPENSERS BOARD JANUARY 22, 2015**

The regularly scheduled meeting of the Ohio Optical Dispensers Board (Board) began on Thursday, January 22, 2015 at 9:06 A.M. at 77 South High Street, 31<sup>ST</sup> Floor, Columbus, Ohio. President Thomas Barracato called the meeting to order in open session.

#### **BOARD MEMBERS IN ATTENDANCE:**

Present: Vice President, Susan Robus; Treasurer, Brian J Miller; Paul R. King; Jeffrey R. Rohlf; Timothy Fries, O.D.

Absent: President, Thomas Barracato; Jeffrey Hutchison, D.O.

#### **STAFF MEMBERS IN ATTENDANCE:**

Present: Nancy L. Manns, Executive Director; William Lehman, Investigator; J. T. Wakley, 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 JEFFREY R. ROHLF THAT THE CONSENT AGENDA FOR THE JANUARY 22, 2015 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 PAUL R. KING THAT THE REGULAR AGENDA FOR THE JANUARY 22, 2015 MEETING BE APPROVED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

##### **President's Report**

Vice President Robus welcomed the guests in the gallery and informed everyone that President Barracato was attending a conference and could not attend today's meeting.

##### **Approval of Minutes**

IT WAS MOVED BY TIMOTHY FRIES O.D. AND SECONDED BY PAUL R. KING THAT THE MINUTES OF THE NOVEMBER 20, 2014 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 renewals for licensure continues even though the initial renewal period is over. Those renewing now are paying the late fee of \$75.00. Cease and Desist letters have been mailed to those who did not renew advising them that they no longer have the authority to practice and will be subject to discipline if they are practicing without a current valid license. Ninety four percent (94%) of all eligible licensees have renewed as of 01/16/15. Thirty-three individuals have paid the late fee of \$75.00 as of 01/16/15. Approximately 197 have not renewed. The number of opticians has stayed fairly stable, but there is definitely no growth.

Director Manns informed the Board that there is no new information forthcoming about moving toward a new licensing system. There has been much talk of scrapping the current project with Versa and starting the process all over to find a different vendor.

Director Manns informed the Board that Directors are beginning to get requests from the Legislative Service Commission (LSC) for additional information regarding budget data. Director Manns anticipates that Directors will be given information shortly about dates for budget testimony.

Issuance of Licenses: Director Manns reported the following statistics:

<b>Application</b>	<b>REC'D TO COMPLETE/# DAYS</b>	<b>COMPLETE TO APPROVED/ #DAYS</b>	<b>REC'D TO APPROVED/DAYS</b>
<b>Average</b>	<b>10.8</b>	<b>1.24</b>	<b>13.72</b>

These numbers are staying fairly stable. However, we are seeing a slight increase in the average time from receipt of the application to approval because of delays in the receipt of the FBI/BCII results.

Director Manns informed the Board that the individuals who took the November ABO/NCLE exams are now applying for licenses. We have not received score reports from ABO/NCLE; therefore, we are unable to provide pass rates at this time. Primary verification of passing is being done by phone prior to issuing a license.

Director Manns informed the Board that she received in November a draft copy of a revision to the contract between the Board and ABO/NCLE and provided feedback to Mr. Morris for some additional changes. At this time the Board office has not received any additional versions of an up-to-date contract.

Director Manns informed the Board that some Board members may receive an invitation to attend meetings for Subject Matter Experts to participate in the accreditation process by The National Commission of Certifying Agencies (NCCA) for the NCSORB Practicum. Part of the process would be to gather experts in the subject matter to "review examination score reports, evaluate existing examination preparation materials and examination of content in relation to the existing job task analysis". The final meeting was held on January 9, 2015 in St. Paul, Minnesota. Board member Paul King was invited to participate and will provide a summary at today's meeting.

Director Manns informed the Board that the following changes/updates have been made to the Board's web page;

1. A new "Consumer" section has been added to the web page to include policies related to customer service and standards.
2. Open Forum at the Board Meetings Policy
3. Public Records Policy

Information regarding HB258 and the new requirements for continuing education and the changes to practice for Spectacle licensed individuals were also added to the Board's web page.

Director Manns informed the Board that the Governor signed HB258 on December 19, 2014 and the bill will go into effect mid to late March (90 days after signing). This bill makes the following changes to the law regulating Opticianry in Ohio:

1. There is no longer an exemption for continuing education requirements for first renewal;
2. **All Spectacle Licensed Opticians**, regardless if they wish to dispense contact lenses or not, will now be required to complete two (2) hours of contact lens continuing education for every spectacle license renewal in addition to the 4 spectacle hours. These two hours of continuing education must be directly related to "dispensing prepackaged soft contact lenses if the only action necessary is to match the description of the contact lenses that is on the packaging to a written prescription". (Section 4725.411 ORC)
3. **Spectacle Licensed Opticians will not** be able to dispense in accordance with Section 4725.411 **until January 1, 2016.**
4. Nothing has changed for those individuals who are spectacle/contact lens licensed.

Director Manns further informed the Board that she had submitted an article for the OAO newsletter outlining the above changes as well. In that article it was emphasized that supervisors of spectacle apprentices will now be required to include this education into the planned instruction of spectacle apprentices.

All new spectacle only licenses being issued will now have the above information included with the wall certificate and license card.

The Board will be required, as well, to write rules regarding these changes. Director Manns informed the Board that she has initiated this process by sending out the "Sample Group" notification. Comments are due back to the Board office by January 21, 2015.

Director Manns informed the Board that the staff of the Board office has completed the mandatory Equal Employment Opportunity (EEO) training in December, 2014.

Director Manns informed the Board that since this will be the end of the Budget Biennium and negotiations will begin with the Bargaining Units and Boards are required to complete a "Strike Plan". The only Bargaining unit staff member is the investigator. The Strike Plan was completed and submitted and accepted.

Director Manns informed the Board that Col. Ashenurst resigned his position as Board member effective December 31, 2014. That means we have two vacancies and have 3 Board members

whose terms expired in March, 2012. Repeated reminders have been sent to the Governor's office. We have been informed that the Governor's office is working on it.

**Special Orders:**

**Review and Approval of 2014 Annual Report:**

After discussion,

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY BRIAN J MILLER THAT THE BOARD APPROVE THE 2014 ANNUAL REPORT OF THE OPTICAL DISPENSERS BOARD. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Copies and Copyrights:**

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

**Review and Approval of Policy: Hiring/Termination/Resignation:**

After discussion,

IT WAS MOVED BY PAUL R. KING AND SECONDED BY TIMOTHY FRIES O.D. THAT THE BOARD APPROVE AS WRITTEN THE POLICY "HIRING/TERMINATION/RESIGNATION." MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Review and Approval of Policy: Rule Making Policy:**

After discussion,

IT WAS MOVED BY TIMOTHY FRIES O.D. AND SECONDED BY BRIAN J MILLER THAT THE BOARD APPROVE AS WRITTEN THE POLICY "RULE MAKING POLICY" AS PRESENTED. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Approval of Financial Report**

After discussion,

IT WAS MOVED BY TIMOTHY FRIES O.D. AND SECONDED BY JEFFREY R. ROHLF THAT THE FINANCIAL REPORT FOR CURRENT FY 2015 BE ACCEPTED AS WRITTEN. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Board Governance/Planning**

**Review of Strategic Planning: Review of Rules 2014-2015:**

After discussion,

A straw vote was taken as to whether to require 6 hours of continuing education for a Spectacle license issued within that year. The following Board members voted to require 6 hours of continuing education the first year the license was issued; Susan Robus, Brian J Miller, Jeffrey R. Rohlf, Paul R. King, and Timothy Fries, O.D. There were no votes to not require the continuing education the first year a license was issued.

**Continuing Education:**

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

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY TIMOTHY FRIES O.D. THAT THE BOARD NOT APPROVE AS PRESENTED THE CONTINUING EDUCATION PROGRAM FOR THE OPTICIANS ASSOCIATION OF OHIO TO BE PROVIDED IN MULTIPLE LOCATIONS AND DATES IN OHIO FOR 2 SPECTACLE/CONTACT LENS HOURS WHICH INCLUDES THE NEW REQUIREMENTS FOR SPECTACLE LICENSED OPTICIANS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY TIMOTHY FRIES O.D. THAT THE BOARD APPROVE WITH THE RECOMMENDATION THAT OAO PROVIDE A PRE AND POST TEST TO INCLUDE AT LEAST TEN QUESTIONS AS PRESENTED THE CONTINUING EDUCATION PROGRAM FOR THE OPTICIANS ASSOCIATION OF OHIO TO BE PROVIDED IN MULTIPLE LOCATIONS AND DATES IN OHIO FOR 2 SPECTACLE/CONTACT LENS HOURS WHICH INCLUDES THE NEW REQUIREMENTS FOR SPECTACLE LICENSED OPTICIANS. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Ratification of Licenses:**

IT WAS MOVED BY TIMOTHY FRIES O.D. AND SECONDED BY BRIAN J MILLER 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 J. T. Wakley informed the Board that there are no pending hearings or actions that he is aware of at this time. AAG Wakley further informed that Board that he is working on two matters one of which would be an “inactive license status” which would be discussed further at this meeting. The other matter involves a complaint against on online company selling and dispensing glasses online. After further investigation it was discovered that a prescription would be send in for glasses and everything including the dispensing was going on in Ohio. The Company has since posted a position for a Licensed Optician and is now filling the prescriptions out of state until such time as they hire a Licensed Optician. AAG Wakley will follow-up on this case to make sure the company stays in compliance of our law.

**New Business:**

**Inactive Status:**

After review and discussion;

IT WAS MOVED BY JEFFREY R. ROHLF AND SECONDED BY PAUL R. KING THAT THE BOARD CONTINUE TO EXPLORE FURTHER INCORPORATING “INACTIVE STATUS” TO THE LAW REGULATING THE PRACTICE OF OPTICIANRY AND OCULARISTRY IN OHIO. MOTION ADOPTED BY UNANIMOUS VOTE OF THE BOARD MEMBERS PRESENT.

**Opticians Dispensing “Eye Strain Reducing Lenses”:**

After review and discussion;

It was the consensus of the Board that Director Manns work on the wording of how to handle and direct this matter along with conferring with Board members and to bring back to the next Board Meeting for further review and discussion.

**NCSORB Meeting for Subject Matter Experts:**

Paul King discussed attending NCSORB’S Meeting for Subject Matter and stated that he felt this was one of the best meetings he has attended. King further informed the Board that he highly recommends the practicum test NCSORB has developed and would like to see the Board incorporate wording for the practicum in the law and rules. AAG Wakley and Director Manns will work on some wording to be reviewed by the Board at the next regular scheduled Board meeting.

Paul King further inquired as to whether HB258 would allow a Spectacle License to order contact lenses if they are not on the shelf. AAG Wakley stated that he would further look into this matter and get back with the Board at the next regularly scheduled Board meeting.

Vice President Robus adjourned the regularly scheduled meeting at 11:02 A.M., January 22, 2015.

**ATTESTED:**

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**VICE PRESIDENT, SUSAN ROBUS**

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**EXECUTIVE DIRECTOR, NANCY MANNS**

**Future Board Meeting Dates:**

April 2, 2015

June 4, 2015

August 20, 2015

November 12, 2015

**ADDENDUM 1.0**

**ODB - First Issued**

**Report Parameters**

Board = ODB  
 Credential status = ACTIVE  
 Credential prefix = C, O, S, SC  
 From 11/20/2014 to 01/22/2015

Report generated on 1/22/2015 at 7:46:11 AM

Type	Number	Name	Add Line 1	City	State	Zip	Orig Issue	Expiration Date	description
S	13254	RETZLER ADAM	340A Spring St	Batavia	OH	45103	20141211	20151231	ACTIVE
S	14443	BROWN KRISTEN	1164 Bunker Hill Blvd Apt A	Columbus	OH	43220	20150106	20151231	ACTIVE
S	15208	NAHS KATARINA	1657 Creekview Dr	Marysville	OH	43040	20141120	20151231	ACTIVE
S	15209	HICKEY BENEDICT	1450 Berkshire Rd	Columbus	OH	43221	20141120	20151231	ACTIVE
S	15287	DEWENTER KELLEY	1400 E Social Row Rd	Centerville	OH	45458	20150108	20151231	ACTIVE
SC	15207	HYDEN DAVID	1046 Tony Court	Cincinnati	OH	45238	20141120	20151231	ACTIVE
SC	15299	MAKI KAREN	2056 Chestnut Crescent	Saline	MI	48176	20150113	20151231	ACTIVE
SC	3414	TEKNIPP PAUL	33905 Lakeshore Boulevard	Lakeline	OH	44095	20141124	20151231	ACTIVE

8 Items Found