

# ANNUAL REPORT

## OHIO OPTICAL DISPENSERS BOARD

JULY 1, 2006 THROUGH JUNE 30, 2007



*The mission of the Ohio Optical Dispensers Board is to protect and serve the public of Ohio by effectively and efficiently regulating the practice of Opticianry and Ocularistry in the State of Ohio*

Prepared for The Honorable Ted Strickland, Governor



## OHIO OPTICAL DISPENSERS BOARD

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November 1, 2007

The Honorable Ted Strickland  
Governor, State of Ohio  
77 South High Street, 30<sup>th</sup> Floor  
Columbus, Ohio 43215

Dear Governor Strickland,

On behalf of the Ohio Optical Dispensers Board (Board), we are pleased to submit this annual report for fiscal year 2007. This annual report highlights the work of the nine-member Board, supported by a staff of three employees.

The Board continues to meet the obligations specified by Sections 4725.40-4725.99 Ohio Revised Code. All activities have been directed towards fulfillment of the Board's mission, to actively safeguard the optical health of the public through the effective regulation of Opticianry and Ocularistry care in Ohio. Licenses and apprentice registrations were issued to qualified individuals and renewed according to the Board's schedule. Continuing education programs were approved by the Board. The Board has taken actions against entities that illegally dispense and sell decorative contact lenses and individual licensees who failed to practice in accordance to standards set forth in the law and rules.

Thank you for your support as the Board administers and enforces Sections 4725.40-4725.99 of the Revised Code.

Respectfully yours,

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A. Joseph Bitonte, President

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Nancy Manns, RN, MS, CNS  
Executive Director

## **INTRODUCTION**

The Mission of the Ohio Optical Dispensers Board is to protect and serve the public of Ohio by effectively and efficiently regulating the practice of Opticianry and Ocularistry in the state of Ohio through the licensing of qualified practitioners, the establishment of standards for Optician and Ocularist education programs and the enforcement of the law and rules governing their practice.

This report will reflect the accomplishments of the Ohio Optical Dispensers Board (Board) toward meeting the mission and the goals of the Board for FY 07.

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## BOARD MEMBERS

<u>NAME</u>	<u>CITY</u>	<u>TERM EXPIRES</u>
A. Joseph Bitonte, President Optician	Columbus	3/21/2010
Brian Miller, Vice-President Optician	Toledo	3/21/2010
Michael Hall, Treasurer Optician	Cincinnati	3/21/2011
Dr. Susan Benes Ophthalmologist	Columbus	3/21/2011
Dr. Timothy Fries Optometrist	Worthington	3/21/2012
James M. DeDario Optician	Centerville	3/21/2010
Susan Bender Optician	Columbus	3/21/2012
James Fortune, Sr. Public Member	Youngstown	3/21/2012
Oscar J. Watson Public/Senior Member	Columbus	3/21/2010

Governor-appointed Board members serve for a five-year term and are eligible to serve a second five-year term. The terms of Denise Capretta, Optician, Robert Clegg, Public Member, and Dr. Todd Clark, Optometrist, expired March 21, 2007. Susan Bender, Columbus, James Fortune, Sr., Youngstown, and Dr. Timothy Fries, Worthington, were appointed to these respective positions for terms ending in March 21, 2012.

## STAFF

<u>NAME</u>	<u>POSITION</u>
Nancy Manns	Executive Director
William Lehman	Investigator
Wilma Simmons	Executive Secretary

# FISCAL OPERATIONS

The chart below depicts the income collected by the Board from licensing and other fees. The majority of Optician (\$97.50 renewal fee) and Ocularist renewals (\$97.50 renewal fee) occur during November and December of each year. The majority of the apprentice renewals (\$10 renewal fee) occur during May and June of each year. Due to the disproportionate amount of the Optician/Ocularist fees to the amount of the apprentice fees, the Board experiences an irregular flow of income throughout the year making it possible for the Board to expend more than it takes in during a six-month period of time. The Board expects continued increases in its operation cost due to the expected increases in payroll, inflation and increased CSA/DAS costs.

The budgeted allotment for FY 07 remained the same as FY 06, \$312,656. The budgeted allotment for FY 08-09 was approved as submitted:

FY 08 \$333,656

FY 09 \$345,324.

## Ohio Optical Dispensers Board 4K9 Fund FY 07 Revenue

<u>SOURCE OF REVENUE</u>	<u>TOTAL COLLECTED</u> \$
Apprentice Registration /Renewal Fee	11,790
Optician Renewal	308,100
Ocularist Renewal	780
Penalty Fee	25,875
New Optician/Ocularist License	6,8337.50
License by Endorsement	600
Duplicate Licenses	230
Rosters	221
Fines	1500
Returned (un-cashed) Check	8.50
Total Revenue FY07	\$355.996

Although these figures reflect an increase of \$14,160 in revenue from FY 06, the increase in revenue was due in large part from a \$15,225 increase in late fees as a result of enforcement of late licensure renewal penalties. The amount for late fees collected is expected to decrease for FY 08 due to efforts of the Board to educate licensees about renewal deadlines and earlier mailing of renewal notices to licensees.

**Operational Costs**  
**FY07**

<b><u>Description of Expenditure</u></b>	<b><u>\$ Amount</u></b>	<b><u>% of Operational Costs</u></b>
Staff Payroll	230,560	77
Board Member Payroll	20,404	7
Board Member Travel	5,130	2
Office Maintenance	43,175	14
New Equipment	0	0
Total Expenditures	299,269	100%

**INFORMATION TECHNOLOGY (IT)**

The Board works diligently to keep pace with the changing IT needs of the office and advantages offered through technological innovations.

- Board staff completed a series of on-line and classroom educational programs in preparation for the implementation of the Ohio Administrative Knowledge System (OAKS) Human Capital Management component that was implemented mid-December, 2006.
- Board staff also completed extensive on-line and classroom education programs in preparation for the implementation in FY 08 of OAKS financials.
- Board adopted data security measures to ensure safety and security of sensitive employee and licensee information in accordance with the Governor's Executive Orders.

**COMMUNICATIONS**

Throughout the year, the Board worked to inform the public, licensees, apprentice registrants and other interested parties of the laws and rules governing practice and other issues regulating the practice of Opticianry and Ocularistry. The Board has also provided information to employers regarding regulations, standards and disciplinary actions. The Board relies on personal interaction, written materials, and the use of technologies such as e-mail, a web page and newsletters of professional organizations and other state

agencies to disseminate information about the law and rules, changes in law and rules and the work of the Board.

The prominent message of most of the newsletter articles focused on the regulations related to the practice of opticianry and ophthalmology in Ohio. The summer edition of the cosmetology board written by the Executive Director focused on the illegal sales/dispensing of contact lenses in beauty supply stores. Additional information provided resources for the reporting of violations.

The Executive Director provided one two-hour program at the Opticians Association of Ohio Annual Convention in March, 2007 about the law and rules regulating the practice of opticians, ophthalmologists and apprentices.

The Board's web page, [www.optical.ohio.gov](http://www.optical.ohio.gov), continues to be an excellent source of information for employers and licensees and is a repository of the Board's current publications, applications, forms, past and future Board meeting information, and, the current list of Board approved continuing education programs. For the FY 07 reporting period there were 309,902 successful hits to the Board's web site compared to 79,410 hits from the previous reporting period. This is an average of 849 hits per day. These numbers reflect a 290% increase in the successful hits to the Board's web page over the past year.

The Board implemented a policy to establish an "Open Forum" agenda item for each Board meeting during the previous reporting period. The intended purpose of the open forum agenda item was to provide an opportunity for individuals or representatives of a group to communicate directly with the Board on a specific issue or topic at the presenters request or by invitation of the Board. This set-aside time on the agenda has been used successfully by licensees and employers to address practice and licensure issues directly with the Board members for quick resolution of practice and licensure issues.

## **REGULATORY ACTION/ LEGISLATIVE ACTION**

The Board is charged with the monitoring and the elimination of illegal sales/dispensing of contact lenses in places such as beauty supply stores, gas stations and costume shops. As a result of two cases in which entities who had been issued an injunction against the continued sales/dispensing of contact lenses and subsequently filed an appeal against the injunction, the Board proposed a legislative change for the definition of "optical aids." Although the Board successfully defended and won the appeal challenge in both Lucas and Cuyahoga County, the proposed change in the definition reinforces the Board's authority to issue injunctions against entities and unlicensed individuals who dispense contact lenses without a prescription.

The Board has maintained an awareness of federal legislation that was signed into law (Public Law 109-96) by President Bush on November 5, 2005 requiring the U. S. Food

and Drug Administration to regulate all contact lenses, including decorative plano lenses, as medical devices. The legislative action effectively bans the sale of decorative plano (zero powered) contact lenses without a prescription as a fashion item.

The law regulating Opticianry and Ocularistry also requires that contact lenses shall be dispensed in accordance with a prescription specific for contact lenses. From August, 2006 through June, 2007, the Board received 19 complaints about entities illegally dispensing/selling decorative lenses. The Board has issued 19 Cease and Desist Notices to these stores, mostly beauty supply stores and gas stations. These numbers reflect a 42% reduction, as compared to the previous reporting period, in the numbers of complaints against entities identified as illegally selling/dispensing contact lenses. These numbers correspond with the Board's increased efforts to educate the general public, employers and licensees about the dangers of purchasing contact lenses without a prescription and the importance of reporting violators to the Board.

## **Opticianry and Ocularistry Practice**

An initiative of the Board is to promote public safety according to established regulatory standards by responding to questions regarding the practice of Opticianry and Ocularistry based on relevant law and rules governing the practice, and, by providing public information and education, and assisting in the development of legislation and regulation. Opticianry and Ocularistry, for the purposes of the Board, encompasses the practice of optician and ocularist apprentices as well.

Board staff answered approximately 3600-4000 phone calls during the year and responded to numerous e-mail inquiries dealing with Opticianry and Ocularistry practice, licensure and renewal issues, and the supervision and registration of apprentices. There was an increase in the number of registered apprentices over this time period resulting in a noticeable increase in the calls related to the registration and supervision of apprentice opticians.

The Board web page has been updated frequently with information concerning Board meetings, publications and forms.

The Board maintained a membership in the National Committee State Opticianry Regulatory Boards through June, 2007. The Board Vice-President and Executive Director attended the annual national conference in January of 2007 which dealt with state issues regarding regulation of Opticians and Ocularists including education and licensure requirements. . The Board voted to not renew the membership in the national organization for a variety of reasons: a 100% increase in dues that had not been budgeted for; the increase revenue from the increased dues would not be used to support the mission and goals of the Ohio Optical Dispensers Board; and, lack of organized management that resulted in inadequate communication with members.

## **Opticianry and Ocularistry Education**

Another initiative of the Board to promote public safety and the safe practice of Opticianry and Ocularistry in Ohio is to approve basic education programs in schools of higher learning. As of June 30, 2007 there were two Board approved pre-licensure Opticianry programs in Ohio:

- Hocking College, New Lexington
- Cuyahoga Community College, Cleveland

Licensure applications from graduates of out-of-state Opticianry programs are reviewed to determine that the out-of-state program is substantially similar to the program requirements of in-state programs prior to approval of the licensure application.

The majority of applicants for licensure have completed a two thousand hour (minimum of two calendar years) of on-the-job apprenticeship training under the direct supervision of a licensed optician or ocularist.

## **Continuing Education**

A third initiative of the Board in keeping with its mission to promote public safety and the safe practice of Opticianry and Ocularistry is accomplished by assuring that licensees maintain competency based on continuing education standards set forth in the law and rules. The Board approved 62 classroom programs and 4 on-line internet programs. Licensees may attend Board-approved classroom programs, complete on-line courses or complete a combination of classroom and on-line courses in order to meet the licensure renewal requirements.

To assure compliance with the continuing education requirements, all Opticians and Ocularists were expected to provide verification of completion of these requirements by sending in documentation of courses taken during the renewal period. Individual licensees who did not meet the continuing education requirements within the specified time, were not issued a license until the required documentation and any applicable late fees were received at the Board offices.

## LICENSURE

TYPE OF LICENSEE	NUMBER AS OF 6/30/05	NUMBER AS OF 6/30/06	NUMBER AS OF 6/30/07
Optician	3224	3192	3160
Ocularist	10	10	8
Apprentice	1095	941	1179

The number of licensed opticians has decreased by 2% over the last two renewal periods. The Board was also experiencing a decline in FY 05 and FY 06 in the number of registered apprentices. However, the number of registered apprentices rose by 25% since the last reporting period. The apprentices complete a two-year on-the-job training after which they are required to pass a national certifying exam in order to apply for licensure as a dispensing optician. The increase in the number of apprentices should result, if not in an increase, at least adequate numbers to sustain the current number of licensed opticians.

The Board provides verification of licensure in good standing by phone. Licensure verification is also available to the public via the web page. The Board provided approximately forty letters of good standing for licensees who are seeking licensure in other states. This number remained stable compared with the previous reporting period.

## DISCIPLINE

An additional strategic initiative of the Board is to promote public safety and the safe practice of Opticianry and Ocularistry by providing timely and effective investigatory and adjudication processes while preserving the individual's right of due process under the law. There were a total of 29 cases investigated during FY 07 compared to a total of 38 cases in FY 06. The chart below outlines the types and numbers for FY 06 and FY 07.

Type of Investigation	FY 06	FY 07
Illegal sales/dispensing of contact lens	21	19
Repeat offenders sales/dispensing of contact lens resulting in permanent injunctions	2	0
Consumer complaints	3	3
Unauthorized practice	7	5
Misc. (Unlicensed practice, etc.)	5	2
<b>TOTAL</b>	<b>38</b>	<b>29</b>

Of the 29 cases investigated in FY07, 2 were closed with no formal action. The Board reviewed and revised the complaint protocol and implemented a disciplinary protocol system in addition to revising the templates for Consent Agreements.