

ANNUAL REPORT

OHIO OPTICAL DISPENSERS BOARD

JULY 1, 2007 THROUGH JUNE 30, 2008



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

77 SOUTH HIGH ST. 16TH FLOOR
COLUMBUS, OHIO 43215-6108
(614) 466-9709 FAX (614) 995-5392
www.optical.ohio.gov

November 1, 2008

The Honorable Ted Strickland
Governor, State of Ohio
77 South High Street, 30th 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 2008. 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,

Brian J Miller, President

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 Ocularistry 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 08.

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BOARD MEMBERS

<u>NAME</u>	<u>CITY</u>	<u>TERM EXPIRES</u>
Brian J Miller, President Optician/Ocularist	Toledo	3/21/2010
Michael Wm. Hall, Vice-President Optician	Cincinnati	3/21/2010
Susan Bender, Treasurer Optician	Columbus	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
A. Joseph Bitonte 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 Board met every other month for 2-day meetings in August, October, and December of 2007. As a cost saving measure, the Board voted at the December, 2007 meeting to pilot one day Board meetings that would be held every other month with the understanding that two-day meetings may be required for rules hearings or disciplinary hearings.

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/Ocularistry 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 08-09 was approved as submitted:

FY 08 \$333,656

Ohio Optical Dispensers Board **4K9 Fund FY 08** **Revenue**

<u>SOURCE OF REVENUE</u>	<u>TOTAL COLLECTED</u>
	\$
Apprentice Registration /Renewal Fee	14,370
Optician Renewal	307,710
Ocularist Renewal	877.50
Penalty Fee	10,500
New Optician/Ocularist License	7262.5
License by Endorsement	675
Duplicate Licenses	175
Fines	1900
Rosters/Misc.	328.5
Total Revenue FY'08	343,798.5

Although these figures reflect a decrease of \$13,042 in revenue from FY '07, the decrease in revenue was due in large part from a decrease in late fees as a result of the efforts of the Board to educate licensees about renewal deadlines and late fees levied for late renewal. The number paying late renewal fees dropped from 345 in FY'07 to 140 in FY'08.

Operational Costs
FY08

<u>Description of Expenditure</u>	<u>\$ Amount</u>	<u>% of Operational Costs</u>
Staff and Board Member Payroll	260,420	82
Office Maintenance	55,728	17.5
Equipment	419.00	.3
Refunds	97.50	.2
Total Expenditures	316,664.50	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.

- All 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/ Time and Labor component that was implemented prior to July 1, 2008. The Executive Secretary completed Train-the-Trainer classes and was not only an instructor for other agencies on the implementation of this complex program, but continues to serve as a resource of information about the program for all Boards and Commissions.
- The Executive Secretary and the Executive Director completed the education and training component of the Electronic Rule Filing (ERF) system thus allowing the filing of new rules by Board staff instead of by outside consultant resulting in a cost savings to the Board.
- The Board continues to review and implement data security measures to ensure safety and security of sensitive employee, Board member and licensee information in accordance with the Governor's Executive Orders.
- The Board has entered into a service contract with the Department of Administrative Services, IT Services Division. The IT Services Division will be providing desk-top services support, shared drive services, secure storage and encryption of data at a cost savings to the Board of approximately \$250-\$300 per year.

COMMUNICATIONS

Throughout the year, the Board continues to inform the public, licensees, apprentice registrants and other interested parties about 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, the Board's 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 Ocularistry in Ohio. In October, 2007, the Board participated in a state-wide press conference with the Attorney General focusing on the dangers of purchasing cosmetic lenses without the benefit of the evaluation and the care of a licensed eye care professional. This press conference provided a state-wide opportunity to inform the general public about the Board's authority and extensive efforts to eliminate the practice of the illegal dispensing of contact lenses.

The Executive Director provided one two-hour program for the Opticians Association of Ohio in the Perrysburg area about the law and rules regulating the practice of Opticians, Ocularists and apprentices.

The Board's web page, 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 08 reporting period there were 281,089 successful hits to the Board's web site. This is an average of 768 hits per day.

The Board continues to provide the "Open Forum" agenda item for each Board meeting. The intended purpose of the open forum agenda item is 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 passage of HB 140 in December, 2007 mandated that the Board require criminal records checks for all applicants for initial licensure. The Board adopted rules in compliance with the mandates of HB 140.

The Board initiated a review of the laws that regulate the practice of Opticianry, Ocularistry and Apprentice practice to determine the relevancy to the current standards of safe practice and meets Governor Strickland's Executive Order outlining "Common Sense Business Regulation." The Board has made an effort to identify areas of the law that can be revised in order to streamline processes, make language clear and easy for licensee and employers to understand and implement. The law review process is expected to be completed by the end of 2008 with a goal of introducing legislation in calendar year 2009.

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; 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 Ocularistry apprentices as well.

Board staff answered approximately 3600-4000 phone calls during the year, a similar number compared with the previous reporting period, 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. A section for "Frequently Asked Questions" has been added to the web page. The web page itself was revised to make it easier to navigate. The web page continues to be an easily accessible venue for licensees to obtain the most commonly requested forms and applications.

Opticianry and Ocularistry Education

Another initiative of the Board in its mission to promote public safety and the safe practice of Opticianry and Ocularistry in Ohio is to approve basic Opticianry education programs in schools of higher learning. As of June 30, 2008 there were two Board approved pre-licensure Opticianry programs in Ohio:

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

In addition, the Board approved two out-of-state schools in this reporting period:

- ◆ Indiana University Optician/Technical Program
Bloomington, IN
- ◆ Hillsborough Community College Opticianry Program
Tampa, FL.

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 for 794 hours of continuing education and 4 on-line internet programs for a number of 233 hours of approved continuing education. The Board approved 1,027 hours of continuing education in this reporting period. 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 to the Board 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 6/30/06	NUMBER AS OF 6/30/07	NUMBER AS OF 6/30/08
Optician	3192	3159	3156
Ocularist	10	8	9
Apprentice	941	1179	1437

The number of licensed Opticians has decreased by 1.3% over the last two renewal periods. This reflects the lowest percentage of decrease in the number of licensed Opticians over the last 3 years. The number of registered apprentices rose by 35% 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 and in writing to those Opticians and Ocularists who are seeking licensure into another state. 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 to due process under the law. There were a total of 68 cases investigated during FY 08 compared to a total of 34 cases in FY 07. The increase in the number of reported disciplinary cases from FY 07 to FY08 can be attributed to:

- 1) Improved record keeping;
- 2) Ease of obtaining the complaint form from the Board's web page; and,
- 3) Improved communication with employers and licensees regarding the standards for safe practice and licensure.

The chart below outlines the types and numbers for FY 06 and FY 07.

Type of Investigation	FY 07	FY 08
Illegal sales/dispensing of contact lens	19	25
Repeat offenders sales/dispensing of contact lens resulting in permanent injunctions	0	3
Consumer complaints	3	21
Practice issues	7	18
Misc. (Unlicensed practice, etc.)	5	1
TOTAL	38	68

SUMMARY

The Optical Dispensers Board has demonstrated in FY'08 effective regulation of Ohio's licensed Opticians, Ocularist, and registered by:

- ▶ Adopting and implementing fiscally responsible practices;
- ▶ Maintaining current knowledge of the OAKS Financial, HCM, Time and Labor management programs and other statewide initiatives;
- ▶ Implementing effective electronic, personal, and written communication with licensees, employers and consumers; and
- ▶ Planned review of the law and rules to determine if they reflect current standards of safe practice as well as the Governor's Executive orders.