

# ANNUAL REPORT

## OHIO OPTICAL DISPENSERS BOARD

JULY 1, 2005 THROUGH JUNE 30, 2006



*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 Bob Taft, Governor



## OHIO OPTICAL DISPENSERS BOARD

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November 1, 2006

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

Dear Governor Taft,

On behalf of the Ohio Optical Dispensers Board (Board), we are pleased to submit this annual report for fiscal year 2006. 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. In addition, the Board reviewed Chapter 4726 Ohio Administrative Code as required by Section 199.032 ORC.

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

Respectfully yours,

Denise Capretta, 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 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 06.

# TABLE OF CONTENTS

INTRODUCTION.....	i
BOARD MEMBERS.....	1
STAFF.....	1
FISCAL OPERATIONS.....	2
INFORMATION TECHNOLOGY.....	3
COMMUNICATIONS.....	3
REGULATORY ACTION.....	4
LEGISLATIVE ACTION.....	4
OPTICIANRY AND OCULARISTRY PRACTICE.....	4
OPTICIANRY AND OCULARISTRY EDUCATION.....	5
CONTINUING EDUCATION.....	5
LICENSURE.....	6
DISCIPLINE.....	6

## BOARD MEMBERS

<u>NAME</u>	<u>CITY</u>	<u>TERM EXPIRES</u>
Denise Capretta, President Optician	Euclid	3/21/07
A. Joseph Bitonte, Vice-President Optician	Columbus	3/21/2010
Robert Clegg, Treasurer Public Member	Powell	3/21/07
Dr. Susan Benes Ophthalmologist	Columbus	3/21/2011
Dr. Todd Clark Optometrist	Johnstown	3/21/2007
James M. DeDario Optician	Kettering	3/21/2010
Michael Hall Optician	Cincinnati	3/21/2011
Brian J Miller Optician/Ocularist	Toledo	3/21/2010
Oscar 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. Robert Lawner left the Board in March, 2006. Michael Hall was appointed to the Board in April, 2006 to fill the vacant Optician position. Dr. Susan Benes was re-appointed for a second term.

## STAFF

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

After 21 years with the Ohio Optical Dispensers Board, Executive Director Linda Hoshier, CPM, retired in December, 2005. In January, 2006, Nancy Manns, RN, MS, CNS accepted the position as the Executive Director of the Ohio Optical Dispensers Board.

## **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 (\$135.00 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 costs.

### **Ohio Optical Dispensers Board** **4K9 Fund FY 06** **Revenue**

<b><u>SOURCE OF REVENUE</u></b>	<b><u>TOTAL COLLECTED</u></b>
	\$
Apprentice Registration /Renewal Fee	9,410
Optician Renewal	311,220
Ocularist Renewal	1,350
Penalty Fee	10,650
New Optician/Ocularist License	6,500
License by Endorsement	600
Duplicate Licenses	385
Rosters	221
Fines	1500
Total Revenue FY06	\$341,836

**Operational Costs**  
**FY06**

<b><u>Description of Expenditure</u></b>	<b><u>\$ Amount</u></b>	<b><u>% of Operational Costs</u></b>
Staff Payroll	214,337.27	73
Board Member Payroll	21,866.93	7
Board Member Travel	5,966.21	2
Office Maintenance	50,214.15	17
New Equipment	1,525.10	1
Total Expenditures	293,909.66	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.

- The Board purchased its first lap top computer in FY 06.
- The Board purchased software to update existing programs and to enhance current software to allow the office staff to formulate applications, wall certificates and other documents.
- The Board staff continues to work with the web-based licensure database, CAVU, and to enhance the system's abilities to allow the public access to licensure and apprentice registration information.

**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 to disseminate information about the law and rules, changes in law and rules and the work of the Board. All Board publications, applications, forms, Board meeting information and approved continuing education programs are available on the Board's web page at [www.optical.ohio.gov](http://www.optical.ohio.gov). For this reporting period there were 79, 410 successful hits to the Board's web site.

The Board implemented a policy to establish an "Open Forum" for each Board meeting agenda. The purpose of the open forum 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 by the Board.

## **REGULATORY ACTION**

The Board engaged in the five-year review of the administrative rules Chapter 4726 OAC as required by Section 119.032 of the Revised Code. This review was conducted both internally and with input from the interested public. The review resulted in various changes for clarification. In addition, the Board reduced the fee for Ocularist licensure renewal from \$135 to \$97.50, the same renewal fee for Opticians.

## **LEGISLATIVE ACTION**

The Board has been aware 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 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, 2005 through June, 2006, the Board received 33 complaints about entities illegally dispensing/selling decorative lenses. The Board has issued 29 Cease and Desist Notices to these stores, mostly beauty supply stores and gas stations.

## **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 apprentices as well.

Board staff answered approximately 3600 phone calls during the year and responded to numerous e-mail inquiries dealing with Opticianry practice, licensure and renewal issues, and the supervision and registration of apprentices. The Board web page has been updated frequently with information concerning Board meetings, publications and forms. The Board's web site and e-mail addresses were changed to a more secure access and an easy to remember e-mail address: [odb@odb.ohio.gov](mailto:odb@odb.ohio.gov).

## **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. There are currently two Board approved pre-licensure Opticianry programs in Ohio:

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

From July 1, 2005 through June 30, 2006 seven students graduated from these schools.

The majority of applicants for licensure have completed a two-year on-the-job apprenticeship.

## **Continuing Education**

A third initiative of the Board to promote public safety and the safe practice of Opticianry and Ocularistry by assuring that licensees maintain competency based on continuing education standards set forth in the law and rules. The Board approved 65 classroom programs and three on-line internet programs.

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 comply, were not issued a license.

## LICENSURE

TYPE OF LICENSEE	NUMBER AS OF 7/1/04	NUMBER AS OF 7/1/05	NUMBER AS OF 6/30/06
Optician	3187	3224	3192
Ocularist	12	10	10
Apprentice	1159	1095	941

The Board provides verification of licensure in good standing by phone and 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.

The Board implemented a new procedure that allows staff to produce wall certificates and licenses in the office thus reducing the time between approval of the license and issuing the documents.

## 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 38 cases investigated during FY 06 compared to a total of 20 cases in FY 05. The chart below outlines the types and numbers for FY 05 and FY 06.

<b>Type of Investigation</b>	<b>FY 05</b>	<b>FY 06</b>
Illegal sales/dispensing of contact lens	9	21
Repeat offenders sales/dispensing of contact lens resulting in permanent injunctions	0	2
Consumer complaints	5	3
Unauthorized practice	3	7
Misc. (Application review, falsification of documents)	3	5
<b>TOTAL</b>	20	38

Of the 38 cases investigated in FY06, 14 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. The Board continued to network with other state agencies. The Board maintains a membership in the National Committee State Opticianry Regulatory Boards. The Board president attended the annual national conference which dealt with common state issues regarding regulation of Opticians and Ocularists including education, licensure and discipline.