



Ohio Vision Professionals Board

Mike DeWine, Governor
Jon Husted, Lt. Governor

Marlene Anielski, Executive Director

Ohio Vision Professionals Board
77 South High Street, 16th Floor
Columbus, OH 43215

Board Meeting Minutes of Thursday, July 18, 2019

The Regular Business Meeting of the Ohio Vision Professionals Board was called to order at 9:34 a.m., held at the Vern Riffe Center, 77 South High St., 31st Floor, Columbus, OH 43215.

BOARD MEMBERS IN ATTENDANCE:

Cheryl Archer, O.D., Thomas Barracato, Jacqueline Davis, O.D., Darrell Dye, O.D., Kimberly A. Mermis, Brian J Miller, Thomas E. Nye, O.D.

STAFF MEMBERS IN ATTENDANCE:

Marlene Anielski, Executive Director, Emily Pelphey, AAG, Adela Lopez-Wellman, Administrative Professional

GUESTS IN ATTENDANCE:

Executive Director Keith Kerns, Esq., OOA, President David Corey, PACA, President John Bruening, OAO, Director Larry Wolpert, JCARR

ORDERING OF THE AGENDA:

Secretary Brian Miller moved to accept the agenda for the July 18, 2019 meeting as written. Dr. Jacqueline Davis seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES:

Dr. Jacqueline Davis moved to accept into record the draft minutes of the May 16, 2019 Ohio Vision Professionals Board meeting. Dr. Darrell Dye seconded the motion. The motion passed unanimously.

PRESIDENT'S REPORT:

Reappointment Process – Governor DeWine's office reappointed Dr. Jackie Davis, Mr. Thomas Barracato, and myself for an additional three-year term. Congratulations to all and a big thank you for your continued service.

Personal privilege to have worked with Mr. David Bailey. His professional, compassionate and fair manner in dealing with all investigative matters reflected highly on this board from both a complainant's and a licensee's perspective. We will miss him and wish him the best in his future endeavors.

ARBO Meeting June 16 - June 18, 2019 St. Louis, MO. Topics and Issues covered:

- Court cases involving other regulatory boards

- Legislative trends
- Autorefractors and telemedicine
- NBEO Part III Clinical Skills Examination restructure
- Quality of Optometry's applicant pool
- Recruited to serve on National Board Examination Review Committee.

EXECUTIVE DIRECTOR'S REPORT:

Activities

- Enacted legislation:
 - HB 156 from the 132nd General Assembly (GA), the sales tax repeal, took place July 1st for corrective glasses and lenses that require a prescription.
 - SB 255 from the 132nd GA majority of the provisions effective April 5, 2019 and other November 1, 2019. It is reforming occupational licensing. All occupational licensing boards shall be reviewed every six years by a committee designated by the Senate President and Speaker of the House. VPB is not in the 2019 review. In addition, a licensing authority shall make available to the public on the licensing authority's website a list of all criminal offenses of which conviction of that offense shall disqualify an individual from obtaining a license issued or conferred by the licensing authority. Policy 2019-10 was written to comply with the enacted law.
 - SB 221 from the 132nd GA with some provisions effective February 18, 2019 and most provisions go into effect on August 18, 2019. The legislation reforms agency rule-making and the process of legislative review of the rules.
- Attended the Association of Regulatory Boards of Optometry (ARBO) conference in June, which provided networking and resources for regulatory boards.
- Attended the American Optometric Association (AOA) conference in June, which provided networking and education on issues about the profession.
- Current legislation (133rd GA):
 - HB 10 passed the House unanimously and has been introduced in the Senate. It establishes the Governor's Office of Drug Policy. The purpose is to coordinate and share drug-related efforts from across state agencies and local governments for the prevention and reduction of drug misuse, addiction and overdose deaths.
 - HB 133 passed the House unanimously and has been introduced in the Senate. It requires state occupational licensing agencies, to issue temporary licenses to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for active duty.

- SB 7 (SAME AS HB 133) passed the Senate unanimously and is in the House Armed Services and Veterans Affairs Committee. It requires state occupational licensing agencies to issue a temporary license to a member of the military and spouses who are licensed in another jurisdiction.
 - HB 166 (BUDGET) passed the House and the Senate passed an amended version. The House refused concurrence with the amended version; therefore, the budget is in conference committee. On July 17th both chambers had session to vote on the conference committee version of the budget.
 - HB 214 is in the House Health Committee. It requires health benefit plans and Medicaid to cover prescription drug readers, which are devices that audibly conveys the information that is required by law or rule to be contained on a label affixed to the container, for the visually impaired.
 - HB 263 is in the House Commerce and Labor Committee. It revises the initial occupational licensing restrictions applicable to individuals convicted of criminal offenses.
 - HB 268 has been referred to the House Commerce and Labor Committee. It prohibits an employer from taking an adverse employment action against a person who has not been or will not be vaccinated.
 - SB 1 passed both chambers through an amendment in HB 166 (budget). It requires certain agencies to reduce the number of regulatory restrictions.
 - HB 115 (SAME AS SB 1) has been referred to the House State and Local Government Committee. It requires certain agencies to reduce the number of regulatory restrictions.
 - SB 20 has been referred to the Health, Human Services and Medicaid Committee. It is regarding the disposal of controlled substances.
 - SB 57 has passed both chambers and is awaiting the signature of the Governor. It establishes conditions and requirements governing the regulation of hemp and hemp products. It decriminalizes hemp and hemp products by excluding them from the definition of marijuana. Prohibits the State Board of Pharmacy from listing hemp or hemp products as controlled substances.
- Opticians Association of Ohio (OAO)'s 2019 annual conference is September 28th – 29th in Columbus, OH.
 - The Federation of Associations of Regulatory Board (FARB)'s annual conference is October 3rd – 6th in St. Louis, MO.
 - East / West Eye Conference (OOA)'s 2019 annual conference is October 16th – 19th in Cleveland, OH.
 - David Bailey retired as the VPB Investigator on July 5th.
 - Conducted VBP Investigator interviews last week and conducting second interviews this week.

Reports

- Initial audit meeting with the State of Ohio Auditor's staff for SFY 2018 and SFY 2019 was on March 19, 2019. Information has been requested of the VPB Staff. The report will be completed after the close of SFY 2019, which is June 30, 2019.

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- Mandated to sign the Acknowledgement of Receipt of Auditor of State Fraud-Reporting System Information Form.
- Thirteen policies, many of which are mandated by the Ohio Revised Code, are on the agenda for the board's consideration.

VPB Office

- Reviewing areas, where streamlining can be done administratively or through the eLicense program for efficiency.

FINANCIAL REPORT:

Director Anielski presented the financial report from the fourth quarter of State Fiscal Year (SFY) 2019. After discussion, Dr. Jacqueline Davis moved to accept the SFY 2019 Financial Report of the Ohio Vision Professionals Board. Thomas Barracato seconded the motion. The motion passed unanimously.

RATIFICATION OF LICENSES:

It was moved by Secretary Brian Miller and seconded Dr. Darrell Dye that the Board ratify for licensure the Optician applicants listed on Addendum 1.0. The motion passed unanimously.

It was moved by Dr. Jacqueline Davis and seconded by Dr. Darrell Dye that the Board approve for licensure by exam the Optometrist applicants listed in 8B on page 23. The motion passed unanimously.

It was moved by Dr. Jacqueline Davis and seconded by Dr. Darrell Dye that the Board approve for licensure by exam pending receipt of additional documents of the Optometrist applicants listed in 8C on page 23. The motion passed unanimously.

It was moved by Dr. Darrell Dye and seconded by Dr. Jacqueline Davis that the Board approve for licensure by endorsement the Optometrist applicants listed in 8D on page 23. The motion passed unanimously.

It was moved by Dr. Jacqueline Davis and seconded by Dr. Darrell Dye that the Board approve for licensure by reinstatement pending receipt of additional documents of the Optometrist applicants listed in 8E on page 23. The motion passed unanimously.

APPROVAL OF CONTINUING EDUCATION:

After review of the course content, it was moved by Dr. Thomas Nye and seconded by Thomas Barracato that continuing education courses 2019-153P to 2019-182P be approved. The motion passed unanimously.

After review of the online submission "Bringing Generations Into Focus" sponsored by Optical Training, it was moved by Thomas Barracato and seconded by Secretary Brian Miller that the submission be approved for 2 Spectacle/Contact Dispensing (SCD) Hours for calendar year 2020. The motion passed unanimously.

After review of the online submission “GP Lens Care and Patient Education” sponsored by Optical Training, it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the submission be approved for 2 Spectacle/Contact Dispensing (SCD) Hours for calendar year 2020. The motion passed unanimously.

After review of the submission “Contact Lens and the Consumer” sponsored by Jenell Spino, it was moved by Thomas Barracato and seconded by Secretary Brian Miller that the submission be approved for 2 Spectacle/Contact Dispensing (SCD) Hours for a period of or until 12/31/2020. The motion passed unanimously.

After review of the online submission “Ethical Guidelines for Contact Lens Dispensing-When to Refer-Part 1” sponsored by Quantum Optical, it was moved by Brian Miller and seconded by Thomas Barracato that the submission be approved for 2 Spectacle/Contact Dispensing (SCD) Hours for a period of or until December 31, 2021. The motion passed unanimously.

After review of the online submission “Ethical Guidelines for Contact Lens Dispensing-When to Refer-Part 2” sponsored by Quantum Optical, it was moved by Secretary Brian Miller and seconded by Dr. Jacqueline Davis that the submission be approved for 2 Spectacle/Contact Dispensing (SCD) Hours for a period of or until December 31, 2021. The motion passed unanimously.

After review of the 9 online submissions for Ocularists hours sponsored by Quantum Optical, it was moved by Secretary Brian Miller and seconded by Thomas Barracato that the submissions be approved for a total of 9 Ocularist hours for a period of or until December 31, 2023. The motion passed unanimously.

After review of the online submission “Issues Within the Optical Profession Regarding HIV/AIDS” sponsored by Quantum Optical, it was moved by Secretary Brian Miller and seconded by Thomas Barracato that the submission be approved for 1 Ocularist/Infection Control Hour for a period of or until December 31, 2023. After discussion, the motion was rescinded by Secretary Brian Miller and seconded by Thomas Barracato.

After review of the online submission “Issues Within the Optical Profession Regarding HIV/AIDS” sponsored by Quantum Optical, it was moved by Secretary Brian Miller and seconded by Dr. Jacqueline Davis that the submission be approved for 1 Ocularist/Infection Control Hour for a period of or until December 31, 2021. The motion passed unanimously.

AAG REPORT:

Assistant Attorney General Emily Pelphey had no report.

INVESTIGATOR REPORT:

Director Anielski delivered the Investigator Report.

THERAPEUTIC OPTOMETRY/OPTICIAN/OCULARIST/APPRENTICE MATTERS:

No report.

OHIO ADMINISTRATIVE CODE (OAC) UPDATE:

Director Anielski reviewed the public rule hearing of July 17th with one written stakeholder comment letter. The next rule hearing will be held by JCARR on August 12th at 1:30 p.m. before the final filing of all of the rule packages.

REPORTS OF COMMITTEES:

No report.

OLD BUSINESS:

No report.

NEW BUSINESS:

Criminal Conviction Review Policy – (2019-10)

After discussion, it was moved by Secretary Brian Miller and seconded by Kimberly Mermis that the Board approve the policy “Criminal Conviction Review Policy (2019-10).” The motion passed unanimously.

Role of Board President Policy – (2019-11)

After discussion, it was moved by Secretary Brian Miller and seconded by Dr. Jacqueline Davis that the Board approve the “Role of Board President Policy (2019-11)”. The motion passed unanimously.

Role of Board Secretary Policy – (2019-12)

After discussion, it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the Board approve the “Role of Board Secretary Policy (2019-12).” The motion passed unanimously.

Role of Board Members Policy – (2019-13)

After discussion, it was moved by Dr. Darrell Dye and seconded by Secretary Brian Miller that the Board approve the “Role of Board Secretary Policy (2019-13).” The motion passed unanimously.

Board Committees Policy – (2019-14)

After discussion, it was moved by Thomas Barracato and seconded by Kimberly Mermis that the Board approve the “Board Committees Policy (2019-14).” The motion passed unanimously.

Board Member Orientation Policy – (2019-15)

After discussion, it was moved by Secretary Brian Miller and seconded by Dr. Jacqueline Davis that the Board approve the “Board Member Orientation Policy (2019-15).” The motion passed unanimously.

Board Meetings Policy – (2019-16)

After discussion, it was moved by Dr. Darrell Dye and seconded by Thomas Barracato that the Board approve the “Board Meetings Policy (2019-16).” The motion passed unanimously.

Governor Annual Report Policy – (2019-17)

After discussion, it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the Board approve the “Governor Annual Report Policy (2019-17).” The motion passed unanimously.

Board Property and Inventory Policy – (2019-18)

After discussion, it was moved by Dr. Darrell Dye and seconded by Secretary Brian Miller that the Board approve the “Board Property and Inventory Policy (2019-18).” The motion passed unanimously.

Investigations Coordinator Policy – (2019-19)

After discussion, it was moved by Dr. Darrell Dye and seconded by Kimberly Mermis that the Board approve the “Investigations Coordinator Policy (2019-19).” The motion passed unanimously.

Executive Session Policy – (2019-20)

After discussion, it was moved by Secretary Brian Miller and seconded by Kimberly Mermis that the Board approve the “Executive Session Policy (2019-20).” The motion passed unanimously.

Records Retention Policy – (2019-21)

After discussion, it was moved by Dr. Jacqueline Davis and seconded by Thomas Barracato that the Board approve the “Records Retention Policy (2019-21).” The motion passed unanimously.

Fraud Reporting System Information Acknowledgement Policy – (2019-22)

After discussion, it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the Board approve the “Fraud Reporting System Information Acknowledgement Policy (2019-22).” The motion passed unanimously.

FARB Attendance

After discussion, it was moved by Secretary Brian Miller and seconded by Dr. Darrell Dye that the Board approve travel expenses for Director Anielski to attend the 2019 FARB Regulatory Law Seminar in St. Louis, MO on October 3-6, 2019. The motion passed unanimously.

Optician Accreditation Schools (Erie Community College)

After discussion, it was moved by Secretary Brian Miller and seconded by Thomas Barracato that the Board approve the Erie Community College as an approved school. The motion passed unanimously.



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PUBLIC COMMENTS:

President Archer opened the floor. Representatives from OOA and OAO addressed the Board.

EXECUTIVE SESSION:

It was moved by Secretary Brian Miller and seconded by Thomas Barracato and that the Board enter Executive Session in accordance with Section 121.22(G) of the Ohio Revised Code to discuss the purposes of employee compensation. The motion was a roll call vote. The motion passed unanimously. President Archer indicated that only the board members will be in executive session.

At 10:50 a.m. the Board went into Executive Session.

At 10:55 a.m. It was moved by Dr. Jacqueline Davis and seconded by Dr. Darrell Dye that the Board come out of Executive Session. The motion was a roll call vote. The motion passed unanimously.

It was moved by Dr. Jacqueline Davis and seconded by Secretary Brian Miller that the Board approve the employee pay parity. The motion passed unanimously.

Hearing no other issues for discussion, President Archer requested a motion to adjourn the Board Meeting.

It was moved by Secretary Brian Miller and seconded by Dr. Jacqueline Davis that the July 18, 2019, meeting of the Ohio Vision Professionals Board be adjourned. The motion passed unanimously.

President Archer adjourned the regularly scheduled meeting at 11:00 a.m. July 18, 2019.

ATTESTED:

PRESIDENT, DR. CHERYL ARCHER

SECRETARY, BRIAN J MILLER

Future Board Meeting Dates:

September 19, 2019

December 12, 2019



ADDENDUM 1.0

Table with 6 columns: Number, Applicant: Full Name, Applicant Street Address, Applicant City, Applicant State, Applicant Zip Code. Contains 35 rows of applicant data.

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8b. Optometrist licensure by Exam

| License: App Submitted Date | Applicant Last Name | Applicant First Name | Submissions | National Exam Results | FBI Background Check | Verification of Licensure | BCI Background Check | Quality Assurance |
|-----------------------------|---------------------|----------------------|-------------|-----------------------|----------------------|---------------------------|----------------------|-------------------|
| 6/17/2019 | Belair | Christianne | Accepted | Passed | Cleared | | Cleared | Valid |
| 6/7/2019 | Christine | Cosgrove | Accepted | Passed | Cleared | | Cleared | Valid |
| 5/22/2019 | Daniel | Perez | Accepted | Passed | Cleared | | Cleared | Valid |
| 5/22/2019 | Dayra | McDaniel | Accepted | Passed | Cleared | | Cleared | Valid |
| 6/4/2019 | Matthew | Olson | Accepted | Passed | Cleared | | Cleared | Valid |
| 6/9/2019 | Nicholas | Flebotte | Accepted | Passed | Cleared | | Cleared | Valid |
| 5/30/2019 | Van | Tran | Accepted | Passed | Cleared | | Cleared | Valid |
| 6/11/2019 | Powers | Logan | Accepted | Passed | Cleared | | Cleared | Valid |
| 6/11/2019 | Davis | Lauren | Accepted | Passed | Cleared | | Cleared | Valid |
| 5/31/2019 | Walek | Joshua | Accepted | Passed | Cleared | | Cleared | Valid |

8c. Optometrist licensure by Exam Pending Docs

| License: App Submitted Date | Applicant Last Name | Applicant First Name | Submissions | National Exam Results | FBI Background Check | Verification of Licensure | BCI Background Check | Quality Assurance |
|-----------------------------|---------------------|----------------------|------------------|-----------------------|----------------------|---------------------------|----------------------|-------------------|
| 6/17/2019 | Janczak | Carissa | Accepted | Passed | Cleared | | Not Yet Received | |
| 7/1/2019 | Bergana | Jessica | Not Yet Received | Not yet Received | Cleared | | Cleared | |

8d. Optometrist licensure by Endorsement Pending Docs

| License: App Submitted Date | Applicant Last Name | Applicant First Name | NPDB Self-Query | National Exam Results | FBI Background Check | Verification of Licensure | BCI Background Check | Quality Assurance |
|-----------------------------|---------------------|----------------------|-----------------|-----------------------|----------------------|---------------------------|----------------------|-------------------|
| 7/5/2019 | Charry | Nicole | Accepted | Passed | Not Yet Received | Accepted | Not Yet Received | |

8e. Optometrist licensure by Reinstatement Pending Docs

| License: App Submitted Date | Applicant Last Name | Applicant First Name | NPDB Self-Query | FBI Background Check | Verification of Licensure | BCI Background Check | Quality Assurance |
|-----------------------------|---------------------|----------------------|------------------|----------------------|---------------------------|----------------------|-------------------|
| 5/16/2019 | Ciocco | Lindsay | Not Yet Received | Not Yet Received | Not Yet Received | Not Yet Received | |
| 6/11/2019 | Marcum, Jr. | Conley | Accepted | Accepted | Not Yet Received | Accepted | |