



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, December 12, 2019

The Regular Business Meeting of the Ohio Vision Professionals Board was called to order at 9:39 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., Jacqueline Davis, O.D., Darrell Dye, O.D., Kimberly A. Mermis, Brian J Miller, Thomas E. Nye, O.D., Thomas Barracato

STAFF MEMBERS IN ATTENDANCE:

Marlene Anielski, Executive Director, Adela Lopez-Wellman, Administrative Professional, Wilma Simmons, Administrative Professional.

GUESTS IN ATTENDANCE:

President John Bruening, OAO, President David Corey, PACA, Executive Director Shirley Earley, OAO, Dr. Roanne Flom, OSU and Mike Wasil, Wal-Mart.

ORDERING OF THE AGENDA:

Thomas Barracato moved to accept the agenda for the December 12, 2019 meeting as written. Dr. Darrell Dye seconded the motion. The motion passed unanimously.

APPROVAL OF MINUTES:

Dr. Darrell Dye moved to accept into record the draft minutes of the September 19, 2019 Ohio Vision Professionals Board meeting. Brian Miller seconded the motion. The motion passed unanimously.

PRESIDENT'S REPORT:

- Attended ARBO's National Board Review Committee meeting in Charlotte, NC October 11th – 13th. Extensive behind the scenes review of process for writing of National Boards. In particular, attention was paid to ensuring conflicts of interests were managed appropriately by attendees of the process. Additionally, the content of the exam's Parts I, II, III and the policies and procedures developed for each part that impact the validity and reliability of the exam were reviewed. Written report by the committee is available for distribution.
- Attended East West Eye Conference in Cleveland, OH October 17th – 19th. Notable topics of interest amongst attendees included new telemedicine models and medical marijuana with regard to Ohio optometry laws.

EXECUTIVE DIRECTOR'S REPORT:

LEGISLATION:

Enacted:

- SB 221 from the 132nd GA with some provisions effective February 18, 2019 and most provisions went into effect on August 18, 2019. The legislation reforms agency rule-making and the process of legislative review of the rules.
- SB 255 from the 132nd GA majority of the provisions effective April 5, 2019 and others on 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.
- Am. Sub. HB 166 (BUDGET) signed into law in July, therefore the VPB budget was approved. The amended law does include reduced provisions from SB 1. As you may recall, SB 1 originally required certain agencies to reduce the number of regulatory restrictions by 30%. The passed amended version has a one-time requirement to give an inventory of regulatory restrictions to JCARR by December 31, 2019. Effective October 17, 2019 the appropriate state agencies may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The "2 for 1" regulatory restriction reduction procedure ends on June 30, 2023. Currently, VPB is NOT included in the agencies that need to comply with the law. An amendment was included in the budget, on pages 1,132 and 1,133, that a person that does not meet the vision standards required for obtaining a driver's license must have form BMV 6317 completed from the Bureau of Motor Vehicles by an optometrist or ophthalmologist. The rule that governs the standards is Vision Standards for Driver License Applicants at <http://codes.ohio.gov/oac/4501:1-1-20>.
 - ~~SB 1 passed the Senate and is in the House State and Local Government Committee. It requires certain agencies to reduce the number of regulatory restrictions.~~
 - ~~Amended into HB 166 and requires an annual report.~~
 - ~~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 57 signed into law. 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.
- Current 133rd General Assembly Bills:

- HB 10 is in the Senate General Government and Agency Review committee. 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 125 is in the House Transportation and Public Safety committee. It requires the Second Chance Trust Fund inquiry when a vehicle is registered. Currently, the inquiry is only on license renewals and Save Our Sight Fund is when vehicles are registered.
- 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 249 is in the House Civil Justice committee. It grants a victim of sexual misconduct committed during a specified period by a physician employed by a land grant university a right of action against the university.
- HB 253 is in the House Commerce and Labor Committee. It revises the fireworks law. Currently, these types of fireworks shall not be discharged in Ohio.
- SB 72 (SAME AS HB 253) is in the Senate Transportation, Commerce and Workforce committee. It revises the fireworks law. Currently, these types of fireworks shall not be discharged in Ohio.
- HB 263 is in the House Commerce and Labor Committee. It revises occupational licensing restrictions applicable to individuals convicted of criminal offenses. The bill would enact the "Fresh Start Act of 2019." Requires within 180 days, after the bill's effective date, a list of criminal offenses be adopted for which a conviction is a disqualification for licensure. Bill applies to every profession or occupation for which a license issued or conferred by a state licensing authority is required. Exempt occupations only include peace officer basic training certificates. Several regulatory boards are working with the governor's office and the sponsor of the bill for amendments.
- 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.
- HB 323 has been referred to the House Health Committee. It authorizes certain psychologists to prescribe drugs and therapeutic devices as part of the practice of psychology.
- HB 327 has been referred to the House Transportation and Public Safety Committee. It prohibits a business from using an unmanned aerial vehicle to deliver packages.
- HB 369 has been referred to the House Civil Justice Committee. It expands the civil rights laws to prohibit discrimination on the basis of sexual orientation or gender identity or expression to add mediation as an informal method that the Ohio Civil Rights Commission may use and to uphold existing religious exemptions under
- HB 432 has been introduced in the House. It requires an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances.

- SB 246 (SAME AS HB 432) is in the Senate General Government & Agency Review Committee. Sponsor testimony was on Wednesday, December 11th.
- SB 7 passed in both chambers and a conference committee was scheduled on December 10, 2019 to work out the differences. 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 133 (SAME AS SB7) is in the Senate Transportation, Commerce and Workforce committee. 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 20 is in the Senate Health, Human Services and Medicaid Committee. It is regarding the disposal of controlled substances.
- SB 90 is in the Senate Government Oversight and Reform Committee. It is to increase the state minimum wage and to allow municipalities, townships and counties to establish higher minimum wage requirements. (1/1/20 \$12/hr, 1/1/21 \$13/hr, 1/1/22 \$14/hr, 1/1/23 \$15/hr, increases afterwards) Ohio 2019 minimum wage is \$8.55 and Ohio 2020 minimum wage is \$8.70.
- SB 119 is in the Senate General Government and Agency Review Committee. It is to exempt Ohio from the United States provision of daylight savings time.
- SB 160 is in the Senate Judiciary Committee. It is to provide a mechanism for the expungement of records of most convictions that, depending on the category of the offense, are at least 10 years old, 15 years old, or 20 years old, and to eliminate the waiting period of sealing a record related to a no bill.
- SB 166 is in the Senate Judiciary Committee. It is to prohibit unlawful sexual contact between health care professionals and patients and to revoke professional licenses for criminal misconduct.
- SB 178 is in the Senate Health, Human Services and Medicaid Committee. It is regarding the authority of podiatrists to administer influenza vaccinations.
- SB 181 passed the Senate unanimously and has been introduced in the House. It permits public and private colleges or universities and employers to establish a workforce- education partnership program to assist students to graduate from college with no student debt. It requires the Chancellor of Higher Education to create a template to establish such programs. Participating employers must establish educational assistance programs to provide tuition assistance to students employed by the employer, and colleges and universities must provide students assistance through mentoring, training, and housing stipends.
- SB 219 has been referred to the Education Committee. Establish a career pathways apprentice program. Establish partnerships between schools, businesses, communities, local government entities, and nonprofit organizations to create career pathways for apprenticeships for students in grades nine through twelve.

ACTIVITIES:

- Selected licensees received targeted emails of Quick Tips to educate and assist the professions in the eLicense program. The Quick Tips are on the website under the desired profession. <https://Vision.Ohio.gov/Optician> <https://Vision.Ohio.gov/Optomtrist>
- Created the second issue of the quarterly VPB eNewsletter for all stakeholders. The eNewsletter is available on the website. <https://Vision.Ohio.gov/Publications>.
- Updated website with current information.
- Met with Cuyahoga Community College – Optical Technology Department with VPB Investigator Paulini. Toured the College of Optometry at The Ohio State University with Investigator Paulini. Thanks to Dr. Davis for being our host.
- Attended, exhibited and presented at the Opticians Association of Ohio (OAO)'s 2019 annual conference. Congratulations to Tom Barracato for being named optician of the year from NAO.
- Attended the Federation of Associations of Regulatory Board (FARB)'s RLS annual conference.
- Toured the Medina County Career Center which has an opticianry program for junior and senior high school students.
- Attended and exhibited with Investigator Paulini at the East / West Eye Conference (OOA)'s 2019 annual conference. Congratulations to Dr. Davis for being named optometrist of the year.
- Investigator Paulini attended the Council on Licensure, Enforcement & Regulation (CLEAR) program. The National Certified Investigator Training (NCIT) basic program is a three-day hands-on training and certification program in investigation and inspection techniques and procedures. Investigator Paulini did pass and received the Basic Certification. Congratulations.
- All the fields for an inspection report have been created in the eLicense system to make the inspection process more streamlined in conducting on-site inspections using electronic devices.
- Prior to Investigator Paulini, many of the complaints were conducted manually. Now all 2019 complaints have been entered into the eLicense system, therefore, there is one source for all complaints electronically for accountability and monitoring trends.
- All CE's for optometrists have been 100% audited from the administrative staff. Currently, renewals are taking place.
- Renewals for opticians with CE audits taking place now by the administrative staff.
- Continue to review areas, where streamlining can be done administratively or through the eLicense program for efficiency. Several IT tickets have been created for completion in 2020 such as opticians printing license renewal cards online (same as optometrists), ability for CE providers to submit CE applications online, etc. Additional tickets may be created after the analysis of complaint, violation and inspection formats in the eLicense program.
- The Rules Committee will meet today after the board meeting.

REPORTS:

- Four policies on the agenda for the board's consideration.
- Governor DeWine has instructed the Medical Board to conduct a thorough review of investigated closed sexual impropriety cases over the past 25 years. The governor formed a working group which is requesting a report as to how the VPB regulates the licenses of health care professionals by detailing how the board oversees investigations, works with law enforcement, and incorporates survivor-centered investigative techniques while balancing transparency and confidentiality. The working group has developed a template for the boards and commissions to utilize for reporting. The report was completed in November.
- The Auditor of State (AOS) Management Letter of the VPB audit results was sent to all board members. All items have been completed and / or being addressed.
- As part of the State of Ohio's commitment to providing exemplary customer service, as mandated in 121.91, the VPB staff will request "Customer Feedback" on all email correspondence and on the VPB website.

FINANCIAL REPORT:

Director Anielski presented the financial report from the second quarter of State Fiscal Year (SFY) 2020. After discussion Dr. Jacqueline Davis moved to accept the SFY 2020 Financial Report of the Ohio Vision Professionals Board. Dr. Thomas Nye seconded the motion. The motion passed unanimously.

RATIFICATION OF LICENSES:

It was moved by Brian Miller and seconded by Thomas Barracato 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 ratify for licensure the Optometrist applicants listed on Addendum 2.0. The motion passed unanimously.

APPROVAL OF CONTINUING EDUCATION:

After review of the course content, it was moved by Dr. Thomas Nye and seconded by Dr. Jacqueline Davis that continuing education courses 2020-033P to 2020-101P be approved. The motion passed unanimously.

It was moved by Thomas Barracato and seconded by Brian Miller that the Board approve the continuing education courses for the East-West Conference for Opticians as submitted. The motion passed unanimously.

It was moved by Thomas Barracato and seconded by Brian Miller that the Board approve the continuing education courses for the Opticians Association of Ohio for numerous locations for the year 2020 for 2 Spectacle Contact Dispensing (SCD) and 2 hours of Contact Lens. The motion passed unanimously.

It was moved by Thomas Barracato and seconded by Brian Miller that the Board approve the continuing education courses for Jenell Spino with multiple dates for the year 2020 for 2 Spectacle Contact Dispensing (SCD). The motion passed unanimously.

Requests for Waivers:

After review of the request from Dr. Scott Kammer, it was moved by Dr. Jacqueline Davis and seconded by Dr. Thomas Nye that the Board grant to defer the continuing education requirements for the current reporting period of October 1, 2018 – September 30, 2019 to 11:59 p.m. on December 31, 2019 and to allow the doctor to renew their license. The motion passed unanimously. The doctor will be advised verbally and in writing.

After review of the request from Dr. John Loesch, it was moved by Dr. Thomas Nye and seconded by Thomas Barracato that the Board grant the request to waive continuing education requirements for the current reporting period of October 1, 2018 – September 30, 2019 and to allow the doctor to renew their license. The motion passed unanimously. The doctor will be advised verbally and in writing.

After review of the request from optician Eric Eisinger, it was moved by Brian Miller and seconded by Thomas Barracato that the Board grant the request to waive the continuing education requirements for the current reporting period. The motion passed unanimously. The optician will be advised verbally and in writing.

AAG REPORT:

No Report.

INVESTIGATOR REPORT:

Director Marlene Anielski delivered the Investigator Report.

THERAPEUTIC OPTOMETRY/OPTICIAN/OCULARIST/APPRENTICE MATTERS:

No report.

OHIO ADMINISTRATIVE CODE (OAC) UPDATE:

The five-year review for all the VPB Administrative Code, which went into effect on August 30, 2019 will be reviewed again via section. The Rules Committee will have their first meeting after the Board meeting and will start on the Scope of Practice section review first.

REPORTS OF COMMITTEES:

No report.

OLD BUSINESS:

No report.

NEW BUSINESS:

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Licensure Policy – (2019-03)

After discussion, it was moved by Dr. Thomas Nye and seconded by Dr. Jacqueline Davis that the Board approve the policy “Licensure Policy (2019-03).” The motion failed.

Licensure Policy – (2019-03)

After further discussion, it was moved by Dr. Darrell Dye and seconded by Dr. Thomas Nye that the Board approve as amended “following ORC 4725 and OAC 4725.” to be added to the last sentence in the first paragraph in the “Licensure Policy (2019-03).” The motion passed unanimously.

Customer Service Standards Policy – (2019-06)

After discussion, it was moved by Brian Miller and seconded by Dr. Jacqueline Davis that the Board approve the “Customer Service Standards Policy (2019-06).” The motion passed unanimously.

Communications Policy – (2019-07)

After discussion, it was moved by Brian Miller and seconded by Thomas Barracato that the Board approve the “Communications Policy (2019-07).” The motion passed unanimously.

Public Participation at Board Meetings Policy – (2019-09)

After discussion, it was moved by Dr. Thomas Nye and seconded by Thomas Barracato that the Board approve the “Public Participation at Board Meetings Policy (2019-09).” The motion passed unanimously.

Proposed Board Meeting Dates:

After discussion, it was moved by Brian Miller and seconded by Dr. Thomas Nye that the Board approve the Board Meeting dates for 2020. The motion failed.

Proposed Board Meeting Dates:

After discussion, it was moved by Brian Miller and seconded by Dr. Thomas Nye that the Board approve as amended the Board Meeting dates for 2020. The motion passed unanimously.

Election of Officers:

After discussion, it was decided by the Board that the election of officers would be held at the February 6, 2020 board meeting.

PUBLIC COMMENTS:

President Archer opened the floor. Representatives from the OAO and The Ohio State University addressed the Board.

Hearing no other issues for discussion, President Archer requested a motion to go into Executive Session.

It was moved by Dr. Jacqueline Davis and seconded by Dr. Thomas Nye that the Board go into executive session in accordance with Section 121.22(G) of the Ohio Revised Code for the purposes of discussing personnel matters. A roll call vote was taken. The motion passed unanimously.



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It was moved by Dr. Thomas Nye and seconded by Dr. Jacqueline Davis that the Board exit executive session. A roll call vote was taken. The motion passed unanimously.

It was moved by Brian Miller and seconded by Thomas Barracato that the Board approve employee pay. A roll call vote was taken. The motion passed unanimously.

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

It was moved by Brian Miller and seconded by Dr. Thomas Nye that the December 12, 2019, meeting of the Ohio Vision Professionals Board be adjourned. The motion passed unanimously.

President Archer adjourned the regularly scheduled meeting at 11:57 a.m. December 12, 2019.

ATTESTED:

PRESIDENT, DR. CHERYL ARCHER

SECRETARY, BRIAN J MILLER

Future Board Meeting Dates:

February 6, 2020
May 21, 2020
August 13, 2020
November 19, 2020



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ADDENDUM 1.0

Number	Applicant: Full Name	Applicant Street Address	Applicant City	Applicant State	Applicant Zip Code
OP.017163-S	Sharon Brandt	PO Box 13796	Whitehall	OH	43213-0796
OP.017164-S	Malik Sylvester	4044 Village Ridge Dr	Mason	OH	45040-5673
OP.017165-S	Sarah Morris	4481 Rita Mae Dr	Fairfield	OH	45014
OP.017166-S	Emily Bartley	3700 Broad Vista St NW	Uniontown	OH	44685-7204
OP.017167-S	Kayla Hollingsworth	157 Sherman Ave	Hamilton	OH	45013-3039
OP.017168-S	Jalia James	16113 Rowena Ave	Maple Heights	OH	44137-4837
OP.017169-S	Kaily Tudor	608 Abilene Ct Apt A	Riverside	OH	45431-2815
OP.017171-S	Ryan Altier	9405 Sovereign Pl	Thornville	OH	43076-8980
OP.017170-S	Kelly Szczepaniak	1509 Troon Ave	Brunswick	OH	44212
OP.017172-S	Misty Rush	851 Ivy Brush Ct	Columbus	OH	43228-2718
OP.017173-S	Laura Ann Peck	780 Arrowhead Dr	Bucyrus	OH	44820
OP.017174-S	Rachel Scarberry	911 Lick St	Kenton	OH	43326-2235
OP.017175-S	Kayla Yarger	1385 Oakdale Dr NW	Warren	OH	44485-1975
OP.017176-S	Madison Studebaker	114 E 2nd St	Arcanum	OH	45304-1234
OP.017178-S	Selena Zeng	13318 Madison Ave Apt 1	Lakewood	OH	44107-4888
OP.017177-S	Matthew Brinkman	3543 Michigan Ave	Cincinnati	OH	45208-1409
OP.017179-S	Kristiane Lambert	4236 Edinburgh Dr	Cincinnati	OH	45245-1618
OP.017180-S	Adam Bentley	601 Burnett Ave Apt 2	San Francisco	CA	94131-1532
OP.017181-S	Samantha Horton	4851 Teal Ln	Milford	OH	45150-9733
OP.017182-S	Kimberly Billie	1060 Lloyd Rd	Wickliffe	OH	44092-2355
OP.017183-S	Amanda Schroemer	273 Hetrick Dr	Galion	OH	44833-1846
OP.017184-S	Carly Bythewood	1361 Hackworth St	Columbus	OH	43207-4492
OP.017185-S	Vanessa Jones	8723 Olenbrook Dr	Lewis Center	OH	43035-8706
OP.017186-S	Jennifer Caraway	15450 N 39th St	Phoenix	AZ	85032-4044
OP.017187-S	Jasmine Willoughby	2634 Henrietta Dr	Uniontown	OH	44685-8307
OP.017188-S	Sandra Tierney	1947 Meadowsweet Dr	Lebanon	OH	45036-4077
OP.017189-S	Naziree Williams	22455 Fairlawn Cir	Fairview Park	OH	44126-2203
OP.017190-S	Anastasia Johnson	6705 Us Highway 22 NW	Rushville	OH	43150-9641
OP.017191-S	Iulian Alba	1029 Woodward Ave	Akron	OH	44310-1411
OP.017192-S	Mase Omeradzic	4590 Vandemark Rd	Litchfield	OH	44253
OP.017193-S	Jay Reimann	7132 Briarcliff Ct	Mentor	OH	44060
OP.017194-S	Mason Thompson	4482 Conestoga Trl	Copley	OH	44321-1448
OP.017195-S	Sidney Schuller	21418 Nottingham Dr	Fairview Park	OH	44126

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Ohio Department of Administrative Services OIT



Ohio Vision Professionals Board

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Jon Husted, Lt. Governor

Marlene Anielski, Executive Director

ADDENDUM 2.0

BY EXAM

License: Number	Enterprise Track Number	Status	Applicant Full Name	Mailing Address Street	Mailing Address City	Mailing Address State	Mailing Address Zip
OPT.006820	T6820	Active	Jennifer Marie Conn	149 Feathertip Ln	Lewis Center	OH	43035-7281
OPT.006821	T6821	Active	Brittany A Kay	75 Atterbury Blvd Apt 101	Hudson	OH	44236-2835
OPT.006822	T6822	Active	Colleen Gibson	2716 Prendergast Pl	Reynoldsburg	OH	43068-5210

BY ENDORSEMENT

License: Number	Enterprise Track Number	Status	Applicant Full Name	Mailing Address Street	Mailing Address City	Mailing Address State	Mailing Address Zip
OPT.006823	T6823	Active	Brandon L Becken	18739 E Braeburn Ln	Queen Creek	AZ	85142-6461
OPT.006824	T6824	Active	John Christian Derickson	150 Pantano Cay Blvd Unit 2103	St Augustine	FL	32080-7337

BY REINSTATEMENT

License: Number	Enterprise Track Number	Status	Applicant Full Name	Mailing Address Street	Mailing Address City	Mailing Address State	Mailing Address Zip
OPT.006195	T3110	Active	Ashley Ritchie	217 Delano Ave. Suite D	Chillicothe	OH	45601

Optometrist Newly Licensed
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