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

**STAFF MEMBERS IN ATTENDANCE:**
Marlene Anielski, Executive Director, J. T. Wakley, AAG, Matthew Paulini, Investigator, Adela Lopez-Wellman, Administrative Professional, Wilma Simmons, Administrative Professional.

**GUESTS IN ATTENDANCE:**
Executive Director Keith Kerns, Esq., OOA, President David Corey, PACA, Bintou Eades, Wal-Mart

**ORDERING OF THE AGENDA:**
Brian J Miller moved to accept the agenda for the September 19, 2019 meeting as written. Dr. Darrell Dye seconded the motion. The motion passed by majority vote.

**APPROVAL OF MINUTES:**
Dr. Thomas E. Nye moved to accept into record the draft minutes of the July 18, 2019 Ohio Vision Professionals Board meeting. Dr. Darrell Dye seconded the motion. The motion passed by majority vote.

**PRESIDENT’S REPORT:**
- Participated in conference call with ARBO’s National Board Review Committee
- Welcomed Matthew Paulini aboard as the new VPB investigator and reviewed several complaints
- Worked on committee structure – See Addendum 3.0 for the Committee Names and people assigned to the committees.
EXECUTIVE DIRECTOR’S REPORT:

LEGISLATION:

• Enacted:
  o SB 221 from the 132\textsuperscript{nd} 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.
  o SB 255 from the 132\textsuperscript{nd} 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.
  o 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.
    ▪ 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.
  o 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.
  o Current 133\textsuperscript{rd} General Assembly Bills:
    o HB 10 passed the House unanimously and has been referred to 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.
    o 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 driver license renewals and Save Our Sight Fund is inquired when vehicles are registered.
HB 133 passed the House unanimously and has been referred to 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 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 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 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 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.

HB 323 has been introduced in the House. It authorizes certain psychologists to prescribe drugs and therapeutic devices as part of the practice of psychology.

HB 327 has been introduced in the House. It prohibits a business from using an unmanned aerial vehicle to deliver packages.

SB 20 has been referred to the Health, Human Services and Medicaid Committee. It is regarding the disposal of controlled substances.

SB 166 has been referred to the Judiciary Committee. It is to prohibit unlawful sexual contact between health care professionals and patients and to revoke professional licenses for criminal misconduct.

ACTIVITIES:

- eLicense report creation training took place for the staff.
- The Joint Committee on Agency Rule Review (JCARR) held a meeting for VPB rule packages on August 12th. There were no objections and all packages were approved. Completed the final filing on August 20th with rules effective date of August 30th.
- Completed the eight class Lead Ohio Program for new State of Ohio managers.
- Working with other executive directors in developing an onboarding manual for new executive directors.
- Made a new employee onboarding checklist with cross training for staff.
- Welcomed Investigator Matthew Paulini to the VPB team on August 19th.
Ohio Vision Professionals Board

Mike DeWine, Governor
Marlene Anielski, Executive Director
Jon Husted, Lt. Governor

- Conducted mock inspections at optician and optometrist offices.
- Received training on the eLicense program seen by the public, and the SalesForce program seen by the staff to fully utilize the complaint section.
- Designed and made a tri-fold VPB pamphlet. The pamphlet is available on the website.
- Designed and produced a six-foot banner and a tabletop display.
- 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.
- Created a quarterly VPB eNewsletter for all stakeholders. The eNewsletter is available on the website.
- Updated website with current information.
- Will tour the College of Optometry at The Ohio State University next week.
- Opticians Association of Ohio (OAO)’s 2019 annual conference is September 28th – 29th in Columbus, OH. VPB will be an exhibitor and I will be presenting on Sunday, September 29th.
- 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. VPB will be an exhibitor.
- The Ohio Department of Education invites a representative from the VPB or staff, as an industry expert, to serve on the Industry Advisory Committee for Revision and Review of our Health Science technologies career field technical content standards. It would be a full day of discussion. A future date will be selected.

REPORTS:

- Completed the mandated SFY 2019 annual Legislative Service Commission (LSC) report.
- Four policies, many of which are mandated by the Ohio Revised Code, are 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 will be developing a template for the boards and commissions to utilize for reporting.
- 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 VPB representation letter has been sent to the Ohio Auditor of State (AOS) on September 12, 2019. The AOS Management Letter of the audit results will be forthcoming shortly.

VPB OFFICE:

- Reviewing 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 their 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.

**FINANCIAL REPORT:**
Director Anielski presented the financial report from the first quarter of State Fiscal Year (SFY) 2020. After discussion, Brian J. Miller moved to accept the SFY 2020 Financial Report of the Ohio Vision Professionals Board. Dr. Jacqueline Davis seconded the motion. The motion passed unanimously.

**RATIFICATION OF LICENSES:**
It was moved by Brian J. Miller and seconded by Kimberly Mermis that the Board ratify for licensure the Optician applicants listed on Addendum 1.0. The motion passed unanimously.

It was moved by Dr. Darrell Dye and seconded by Dr. Jacqueline Davis 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. Darrell Dye that continuing education courses 2019-183P to 2019-200P and 2020-001P to 2020-032P be approved. The motion passed unanimously.

**Requests for Waivers:**
After review of the request from Dr. Sandra Brook, it was moved by Brian J. Miller and seconded by Dr. Jacqueline Davis that the Board grant the request to waive the continuing education requirements for the current reporting period of October 1, 2018 – September 30, 2019 and to allow the doctor to renew their license pending receipt of the CPR certificate of at least 2 hours. The motion failed.

After review of the request from Dr. Sandra Brook, it was moved by Dr. Thomas Nye and seconded by Dr. Jacqueline Davis 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 pending receipt of the 15 hours by 11:59 p.m. December 31, 2019 and receipt the certificate for 3 hours CPR. The motion passed unanimously. The doctor will be advised verbally and in writing.

After review of the request from Dr. Edward Friedman, it was moved by Brian J. Miller and seconded by Kimberly Mermis that the Board grant the request to waive 15 hours of continuing education requirements for the current reporting period of October 1, 2018 – September 30, 2019 and to allow the doctor to renew their license pending receipt of the CPR certificate of at least 3 hours. The motion passed unanimously. The doctor will be advised verbally and in writing.

After review of the request from Dr. William Benjamin, it was moved by Brian J Miller and seconded by Dr. Jacqueline Davis that the Board grant the request to waive the continuing education requirements for the
current reporting period of October 1, 2018 – September 30, 2019 pending receipt of 10 hours of pharmacology hours. Motion amended by Dr. Thomas Nye and seconded by Kimberly Mermis that the Board waive 15 hours of non-pharmacology hours and to allow the doctor to renew their license pending receipt of the 10 hours of pharmacology by 11:59 p.m. December 31, 2019. The motion passed unanimously. The doctor will be advised verbally and in writing.

**Request for Exemption from compliance:**
After review of the request from Dr. Scott Sadowski, it was moved by Brian J. Miller and seconded by Dr. Thomas Nye that the Board grant the request to have three hours of his CE exempted from the required reporting period and further noted it will be the last time an exemption will be allowed. The motion passed unanimously. The doctor will be advised verbally and in writing.

**AAG REPORT:**
No Report.

**INVESTIGATOR REPORT:**
Matthew Paulini delivered the Investigator Report.

**THERAPEUTIC OPTOMETRY/OPTICIAN/OCULARIST/APPRENTICE MATTERS:**
No report.

**OHIO ADMINISTRATIVE CODE (OAC) UPDATE:**
The entire OAC for the Vision Professionals Board was accepted by the Joint Committee on Agency Rule Review (JCARR) and went into effect on August 30, 2019.

**REPORTS OF COMMITTEES:**
No report.

**OLD BUSINESS:**
No report.

**NEW BUSINESS:**
**Executive Director Duties Policy – (2019-04)**
After discussion, it was moved by Brian J Miller and seconded by Dr. Darrell Dye that the Board approve the policy “Executive Director Duties Policy (2019-04).” The motion passed unanimously.

**Board Expenditures Policy – (2019-05)**
After discussion, it was moved by Brian J Miller and seconded by Dr. Jacqueline Davis that the Board approve the “Board Expenditures Policy (2019-05).” The motion passed unanimously.
Board Goals Policy – (2019-23)
After discussion, it was moved by Dr. Thomas Nye and seconded by Kimberly Mermis that the Board approve the “Board Goals Policy (2019-23).” The motion passed unanimously.

Political Activities Policy – (2019-24)
After discussion, it was moved by Dr. Thomas Nye and seconded by Kimberly Mermis that the Board approve the “Political Activities Policy (2019-24).” The motion passed unanimously.

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

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

It was moved by Kimberly Mermis and seconded by Brian J. Miller that the September 19, 2019, meeting of the Ohio Vision Professionals Board be adjourned. The motion passed unanimously.

President Archer adjourned the regularly scheduled meeting at 11:03 a.m. September 19, 2019.

ATTESTED:

___________________________________________
PRESIDENT, DR. CHERYL ARCHER

___________________________________________
SECRETARY, BRIAN J MILLER

Future Board Meeting Dates:
December 12, 2019
### ADDENDUM 1.0

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<td>Robyn Fuchs</td>
<td>6246 Seattle Rule Court</td>
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<td>Corleen Warner</td>
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<td>Cheryl Spencer</td>
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Ohio Department of Administrative Services OIT
### ADDENDUM 2.0

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<td>OPT.005941</td>
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<td>Active</td>
<td>Kathryn Simonovich</td>
<td>2399 Bay Rd</td>
<td>Sharon</td>
<td>MA</td>
<td>02067-3007</td>
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ADDENDUM 3.0

COMMITTEES – 2019 (2019-14)

Rules
Dr. Darrell Dye
Mr. Thomas Barracato
Dr. David M. Anderson
Ms. Shirley Earley

Continuing Education

Dr. Tom Nye
Mr. Thomas Barracato

Investigative Review Group

Subject Matter Expert:
   Mr. Brian Miller – oculist/optician/apprentice issues
   Dr. Jacqueline Davis – optometrist issues
(2019-14 Policy: Investigations Coordinator, Investigator, Executive Director and Assistant Attorney General)

Policy and Procedures
Ms. Kim Mermis
Dr. Darrell Dye

Strategic Planning
Dr. Cheryl Archer
Mr. Brian Miller
Dr. Tom Nye