



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, September 19, 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., 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:
 - 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.
 - 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.
 - 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 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.
 - 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.

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- 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. Miler 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

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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.



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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

Number	Applicant: Full Name	Applicant Street Address	Applicant City	Applicant State	Applicant Zip Code
OP.017156-S	Bobby Tucker	288 W Liberty St	Geneva	OH	44041-1460
OP.017138-S	Robyn Fuchs	6246 Seattle Rule Court	Loveland	OH	45140
OP.017139-S	Robert Sublett	634 Rivers Breeze	Ludlow	KY	41016
OP.017144-S	Corleen Warner	470 N Washington St	Tiffin	OH	44883-1246
OP.017154-S	Madison Davis	436 W 2nd St	Chillicothe	OH	45601-3057
OP.017150-S	Hanna Brogan	7738 Chanting Cir	Mechanicsburg	OH	43044-9678
OP.017147-S	Della Kline	523 Garfield Ave	Alliance	OH	44601-1627
OP.017148-S	Gwendolyn Shellenbarger	209 W Main St	Spencer	OH	44275
OP.017143-S	Brittany Deaton	140 S Ireland Blvd	Ontario	OH	44906-2223
OP.017145-S	Stacey Flanigan	1255 Stahlheber Rd	Hamilton	OH	45013-1960
OP.017161-S	Cheryl Spencer	6076 Taylor Dr Apt 182	Burlington	KY	41005-7956
OP.017146-S	Amy Atha	1240 Selma Rd	Springfield	OH	45505
OP.017162-S	Nicole Springer	658 Davis Dr	Monroe	OH	45050-1541
OP.017149-S	Christine Rodgers	22 Colin Kelly Dr	Dayton	OH	45431
OP.017153-S	Michael Barkett	Warby Parker 1419 Vine Street	Cincinnati	OH	45202
OP.017155-S	Elizabeth M Alcover	41 Ottawa Landings Dr Apt 201	Toledo	OH	43607-2427
OP.017157-S	Jina Caldwell	Pearle Vision 368 S Hamilton Rd	Gahanna	OH	43230
OP.017158-S	Christopher Ricciardo	1156 James Rd	Granville	OH	43023-9511
OP.017159-S	Emily Ritter	505 E Lytle St	Fostoria	OH	44830-3031
OP.017160-S	Tayna Watson	100 E 6th St	West Lafayette	OH	43845-1315
OP.017131-S	Julie Daub	4414 Weldwood Ln	Sylvania	OH	43560
OP.017129-S	Ben Callahan	4400 Summerwind Ct	Cincinnati	OH	45252-1946
OP.017152-S	Alison Pyle	3025 Noe Bixby Rd	Columbus	OH	43232-5851
OP.017130-S	Maria Pedroza	4494 US Hwy 62 SW	Washington CH	OH	43160
OP.017132-S	Tamika Bermejo	2726 Burwell Dr	Toledo	OH	43609-1548
OP.017141-S	Zuleida Ramos	2542 Oberlin Ave	Lorain	OH	44052-4544
OP.017142-S	Marie Morehouse	6031 S Locust St	Peninsula	OH	44264
OP.017134-S	Hannah Worley	1049 Robertson Rd	Taylor Mill	KY	41015-2145
OP.017133-S	Sean Hiatt	3828 Osage St	Stow	OH	44224-4248
OP.017140-S	Lindze Stagge	4059 Lenox Dr	Cincinnati	OH	45245-1975
OP.017135-S	Mary Dolan	8169 Mapleway Dr	Olmsted Falls	OH	44138-1650
OP.017136-S	Sara Morasco	126 N Union St # 1/2	Galion	OH	44833-1736
OP.017151-S	Darshika Lawrence	5653 Countrie Glen Dr	Galloway	OH	43119
OP.017137-S	Sara Jaber	60 Washington Blvd.	Boardman	OH	44512

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ADDENDUM 2.0

BY EXAM

License: Number	Enterprise Track	Status	Applicant Full Name	Mailing Address Street	Mailing Address City	Mailing Address	Mailing Address
OPT.006813	T6813	Active	Margaux Selena Flaherty	1345 Boettler Rd	Uniontown	OH	44685-7704
OPT.006815	T6815	Active	Sheila Taj Soltani	2822 Berkshire Rd	Cleveland Heights	OH	44118-2402
OPT.006811	T6811	Active	Samer Nour-Iddin Arafat	10001 Chester Avenue Apt 322	Cleveland	OH	44106
OPT.006812	T6812	Active	Megan Hart	51 Laurelwood Dr	Rochester	NY	14626-3759

BY ENDORSEMENT

License: Number	Enterprise Track	Status	Applicant Full Name	Mailing Address Street	Mailing Address City	Mailing Address	Mailing Address
OPT.006807	T6807	Active	Ashley Iketani	610 Clemmer Ave Unit 8	Cincinnati	OH	45219-1660
OPT.006818	T6818	Active	Robert Sholomon	4-14 Saddle River Rd Ste 202	Fair Lawn	NJ	07410-5624
OPT.006817	T6817	Active	Amanda McMullen	469 Selby Ave Apt 5	Saint Paul	MN	55102-4506
OPT.006814	T6814	Active	Clayton Tyler Boyd	110 N Perkins Ave	Guymon	OK	73942-5412

BY REINSTATEMENT

License: Number	Enterprise Track	Status	Applicant Full Name	Mailing Address Street	Mailing Address City	Mailing Address	Mailing Address
OPT.006623	T3536	Active	Valerie R. Korb	13778 Cedar Rd	University Heights	OH	44118-2324
OPT.006123	T3038	Active	Sierra Cunningham	8170 Havtshire Way Apt 208	Centerville	OH	45458-6317
OPT.005201	T2105	Active	Juliana Kay Derksen	246 Murray Ave	Trenton	NJ	08620-9764
OPT.005941	T2856	Active	Kathryn Simonovich	2399 Bay Rd	Sharon	MA	02067-3007

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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 – ocularist /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