



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, May 16, 2019

The Regular Business Meeting of the Ohio Vision Professionals Board was called to order at 9:42 a.m., held at the Vern Riffe Center, 77 South High St., 31st Floor, Columbus, OH 43215.

BOARD MEMBERS IN ATTENDANCE:

Present: 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:

Present: Marlene Anielski, Executive Director, David Bailey, Investigator, Emily Pelphrey, AAG, Adela Lopez-Wellman, Administrative Professional, Wilma Simmons Administrative Professional

ALSO PRESENT: Keith Kerns, David Corey, John Bruening, Shirley Earley and Lisa Rankin

Ordering of the Agenda:

Thomas Barracato moved to accept the agenda for the May 16, 2019 meeting as written. Dr. Jacqueline Davis seconded the motion. The motion passed unanimously.

Approval of Minutes:

Dr. Cheryl Archer moved to accept into record as is the draft minutes of the February 21, 2019 Ohio Vision Professionals Board meeting. Dr. Darrell Dye seconded the motion. The motion passed unanimously.

Financial Report:

Director Anielski presented the financial report from the fourth quarter of FY 19. After discussion, Thomas Barracato moved to accept the Fiscal Year 2019 Q3 Financial Report of the Ohio Vision Professionals Board. Dr. Jacqueline Davis seconded the motion. The motion passed unanimously.

President's Report:

I have been in contact with Director Anielski on a regular basis. She has been learning the board duties, playing catch-up and bringing the office up to date. Board members photos are on public display. Director Anielski now is a Certified Professional in the national organization of Society for Human Resource Management, SHRM-CP.

Also, I have been in contact with the staff regarding the on-going issues and the investigations of the Vision Professionals Board. They are making sure the day-to-day office duties are running as smooth as possible.

Thanks to everyone for filing your *Financial Disclosure Statement*, before the May 15th deadline.

A couple of sad notes that been brought to my attention: Long time Licensed Dispensing Optician, and former Optical Dispensers Board member, Jack Wenstrup, passed away on May 3rd. As well as LDO Colleen Stiles passed away earlier this month.

I would like to thank everyone for the opportunity to serve as the first chair of this Board.

Executive Director's Report:

Activities

- The investigator and I, on March 14th, attended an Ohio Optometric Association (OOA) education session on HB 156, from the 132nd GA, requirements and the sales tax repeal, which take takes place in July.
- HB 541 from the 132nd GA was effective March 22, 2019 for restrictions on volunteering at charitable events.
- 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.
- 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.
- Current legislation, SB 7 has already 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.
- OOA had an Optometric Day at the Statehouse (ODASH), on March 20, 2019, where several elected officials met with OOA members.
- Association of Regulatory Boards of Optometry (ARBO)'s 2019 annual conference is June 16th – 18th in St. Louis, MO. Travel stipends are available, but a decision must be made by May 18th.
- Opticians Association of Ohio (OAO)'s 2019 annual conference is September 28th – 29th in Columbus, OH.

Reports

- The 2018 calendar year annual report was completed and submitted to Governor DeWine and posted on our website which is mandated.
- Testified on the SFY 2020 and 2021 budget in the House of Representatives and Senate, March 26th and May 2nd respectively.
- 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.

- Business cards, our logo, electronic signatures and letterhead all comply with the State of Ohio requirements.
- Executive Order 2019-11D mandates annual ethics training and indicates our Chief Legal Counsel shall be responsible for assisting all employees in complying with the requirements. Once done, please send a certificate to the office.
- All financial disclosure statements were completed by all appropriate personnel. According to Executive Order 2019-11D our Chief Legal Counsel shall be responsible for assisting all employees in complying with the requirements.
- The “Guide to Public Participation in the Rule-Making Process” has been posted to our website and at the Register of Ohio for the legislative service commission (LSC), which is mandated.
- All VPB rules have been reviewed, created, amended or rescinded and the Business Impact Analyses have been written. Ohio revised code has mandated the rule-making review process is done every five years. Originally there were eighty-eight rules in OAC 4725 and 4726; the proposal has forty-seven rules.

VPB Office

- New computers were installed for all VPB staff to comply with State of Ohio requirements, as well as wifi. Work cell phones were obtained for the executive director and the investigator.
- Office furniture has been ordered.
- Reviewing areas, where streamlining can be done administratively or through the eLicense program for efficiency.

Ratification of Licenses:

It was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the Board ratify for licensure the Optician applicants listed on Addendum 1.0. The motion passed unanimously.

It was moved by Dr. Cheryl Archer and seconded by Thomas Barracato that the Board ratify for licensure the Optometrist applicants listed on Addendum 2.0 pending receipt of all requirements. 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 3.0. 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. Cheryl Archer that continuing education courses 2019-109P to 2019-152P be approved. The motion passed unanimously.

After review of the webinar submission from Smarty Professional Development to be held on October 29, 2019 it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the submission be approved for 2 Spectacle hours. The motion passed unanimously.

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After review of the webinar submission from Smarty Professional Development to be held on November 26, 2019 it was moved by Thomas Barracato and seconded by Dr. Cheryl Archer that the submission be approved for 1 Management hour. The motion passed unanimously.

After review of the webinar submission from Smarty Professional Development to be held on December 5, 2019 it was moved by Thomas Barracato and seconded by Dr. Cheryl Archer that the submission be approved for 2 Spectacle Contact Lens (SCD) hours. The motion passed unanimously.

Investigator Report:

Board Investigator Bailey delivered the Investigator Report.

AAG Report:

Assistant Attorney General Emily Pelphrey informed the Board that a general information memorandum will be emailed to Board members at their state email addresses and that they can call her with any further questions. The memorandum is protected by attorney client privilege.

New Business:

Rescinding Policy: Continuing Education

After discussion, it was moved by Kimberly Mermis and seconded by Dr. Cheryl Archer that the Board rescind the policy "Continuing Education" which has previously been approved at the May 24, 2018 Board Meeting. The motion passed unanimously.

Public Records Policy

It was moved by Dr. Cheryl Archer and seconded by Dr. Darrell Dye that the Board approve the "Public Records Policy (2019-01)." The motion passed unanimously.

Confidential Personal Information Policy

After discussion, it was moved by Dr. Thomas Nye and seconded by Dr. Cheryl Archer that the Board approve the "Confidential Personal Information Policy (2019-02)." The motion failed unanimously.

It was moved by Thomas Barracato and seconded by Kimberly Mermis that the Board approve as amended, by adding the word 'place' in section F, to the "Confidential Personal Information Policy (2019-02)." The motion passed unanimously.

Bonding of Executive Director and Staff

After discussion, it was moved by Dr. Jacqueline Davis and seconded by Thomas Barracato that the Board approve the bonding for the Executive Director and the Board Staff. A roll call vote was taken. The motion passed unanimously.

Scope of Practice Question -Auditory Processing

The Board considered a question from an optometrist regarding whether testing a patient’s auditory processing and treating any deficiencies or abnormalities of the auditory system, was in the scope for an Ohio optometrist. After discussion, the ruling by the board was that testing a patient’s auditory processing abilities is permissible, but any disorders of the auditory system revealed by the testing, or through any other means, must be referred for treatment to an M.D., D.O., or other practitioner who is licensed to treat disorders of the auditory system. Treatment of disorders, diseases, and abnormalities of the auditory system is not within the scope of practice of an optometrist.

Free Eye Exams Advertisement

The Board considered a possible advertising violation by a large optical retailer. The retailer was offering free eye examinations, contingent upon the purchase of glasses. The investigator was requested to obtain more information regarding the matter.

Ohio Administrative Code – Rule Review & Revision

After an explanation by Director Anielski and discussion, it was moved by Thomas Barracato and seconded by Dr. Darrell Dye that the Board approve the Business Impact Analysis – Rescinded Packages 4726. A roll call vote was taken. The motion passed unanimously.

It was moved by Dr. Thomas Nye and seconded by Dr. Darrell Dye that the Board approve the Business Impact Analysis – Rescinded Packages 4725. A roll call vote was taken. The motion passed unanimously.

It was moved by Dr. Thomas Nye and seconded by Dr. Darrell Dye that the Board approve the Business Impact Analysis – Administration. A roll call vote was taken. The motion passed unanimously.

It was moved by Dr. Thomas Nye and seconded by Dr. Darrell Dye that the Board approve the Business Impact Analysis – Fees Package. A roll call vote was taken. The motion passed unanimously.

It was moved by Dr. Thomas Nye and seconded by Dr. Cheryl Archer that the Board approve the Business Impact Analysis – Licensure/CE. A roll call vote was taken. The motion passed unanimously.

It was moved by Dr. Thomas Nye and seconded by Dr. Darrell Dye that the Board approve the Business Impact Analysis – Scope of Practice. A roll call vote was taken. The motion passed unanimously.

Election of Officers

Brian Miller presided over the nomination and election of the President and Secretary positions for 2019.

The Board accepted nominations for the President position:

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Kimberly Mermis moved to nominate Brian Miller to serve as President of the Board for 2019. Dr. Darrell Dye seconded the motion. The motion passed unanimously.

Dr. Thomas Nye moved to nominate Dr. Cheryl Archer to serve as President of the Board for 2019. Dr. Jacqueline Davis seconded the motion. The motion passed unanimously.

Hearing no further nominations, Thomas Barracato moved that the nominations for board president be closed. Dr. Darrell Dye seconded the motion. The motion passed unanimously.

Vote for president by roll call vote. Four votes for Dr. Archer and three votes for Brian Miller. The Board voted for Dr. Cheryl Archer to serve as Board President for 2019.

The Board accepted nominations for the Secretary position:

Thomas Barracato moved to nominate Brian Miller to serve as Secretary of the Board for 2019. Dr. Thomas Nye seconded the motion. The motion passed unanimously.

Dr. Cheryl Archer moved to nominate Dr. Thomas Nye to serve as Secretary of the Board for 2019. Dr. Jacqueline Davis seconded the motion. The motion passed unanimously.

Hearing no further nominations, Thomas Barracato moved that the nominations for secretary of the board be closed. Kimberly Mermis seconded the motion. The motion passed unanimously.

Vote for secretary by roll call vote. Six votes for Brian Miller and one vote for Dr. Nye. The Board voted for Brian Miler to serve as Board Secretary for 2019.

Update from Associations:

Representatives from OOA and OAO addressed the Board.

President Dr. Cheryl Archer presided over the remainder of the meeting.

Executive Session on Matters Pertaining to Disciplinary Actions:

It was moved by Brian Miller and seconded by Thomas Barracato that the Board enter Executive Session in accordance with Section 121.22(G) of the Ohio Revised Code to discuss the purposes of discussing pending disciplinary matters and/or pending or imminent court actions. The motion was a roll call vote. The motion passed unanimously. President Miller asked AAG Pelphrey and Board staff to remain in the meeting room.

At 12:13 p.m. the Board went into Executive Session.



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At 12:59 p.m. Dr. Darrell Dye moved and Thomas Barracato seconded that the Board come out of Executive Session.

AAG Pelphrey advised the Board that a continuance was requested for the disciplinary hearing scheduled for PB.

Dr. Darrell Dye moved that the Board send a warning letter to an optometrist regarding the unlicensed practice of optometry. Kimberly Mermis seconded the motion. 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 Kimberly Mermis that the May 16, 2019, meeting of the Ohio Vision Professionals Board be adjourned. The motion passed unanimously.

President Archer adjourned the regularly scheduled meeting at 1:01 p.m. May 16, 2019.

ATTESTED:

PRESIDENT, DR. CHERYL ARCHER

SECRETARY, BRIAN J MILLER

Future Board Meeting Dates:

July 18, 2019
September 19, 2019
December 12, 201



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ADDENDUM 1.0

Number	Applicant: Full Name	Applicant Street Address	Applicant City	Applicant State	Applicant Zip Code
OP.017097-SC	Tricia Blackburn	3813 Ira Rd	Akron	OH	44333-1159
OP.017096-S	Christina Cooper	2749 Shelly Dr	Columbus	OH	43207
OP.017095-S	Laura Mitchell	2766 Losantiridge Ave	Cincinnati	OH	45213
OP.017086-S	Kerri Mizway	2551 Robinhood Dr	Parma	OH	44134
OP.017090-S	Amy Ballinger	9300 Greenvalley Rd	Mt. Vernon	OH	43050
OP.017089-S	Adara Rushlow	2940 Wayland Ave	Dayton	OH	45420-3057
OP.017088-S	Brianna Carpenter	327 Sells Rd	Lancaster	OH	43130-3464
OP.017092-S	Jeanette Caldwell	8246 Maplewood Dr	Findlay	OH	45840
OP.017093-S	Alexandra Bachas	5731 Ryewyck Dr	Toledo	OH	43614-4547
OP.017087-S	Mara McCloud	7855 Cedar Park Dr	Canfield	OH	44406
OP.017094-S	Kristina Parrish	5708 Kilbury Ln	Hilliard	OH	43026
OP.017091-S	Heather Maurer	1358 Birchview Dr	Vermilion	OH	44089
OP.017098-S	Jacquelynn Kadas	5702 Buffham Rd	Seville	OH	44273-9542

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Ohio Department of Administrative Services OIT



ADDENDUM 2.0

App Submitted Date	Last Name	First Name	Submissions	NBEO	FBI Check	License Verification	BCI Check	Complete
3/13/2019	Yang	Fei	Accepted	Passed	Cleared	Accepted	Cleared	Valid
3/14/2019	Ford	Melissa			Cleared		Cleared	
3/15/2019	Lui	Alexandria	Accepted	Passed	Cleared	Accepted	Cleared	Valid
3/19/2019	Curtis	Alexander	Accepted	Passed	Cleared	Accepted	Cleared	Valid
3/19/2019	Novak	Kayla	Accepted		Cleared		Cleared	
3/25/2019	Moor	Tracy	Accepted		Cleared		Cleared	
3/31/2019	Morgan	Shannon			Cleared		Cleared	
4/1/2019	Allen	Rebecca	Accepted	Passed	Cleared		Cleared	Valid
4/1/2019	Fisher	Elizabeth	Accepted	Passed	Cleared		Cleared	Valid
4/1/2019	Fox	Rebecca	Accepted	Passed	Cleared		Cleared	Valid
4/1/2019	Spitnale	Whitney	Accepted		Cleared		Cleared	
4/1/2019	Hamman	Laura	Accepted	Passed	Cleared		Cleared	Valid
4/1/2019	Davidson	Hannah	Accepted	Passed	Cleared		Cleared	Valid
4/1/2019	Frideger	Heather	Accepted	Passed	Cleared		Cleared	Valid
4/2/2019	Locke	Christina	Accepted	Passed	Cleared		Cleared	Valid
4/2/2019	Kopechek	Jill	Accepted	Passed	Cleared		Cleared	Valid
4/2/2019	Mangold	Valerie	Accepted	Passed	Cleared		Cleared	Valid
4/2/2019	Rutschilling	Ryan	Accepted		Cleared		Cleared	
4/3/2019	Smallwood	Edmund	Accepted		Cleared		Cleared	
4/3/2019	Davis	Kayli	Accepted	Passed	Cleared		Cleared	Valid
4/3/2019	Crawford	Daniel	Accepted	Passed	Cleared		Cleared	Valid
4/3/2019	Kreinbrink	Jessica	Accepted	Passed	Cleared		Cleared	Valid
4/3/2019	Conn	Jennifer	Accepted		Cleared		Cleared	
4/3/2019	McBride	Kaitlyn	Accepted		Cleared		Cleared	



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**ADDENDUM 2.0
CONTINUED**

4/3/2019	Rashid	Brian	Accepted		Cleared		Cleared	
4/4/2019	Rath	Megan	Accepted		Cleared		Cleared	
4/4/2019	Slavik	Daniel	Accepted		Cleared		Cleared	
4/4/2019	Hurley	Megan	Accepted	Passed	Cleared		Cleared	Valid
4/4/2019	Coates	Zachary	Accepted	Passed	Cleared		Cleared	Valid
4/4/2019	Morris	Joshua	Accepted		Cleared		Cleared	
4/4/2019	Rudinoff	Alexzandra	Accepted		Cleared		Cleared	
4/5/2019	Ip	Magnolia	Accepted	Passed	Cleared		Cleared	Valid
4/5/2019	Zimmerman	Abbey	Accepted	Passed	Cleared		Cleared	Valid
4/5/2019	Weisenburger	Brooke	Accepted		Cleared		Cleared	
4/5/2019	Sanata	Kelsey	Accepted		Cleared		Cleared	
4/5/2019	Nguyen	Linh-An	Accepted	Passed	Cleared		Cleared	Valid
4/5/2019	Kelley	Keyana	Accepted	Passed	Not Yet		Not Yet	
4/5/2019	Thurman	Wendy	Accepted	Passed	Cleared		Cleared	Valid
4/7/2019	Benoit	Jacqueline			Cleared		Cleared	
4/7/2019	Qaisi	Dalya	Accepted		Cleared		Cleared	
4/7/2019	Kahlig	Elizabeth	Accepted	Passed	Cleared		Cleared	Valid
4/9/2019	Mohiuddin	Hafsa	Accepted	Passed	Cleared		Cleared	Valid
4/9/2019	Bretz	Ryan	Accepted	Passed	Cleared		Cleared	Valid
4/10/2019	Khan	Zahraa			Cleared		Cleared	
4/11/2019	Blumenthaler	Marielle	Accepted	Passed	Cleared		Cleared	Valid
4/12/2019	Zeinalpour	Lida	Accepted		Cleared		Cleared	
4/14/2019	Morgan	Kelly	Accepted		Cleared		Cleared	
4/14/2019	Borer	Alicia	Accepted	Passed	Cleared		Cleared	Valid
4/14/2019	Sedlock	Kelley	Accepted		Cleared		Cleared	
4/16/2019	Redilla	Lisa	Accepted	Passed	Cleared	Accepted	Cleared	Valid
4/16/2019	Fenton	Rachel	Accepted	Passed	Cleared		Cleared	Valid
4/17/2019	Galko	Elizabeth	Accepted	Passed	Cleared		Cleared	Valid
4/17/2019	Karpuk	Kayla	Accepted	Passed	Cleared	Accepted	Cleared	Valid
4/19/2019	Moriarity	Joseph	Accepted		Cleared		Cleared	
4/22/2019	Ross	Erin	Accepted		Cleared		Cleared	
4/24/2019	Jacobs	Jamie	Accepted	Passed	Cleared	Accepted	Cleared	Valid
5/1/2019	Iketani	Ashley	Accepted	Passed	Not Yet	Accepted	Not Yet	



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ADDENDUM 2.0 CONTINUED

5/1/2019	Harlan	Christopher	Accepted	Passed	Not Yet	Accepted	Cleared	
2/15/2019	Smith	Taylor			Cleared		Cleared	
3/6/2019	Fatima	Hira	Accepted	Passed	Cleared		Cleared	Valid
5/10/2019	Phelps	Derek			Cleared		Cleared	
5/11/2019	Maceyko	Brandon	Accepted	Passed	Cleared		Cleared	Valid
5/13/2019	Rabovsky	Patrick			Not Yet		Cleared	
5/13/2019	Vollmer	Hannah			Not Yet		Not Yet	
5/13/2019	Hyder	Cayley			Cleared		Cleared	
5/14/2019	Rana	Tanya	Accepted	Passed	Not Yet		Not Yet	
5/14/2019	Morales	Brittney			Not Yet		Not Yet	



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ADDENDUM 3.0

License Renewal Number	Applicant	Renewal Status	Type	Created Date	Compliance Question	License
LR-003336550	John N. Gunning Jr.	Submitted	Reinstatement	2/26/2019		OPT.002944
LR-003352187	Philip Holzer	Submitted	Reinstatement	3/27/2019		OPT.006518