



## Ohio Vision Professionals Board

Ohio Vision Professionals Board  
77 South High Street, 16<sup>th</sup> Floor  
Columbus, OH 43215

### Board Meeting Minutes of Thursday, February 21, 2019

The Regular Business Meeting of the Ohio Vision Professionals Board was called to order at 9:35 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 E. Nye, O.D., Darrell Dye, O.D., Brian J Miller, Thomas Barracato, Kimberly A. Mermis, Jacqueline Davis, O.D.

#### **STAFF MEMBERS IN ATTENDANCE:**

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

**ALSO PRESENT:** Keith Kerns, Judith Martin, Harold Turntine, John Bruening, and Marlene Anielski

#### **Ordering of the Agenda:**

Dr. Jacqueline Davis moved to accept the agenda for the February 21, 2019 meeting as written. Thomas Barracato seconded the motion. The motion passed unanimously.

#### **Approval of Minutes:**

Thomas Barracato moved to accept into record as is the draft minutes of the December 13, 2018 Ohio Vision Professionals Board meeting. Dr. Darrell Dye seconded the motion. The motion passed unanimously.

#### **Financial Report:**

President Miller requested that Wilma Simmons present the financial report from the third 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. Cheryl Archer seconded the motion. The motion passed unanimously.

#### **President's Report:**

Welcome guests. Since our last meeting, I have been in contact with representatives of Governor DeWine's office regarding the vacant Director's position. At this time a candidate has been secured. Also, I have been in regular contact with Secretaries Simmons & Lopez-Wellman on an almost daily basis, as well as Investigator Bailey regarding the on-going issues and investigations of the Vision Professionals Board. In the Director's absence, these three have worked together in a unified effort to make sure the day-to-day office duties are running as smooth as possible.



On a sad note, former Optical Board investigator Bill Lehman has suffered a broken hip and is currently recovering at home.

As I am sure you are aware, as a member of this Board, you are required to file a Financial Disclosure Statement (aka: an Ethics Report). The deadline is Wednesday May 15, 2019 and a late filing fee will be assessed thereafter. If you have not received the email to complete the Financial Disclosure Statement, please contact the Ethics Commission at 614-466-7090. You will need your W-2 from the State and the amount of expenses paid to you (found in the front pocket of your binder) by the VPB. Once complete be sure to keep a copy of your Filing Confirmation and forward a copy (not the full statement, just the confirmation) to Secretary Simmons. Contact the Board office should you need further clarification.

You may be interested in knowing that the State keeps data on the many facets of the Boards. Some that I have been made aware of are: workplace injuries and late payments. In 2018, the VPB had neither to report.

Governor DeWine has implemented "Know Your Rights". This is designed for State employees and State Job Applicants. The Policy addresses, the RIGHT to freedom from discrimination, harassment, and/or retaliation at work. The RIGHT to equal access to opportunities at work. And the RIGHT to file a complaint if you believe discrimination, harassment, and/or retaliation has occurred.

The Governor has signed Executive Orders pertaining to: "Anti-Discrimination in State Government" (2019-05D); and "Establishing Ohio as a Disability Inclusion State and Model Employer of Individuals with Disabilities" (2019-03D). The Department of Administrative Services' Human Resource manager reports they will be going through a policy review in the next few months to update policies; however, in the meantime, please make sure to post these Executive Orders and the "Know Your Rights" leaflet on your employee bulletin board and provide them to your employees. Further training will be planned and scheduled in the following months. Please let me know if you need copies of these documents.

As I close this report, I will leave you with this thought: "Every obstacle is a stepping stone to success".

In service to the people of Ohio, I remain, Brian J Miller, President

**Ratification of Licenses:**

It was moved by Dr. Cheryl Archer and seconded by Thomas Barracato that the Board ratify for licensure the Optician applicants listed on Addendum 1.0. The motion was adopted.

It was moved by Dr. Darrell Dye and seconded by Dr. Jacqueline Davis that the applications for licensure by endorsement as an Optometrists be approved. The motion was adopted.

It was moved by Dr. Thomas Nye and seconded by Dr. Jacqueline Davis that the applications for licensure by endorsement as an Optometrists be approved pending the receipt of missing information. The motion was adopted.

It was moved by Dr. Jacqueline Davis and seconded by Kimberly Mermis that the applications for licensure by reinstatement as an Optometrists be approved pending the receipt of missing information. The motion was adopted.

**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 2019-065P to 2019-108P be approved. The motion passed.

After review of the webinar submission from Smarty Professional Development, it was moved by Thomas Barracato and seconded by Dr. Darrell Dye that the submission be approved. The motion passed.

After review of the on-line programs sponsored by Optical Training Institute, “Bringing Generations into Focus”, and “GP Lens Care and Patient Education” it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the on-line programs be approved for 2 hours of Spectacle Contact Lens Dispensing (SCD) each for a period of or until December 31, 2019. The motion passed.

After review of the seminar sponsored by CEDO, Inc. titled “Spectacle/Contact Lens Dispensing” to be present on September 29, 2019 in Independence, Ohio and October 6, 2019 in Dublin, Ohio, it was moved by Thomas Barracato and seconded by Dr. Jacqueline Davis that the seminar be approved for 2 hours of Spectacle Contact Lens Dispensing (SCD). The motion passed.

**Investigator Report:**

Board investigator Bailey delivered the Investigator Report.

**Therapeutic Optometry Matters:**

The Board received an inquiry regarding whether a chemocauterization procedure was within the scope of practice of an optometrist. After discussion, it was the decision of the Board that this procedure is within the scope of practice of a therapeutic optometrist, because it is noninvasive and topical in nature. Investigator Bailey was directed by the Board to convey this decision in writing to the optometrist that posed the question.

**AAG Report:**

Assistant Attorney General Emily Pelphrey addressed the Board regarding the State Open Meeting Act as respects to emails sent to and from Board members.

**New Business:**

A request for clarification of the meaning of the phrase “doctor-patient relationship”, as used in the Temporary Offices Policy, was submitted to the Board. The Board decided that the requestor should seek advice from their own legal counsel to properly interpret this part of the policy. Investigator Bailey was instructed to send the Board’s response to the requestor.

Board member Barracato discussed the proposed de-regulation of licensed Opticians in the state of Virginia. An email campaign was held, and an estimated 19,000 emails were sent to Senators. The bill died in committee.

**Other Business:**

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

**Executive Session on Matters Pertaining to Disciplinary Actions and Employment:**

It was moved by Dr. Jacqueline Davis 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 employment of a public employee and that the Board go into Executive Session for the purposes of discussing pending disciplinary matters and/or pending or imminent court actions. The motion passed by a roll call vote. Motion adopted. President Miller asked AAG Pelphrey and Board staff to remain in the meeting room.

At 10:55 a.m. the Board went into Executive Session. At 12:05 p.m. Thomas Barracato moved and Kimberly Mermis seconded that the Board come out of Executive Session.

It was moved by Dr. Jacqueline Davis and seconded by Thomas Barracato that the Board ratify the proposed permanent license surrender of the individual with the initials “JW” (Case # 2019-04). The motion passed with a voice roll call vote.

AAG Pelphrey advised the Board that a continuance was requested for the disciplinary hearing scheduled for Ms. Peggy Bilpuch.

It was moved by Dr. Jacqueline Davis and seconded by Thomas Barracato that the Board offer the position of Executive Director 2 of the Ohio Vision Professionals Board to Marlene Anielski with an annual salary of \$100,006 and a start date of no later than March 18, 2019. The motion passed with a voice roll call vote.



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

It was moved by Kimberly Mermis and seconded by Dr. Jacqueline Davis that the February 21, 2019, meeting of the Ohio Vision Professionals Board be adjourned. Motion adopted.

President Miller adjourned the regularly scheduled meeting at 12:15 p.m. February 21, 2019.

**ATTESTED:**

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**PRESIDENT, BRIAN J MILLER**

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**SECRETARY, DR. CHERYL ARCHER**

**Future Board Meeting Dates:**

May 16, 2019

July 18, 2019

September 19, 2019

December 12, 2019



**ADDENDUM 1.0**

Number	Applicant: Full Name	Applicant Street Address	Applicant City	Applicant State	Applicant Zip Code
OP.011591-SC	Billie Snyder	1201 E Sandusky st	Findlay	OH	45840
OP.007178-SC	Steven Wilder	170 Indiana Ave	Dayton	OH	45410
OP.006443-SC	Heather Martinez	8759 Hilltop Dr	Mentor	OH	44060
OP.017076-S	Amie Robertson	426 Poplar Ave NW	Canton	OH	44708
OP.017065-S	Samantha Jones	130 W Boalt St	Sandusky	OH	44870
OP.017071-S	Danielle Gunn	224 Hayes Ave	Elyria	OH	44035
OP.017072-S	Donna Stoffel	4750 Mason Rd	Canal Winchester	OH	43110-9229
OP.017081-C	Kelly Ann Shelton	499 Fullers Cir	Pickerington	OH	43147-7821
OP.017068-S	Matilda Kalivaci	7015 Tobik Trl	Parma Heights	OH	44130
OP.017066-S	Valerie Boyd	8765 Finlarig Dr	Dublin	OH	43017-9639
OP.017074-S	Sylvanie Hall	3154 Fulmer Rd Apt 112	Lorain	OH	44053
OP.017067-S	Adeline Gray	3414 County Road L	Swanton	OH	43558
OP.017073-S	Morgan Holden	10 Pineview Dr Apt 8	Amelia	OH	45102-1564
OP.017069-S	Brittany Scimone	253 Yorkshire Dr	Medina	OH	44256
OP.017070-S	Tatsiana Kukharava	1274 Harran Ave	Columbus	OH	43235
OP.017075-S	Joseph Thompson	6695 Willow Grove Pl E	Dublin	OH	43017-1186
OP.017084-SC	Kathleen Traffie	716 Lakes Edge Way	Pickerington	OH	43147-9841
OP.017079-C	Lois McKnight-Rapp	2090 State Route 220	Piketon	OH	45661-9715
OP.017083-S	Stephanie McDonald	1621 Norton Ave	Kettering	OH	45420-3243
OP.017077-SC	Jaime Antonio	1396 N High St	Columbus	OH	43201-2403
OP.017078-S	Jamie Worley	1713 Convair Dr	Galloway	OH	43119-8308
OP.017082-S	Jayra Harris	775 E Broad St Apt 3	Columbus	OH	43205
OP.017080-S	Kristie Belcher	1970 Westfield Dr S	Columbus	OH	43223
OP.017085-S	Daniel Sebree	809 S Smithville Rd	Dayton	OH	45403-3349

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