



OHIO OPTICAL DISPENSERS BOARD

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**OHIO OPTICAL
DISPENSERS
BOARD**



**GUIDE TO THE
RULE MAKING
PROCESS**

Board Mission and Organization

The Mission of the Ohio Optical Dispensers Board is to regulate the practice of Opticianry and Ocularistry through examination, continuing education and license enforcement. The Board seeks to maintain standards in the industry by examination of applicants for licensure, the issuance of spectacle, contact lens and ocularist licenses on an ongoing basis, the approval of continuing education courses, and the investigation of complaints with discipline as necessary. The Board meets approximately seven times each year to consider applications for licensure, applications for continuing education seminars, consider policy and enforcement issues. The Board is composed of nine members who are appointed by the Governor for five-year terms. The office staff has an Executive Director, Investigator and one Office Secretary.

Rule-Making Authority

The Board was created to administer Chapter 4725.40-99 of the Ohio Revised Code (ORC). ORC Section 4725.44 requires the Board to adopt rules and regulations not inconsistent with ORC Chapter

4725.40-99 and the laws of Ohio or the United States. It is important to state that the administrative rules contained in the Ohio Administrative Code (OAC) are not laws but have the effect of law once enacted. An administrative rule can not change the law or create a new law, but is a clarification of laws in the Ohio Revised Code.

The Rule-Making Process

The procedure for adopting or amending administrative rules is defined in ORC Sections 119.01 through 119.04. In general summary of the process, the Board regularly reviews its administrative rules (OAC Chapter 4726-3-01 through 4726-17-03) to ensure that they are up to date with current law (ORC 4725.40 through 4725.99) and to decide if any changes are needed. In addition, the Board is required by law to review all of its rules every five years. The Board receives input from the state association, the Opticians Association of Ohio.

Once the Board decides that new rules need to be adopted or existing rules need to be amended or rescinded, a public notice is published in a newspaper of general circulation in Cincinnati, Cleveland, Toledo, Dayton and Columbus. The public notice states the Board's intention to adopt or amend a rule, the reason for adopting or amending the rule, a

summary of the rule, and the date time and location of the hearing. The notice also states that any persons interested in the proposed or amended rule may appear and testify at the hearing or present their position in writing.

Once the Board's public hearing is completed, the Board deliberates upon the final wording of the proposed or amended rule(s) and files the rules with the Legislative Service Commission (LSC), the Ohio Secretary of State and the Joint Committee on Agency Rule Review (JCARR). JCARR then holds a public hearing regarding the proposed rules. Subsequently, the Board files a final version of the rules with LSC, the Secretary of State and JCARR, which become effective no earlier than ten days after the final filing.

Public Participation in the Rule-Making Process

As mentioned previously, the statewide Opticians' Association, the Board's licensees and the general public can participate in the rule-making process at several points in the process (e.g. initial Board discussion, the Board's public hearing and the JCARR public hearing) in order to ensure that all interested parties have input into the process.