



*National Association of  
Optometrists and Opticians*

Professionalism Consumerism Education . . . . .

April 26, 2017

The Honorable Ryan Smith, Chairman  
Ohio House Finance Committee  
Statehouse  
Columbus, Ohio 43215  
Via email – rep93@ohiohouse.gov

**RE: Ohio HB 49 – Consolidation of Boards**

Dear Chairman Smith and members of the House Finance Committee,

This letter is submitted on behalf of the National Association of Optometrists and Opticians ("NAOO") in opposition to the proposal to eliminate both the Ohio Optical Dispensers Board and the Ohio State Board of Optometrists and combine their operations into a single Vision Professionals Board.

The NAOO is a national trade organization representing the retail optical industry. NAOO is consumer-service oriented, and dedicated to the proposition that the consumer's visual care needs are met most completely and economically by the free market, in the tradition of the American business system. NAOO membership in Ohio consists of many large and mid-sized optical firms that are both national and local. NAOO members operate hundreds of optical stores throughout Ohio, and employ more than half of all Ohio licensed opticians. Our members have leasing and franchise arrangements with hundreds of licensed optometrists in the state.

The NAOO strongly urges you to oppose the proposed consolidation changes in HB 49 that would be detrimental to Ohio opticians, optical companies, optometrists and consumers without conferring any benefit to the public health or safety, or providing significant savings to Ohio taxpayers. We respectfully urge that you remove the proposal to consolidate the optometry and opticianry boards into a single Vision Professionals Board from the Budget Bill.

Optometrists, opticians and optical companies that employ opticians are direct competitors in the marketplace for the sale of prescription optical products. Under Ohio law, independent opticians who dispense prescription optical products like eyeglasses and contact lenses must be licensed by the Ohio Optical Dispensers Board. Similarly, optical companies must hire licensed opticians to perform all optical dispensing functions. By contrast, licensed optometrists are not required to utilize licensed opticians or any other licensed personnel to perform optical dispensing functions in their practice.

By eliminating the Optical Dispensers Board and consolidating its functions under the newly proposed Vision Professionals Board, this legislation will vest direct competitors with regulatory

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authority and control over the supply and activities of licensed opticians, and provide de-facto control over the business of independent opticians and optical companies. Unfortunately, over the history of the relationship between optometry and opticianry in the various states, turf battles have erupted with one frequently trying to control the other and with attempts to make various common practices exclusive to one type of practitioner or another. All of this has been harmful to competition, business development in the industry and, because of resulting administrative actions or litigation, has cost states, consumers and optical and optometry businesses money. These are two very proud professions, independent of each other, with each deserving of their own board in Ohio. Where opticianry is licensed, it has its own independent board. As was alluded to by Benjamin Franklin and said more specifically by Robert Frost, “Good fences make good neighbors.” The “good fences” in this case are separate boards. In recognition of the inherent conflicts, and strong antitrust concerns, combinations of this nature have been avoided throughout the U.S. we strongly urge you to leave these two boards intact.

In Ohio, the optical and optometry boards have functioned well independently over the years. Both are generally efficient and while some changes could be made to focus more on matters of health instead of competitive matters, they operate within budget and on scope. As such, there is no significant financial reason to consolidate these boards.

Additionally, the proposal does not address the third profession in the ophthalmic services and products market – ophthalmology. Currently, many opticians work in a variety of relationships with ophthalmologists, who like optometrists, may fit and dispense eyewear directly and delegate those tasks to non-licensed personnel without having to hire licensed opticians. Establishing a combined board where one profession has the opportunity to impose barriers to entry and added costs on business operations on competitive professions is a recipe for restraint of trade concerns.

We applaud the goal of regulatory reform to improve the efficiency and effectiveness of professional licensing in eye care and the eyewear market. However, our experience across the United States has made clear to us that combining the optometry and opticianry boards will not help consumers or improve competition. We strongly encourage you to explore other alternatives to achieve those goals, and would be happy to meet with you to discuss how that might be done.

In conclusion, the proposal to consolidate the optometry and opticianry boards should be abandoned as it creates no savings or improved health care for the state or its citizens and will result in increased conflict between the two professions and perhaps a third. We are happy to work with the legislature to find other efficiencies to balance the costs and benefits of regulation where it is needed.



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Thank you once again for providing the opportunity for NAOO to express our opposition to the vision professions consolidation aspect of this proposed legislation.

Sincerely,

*Joseph B. Neville*

Joseph B. Neville  
Executive Director  
National Association of Optometrists and Opticians

cc: NAOO Board of Directors