



AMERICAN BOARD  
OF OPTICIANRY



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LENS EXAMINERS

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FROM THE DESK OF JAMES M. MORRIS

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November 28, 2022

SENT VIA ELECTRONIC AND FIRST-CLASS MAIL

Hon. Senator Terry Johnson, Chair  
[sd14@ohiosenate.gov](mailto:sd14@ohiosenate.gov)  
Ohio Senate Workforce and Higher Education Committee  
Ohio State Senate District 14  
1 Capitol Square, Second Floor  
Columbus, OH 43215

RE: Ohio Workforce and Higher Education Committee  
Review of House Bill 509 -- Ohio Vision Professionals Board  
Letter of James Michael Morris, JD, MPA

Dear Sen. Johnson:

My name is James Michael Morris, and I currently serve as General Counsel and Executive Director of the American Board of Opticianry & National Contact Lens Examiners, ["ABO-NCLE"]. ABO-NCLE establishes and maintains minimum proficiency examinations and continuing education requirements in order to assess competency for Opticians and Contact Lens Professionals throughout the country. The Ohio Vision Professionals Board, and each of the other licensing states throughout the United States, currently utilizes the ABO-NCLE Examinations for purposes of identifying minimally-qualified Opticians and Contact Lens Professionals, in order to protect the health, safety, and welfare of the citizens of the state of Ohio. I write this letter to address the current discussion by your Committee of House Bill 509 ["HB 509"], as it pertains to the Ohio Vision Professionals Board's licensing requirements for Opticians, and respectfully request that you reject any attempt to deregulate the vision care industry, including, specifically, Opticians and Contact Lens Professionals.

My story is a little different than most, which is why I wanted to provide this written letter in opposition to the recommended deregulation of Opticians and Contact Lens Professionals, and on behalf of the field of Opticianry, specifically. Until January, 2010, I handled a very successful law practice as retained General Counsel throughout the Southeastern and Midwestern United States.

However, I walked away from that practice in order to focus on the mission of ABO-NCLE, the Ohio Vision Professionals Board, and, indeed, each Vision Care Board throughout this country, in order to assure that the Citizens of Ohio are receiving proper care, from a qualified, competent, and capable Optician and Contact Lens Professional.

My passion for this mission is a very personal and emotional one, and one that I truly hope you will consider in your discussions and review of HB 509, and the future of Opticianry within the State of Ohio.

Ten days after I was sworn in by the Kentucky Supreme Court to practice law, my son, Justin, was born with a very serious birth defect in his right eye. We were immediately seen by a Pediatric Ophthalmological Surgeon, who promptly informed us that we could do nothing about the birth condition, since there was a substantial risk of more serious harm or even death. He then promptly informed us that our son would be “a freak,” that even with the surgery, his best corrected vision would be 20/600-20/800, and that one of us would have to quit our jobs to take care of him, because he would never go to a regular school, would never play any sports, and would never drive a vehicle, because of the concern over protecting the vision in his remaining eye.

Terrified, we refused to accept that prognosis, and started searching for a better alternative, which we found at the University of Kentucky, where we were able to obtain innovative and cutting-edge care for our child, which included a competent team of eyecare professionals, including a Licensed Optician. We were young, scared, and extremely confused by the whole situation. Fortunately, we found ourselves in the loving, caring, and knowledgeable hands of the Licensed Optician, who worked with us as we sat crying on the floor, trying to put a contact lens in a 6-week old baby, pinning his head so that we could learn how to insert and remove the specialty contact lenses. As a result of their professional guidance, prompt inspection and referral for serious issues by the Optician and Contact Lens Professional involving potential issues involving the health of Justin’s eye, and with the help of a lens implant at the age of two, Justin developed into a wonderfully normal child who attended school, played sports, went on to college, graduated with a 4.0, received his MBA, and is now running the business development of a worldwide company – and also serves as their model and spokesperson – all while holding the World’s Record for a child with his birth defect, with his vision in that eye at a truly miraculous 20/50. Over the years, these eyecare experts continuously provided us with invaluable knowledge and expertise in protecting the health and welfare of Justin, identifying potentially serious issues that, without proper care, could have caused permanent blindness or loss of vision, and assisted, constantly, in the selection of specialized contact lenses, protective eyewear, sports goggles – all to protect Justin’s vision in both eyes, to assist with Justin’s visual acuity, and did so with the professionalism, compassion, and expertise that could not have been found without the training, licensing, and specialization of an ABO-NCLE Certified and Licensed Optician and Contact Lens Professional.

After years of running a successful law practice, I was approached by the Licensed Optician who had cared for and treated my son for all those years, because ABO-NCLE needed some specialized legal work done. After resolving the legal issues, I was asked whether I would consider running the organization, since I know the importance of Opticians, what they do, and how they are

different from Optometrists and Ophthalmologists. At first, I declined. After all, I had a successful law practice representing subsidiaries of such well-known brands as General Motors, General Electric, Toyota, Mercedes-Benz, Kia, Honda, Hyundai, and Brightstar Health, and did not think I needed to take on any more obligations. However, when I discussed it with my wife, she reminded me of all that Opticians had done for us, and, most importantly, ***for Justin, and it made me realize just how critically important competent, qualified, and capable Opticians are to the Citizens of every state***, and how critical the need for Opticianry licensing to protect patients, like Justin, from incompetency in Opticianry. I accepted the offer, and I have traveled the country over the past twelve years, working with State Legislatures, Licensing Boards, and State Societies, to address issues relative to Opticianry, and the critical need for high-quality Opticians in the care and treatment of Ophthalmic patients.

It is an honor and privilege to be able to write this letter to the Ohio Senate Workforce and Higher Education Committee, and to request that any idea of “deregulation” of the profession of Opticians would not serve the needs of this State. Opticians are like the Pharmacists of the eyecare industry. Opticians take a prescription from an Ophthalmologist or Optometrist, and they dispense specialty eyewear in accordance with the prescription. These licensing professionals assure that patients receive proper care and treatment, are not exposed to potential loss of vision by the use of illegal or defective contact lenses, the use of contact lens solutions, and other critical training designed to protect patients from potential loss of visual acuity or even blindness. Deregulating the profession that receives, and dispenses, in accordance with a prescription from an Ophthalmologist or Optometrist would be akin to deregulation of the Pharmacy profession. While there are certainly areas within the state that could utilize deregulation, an occupation that is so critical to vision care should not be a target of such deregulation, and such an effort could well jeopardize citizens of the State of Ohio and, near and dear to me, personally, children such as Justin.

Respectfully, the Ohio Vision Professionals Board should be authorized to continue its incredible work in protecting the health, safety, and welfare of the Citizens of the State of Ohio. The statutory and regulatory protections set forth by the state of Ohio are critically important to protecting your Citizens from the substantial harm that could arise from incompetent, incapable, or unknowledgeable care and treatment from unlicensed and untrained individuals in the eyecare industry.

Thank you for your willingness to review my correspondence. I intend to be present at your upcoming November 30, 2022 Hearing, and would sincerely welcome the opportunity to testify before the Senate Workforce and Education Committee, or to answer any additional questions that you, or any other member of the Committee, may have related to this very serious matter.

Sincerely,

*/s/ James M. Morris*

James M. Morris, General Counsel & Executive Director

American Board of Opticianry & National Contact Lens Examiners

Admitted in DC, Georgia, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Texas and Virginia  
DC 999997; GA 757959; IL 6329073; KY 85709; MI P78641; OH 76161; PA 317348; TN 28992; TX 24082138; VA 83043