

**TENNESSEE BOARD OF DISPENSING OPTICIANS  
MEETING MINUTES**

**DATE:** April 26, 2016  
**TIME:** 9:00 A.M., CST  
**LOCATION:** Health Related Boards Conference Center  
Poplar Room  
663 Mainstream Drive  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** LeRhonda Walton-Hill, DPO, Chair  
Felda Stacey, DPO, Secretary  
Greg DeCrow, DPO  
Les Freeman, Consumer Member

**STAFF**

**PRESENT:** Yvette Hernandez, Board Administrator  
Teddy Wilkins, Unit One Director  
Matt Gibbs, Assistant General Counsel

Ms. Walton-Hill called the meeting to order at 9:03 a.m. A roll call was conducted and all Board members were present.

**Minutes**

Ms. Stacey made a motion, seconded by Mr. DeCrow, to approve the minutes as corrected. The motion carried.

**Office of General Counsel**

Mr. Gibbs stated there are no open cases and no pending rules pertaining to the Board in his office.

Mr. Gibbs said HB1469/SB1567 giving immunity from civil liability for charitable organizations and free clinics involved in facilitating the dispensing of previously owned eyeglasses, by licensed optometrists and ophthalmologists, to recipients fourteen (14) years of age or older receiving the eyeglass without charge and consulted by, or visited with, a licensed optometrists or ophthalmologist. Mr. Gibbs said the bill, which was amended to allow a dispensing optician to dispense the eyeglasses, was signed by the Governor March 31, 2016.

### **Agreed Citation**

Ms. Hernandez presented an agreed citation to the Board for **Susan M. Oakley, DPO** for failing to timely renew her license while continuing to practice. Ms. Hernandez said Ms. Oakley signed the citation, paid the \$200 civil penalty and reinstated her lapsed license. Mr. DeCrow made a motion, seconded by Mr. Freeman, to approve the Agreed Citation. The motion carried.

### **Office of Investigations**

Ms. Dorroh stated there are currently five (5) complaint cases in their office and they are currently monitoring five (5) practitioners.

Ms. Dorroh said a Contested Case Hearing for **Charles Lee Hudson** was held on February 8, 2006 for practicing as a dispensing optician on an expired license from August 2001 until November 2005 and Mr. Hudson was fined fifty-two (52) Type A civil penalties, for a total of \$52,000. Ms. Dorroh stated the Office of the Attorney General has been working to get the civil penalties paid for several years and received a letter January 29, 2016 from Jeffrey A. Miller, Esq. stating that his client, Mr. Hudson, is offering a settlement of ten (10) percent of the penalty, or \$5,371.15. Upon discussion Mr. DeCrow made a motion, seconded by Mr. Freeman, to accept Mr. Hudson's settlement offer. The motion carried. Mr. DeCrow amended his motion, seconded by Ms. Stacey, to require Mr. Hudson to pay the penalty within two (2) weeks from today's date. The motion carried.

### **Administrative Report**

Ms. Hernandez stated there are 857 licensed Dispensing Opticians and 282 Apprentices as of March 31, 2016. Ms. Hernandez said no Apprentices and thirteen (13) Dispensing Opticians have been licensed since the last meeting. Ms. Hernandez stated twenty-seven (27) Dispensing Opticians renewed their licenses in January with 37% renewing on-line; twenty-five (25) renewed their licenses in February with 32% renewing on-line; and, twelve (12) renewed their licenses in March with 49% renewing on-line. Ms. Hernandez said one (1) Dispensing Optician retired their license and two (2) expired their licenses in January; two (2) retired their licenses and two (2) expired their licenses in February; and, one (1) retired their license and two (2) expired their licenses in March.

### **Review, Approve/Deny and Ratify New Licensure Files**

Ms. Stacey made a motion, seconded by Mr. DeCrow, to approve the following licensed Dispensing Opticians:

**Donald C. Akin, Jr.**  
**Nicole M. Brewer**  
**Tracy Larson**  
**Suzanna M. Mccullah**  
**Willie Jean Person**

**Kellie M. Phillips**  
**Ryan W. Powers**  
**Leigh Ann Stiles**  
**Courtney Leshae Walker**

The motion carried.

Mr. DeCrow made a motion, seconded by Mr. Freeman, to approve the following Apprenticeship applicants:

**Vergina Azer**  
**Emma Allen**  
**Dawnella A. Carlee**  
**Wade Culpepper**  
**Kayla D. Conner**  
**Thomas A. Dicks**  
**Barbara Fernandez**  
**Valerie Furlong**  
**Candy Hamric**  
**Santana Huddleston**  
**Bryena Kerr**  
**Alicia Manley**

**Erika McChesney**  
**Anthony Ousley**  
**Barclay Owens**  
**Michael Payne**  
**Alaina Regelsberger**  
**Connie Streck**  
**Angela Thurmond**  
**Zachary Vandergriff**  
**Gavin Wilson**  
**Theresa Wilson**  
**Mark Wilson**  
**Monica Wilson**

The motion carried.

Ms. Stacey made a motion, seconded by Mr. DeCrow, to approve the following applicants to sit for the practical examination:

**Ervin C. Jewell**  
**Audra Fitzgerald**  
**Kristin R. Hosier**

**Jordan D. Smith**  
**Martin Waller**  
**Michelle E. Sellers**

The motion carried.

### **Approve/Deny Reinstatement Applications**

Mr. DeCrow made a motion, seconded by Mr. Freeman, to approve the following reinstatement application:

**Susan M. Oakley**

The motion carried.

### **Correspondence**

The Board reviewed a letter from **Charleen Hickey** who is present at the meeting. Ms. Hickey stated in her letter that she began the apprenticeship program on May 20, 2014 and moved to California nine (9) months later. Ms. Hickey stated she submitted her first evaluation in November 2014, but did not realize she should have submitted the hours from November to February 2015 when she left the state. Ms. Hickey stated when she returned to Tennessee she was informed that she should have submitted a partial form and, therefore, obtained and

submitted the supervision form for 720 hours of the apprenticeship she obtained from November to February. Ms. Hickey is asking the Board to accept the 720 hours of apprenticeship hours and allow her to continue her apprenticeship. Ms. Stacey made a motion, seconded by Mr. DeCrow, to accept the hours of Ms. Hickey's apprenticeship and allow her to continue in the program. The motion carried.

The Board reviewed an e-mail from **Treva Stowe** stating she was unable to submit her apprenticeship hours as she was separated from her job on February 9, 2015. Ms. Stowe stated she filed a grievance with the EEOC and asked to take the practical exam on January 30, 2016. Ms. Hernandez stated that Ms. Stowe sat for the practical exam on January 30, 2016 and failed. Mr. DeCrow made a motion, seconded by Mr. Freeman, to invite Ms. Stowe to attend the next Board meeting to discuss the e-mail she submitted to the Board. The motion carried.

The Board reviewed a letter from **Angela Rush**, who also sent the letter to Governor Haslam, stating she has concerns regarding problems applicants are encountering when sitting for the simulated practical examination administered by the National Commission of Opticianry State Regulatory Boards (NCSORB) and requested actions to be taken by the Board at this meeting. Ms. Hernandez stated Ms. Rush sat for the practical examination on June 30, 2014, August 24, 2015 and January 4, 2016. Ms. Hernandez said she failed the June 30, 2014 and August 24, 2015 exams but she has not received the January 4, 2016 results. Ms. Hernandez said Ms. Rush applied for the apprenticeship program on November 23, 2009, has completed 10,341 hours and continues to submit quarterly supervision forms.

Ms. Walton-Hill stated the pass rate on the NCSORB has gone up consistently.

Mr. Gibbs stated the Governor's office forwarded the letter to Commissioner Dreyzehner's office. Mr. Gibbs said the Board has done its due diligence in determining that the current exam provider, while having its weaknesses and strengths, is accurately testing candidates and is complying with the statutory and regulatory criteria. Mr. Gibbs stated there have been a few complaints regarding the exam.

Ms. Walton-Hill stated they have received complaints regarding the current and previous exam.

Ms. Stacey stated she took the practice exam last year and that it took some time to get used to the computerized test. Ms. Stacey said applicants have ninety (90) days to take the practice exam.

Ms. Wilkins stated the testing agency has made some changes as a result of the complaints.

Mr. Gibbs said he or Ms. Wilkins will respond to Ms. Rush's letter, send her a report of the exam and ask her to attend the next Board meeting either in person, or via tele-conference.

## **Review and Approve Continuing Education Courses**

Ms. Stacey made a motion, seconded by Mr. DeCrow, to approve the ABO Quantum Optical continuing education courses. The motion carried.

Ms. Stacey made a motion, seconded by Mr. Freeman, to approve the NCLE Quantum Optical continuing education courses. The motion carried.

Mr. Freeman made a motion, seconded Mr. DeCrow, to approve the TDOA continuing education courses. The motion carried.

## **Discuss Jurisprudence Examination**

Mr. Gibbs stated he spoke to supervisors in his office and the consensus is to leave Board members out of the exam process. Ms. Wilkins stated Ms. Stacey assisted the Administrative Office in implementing a new jurisprudence examination last year and suggested the Board start working on a new exam for 2017. Ms. Stacey and Ms. Walton-Hill stated they prefer a multiple choice exam rather than a true/false exam as applicants would have to review the rules to answer the questions correctly. Ms. Wilkins said she and Mr. Gibbs would research how other Boards conduct the jurisprudence exams. Ms. Stacey said a few years ago it was suggested that each Board member presented twenty-five (25) questions to the staff to initiate an exam and asked if that could be done again. Mr. Ferguson stated that if the Board wanted to write a jurisprudence exam he would be glad to run it through a validation process at no charge. Ms. Stacey asked Dr. Ferguson what was his opinion of the jurisprudence exam. Dr. Ferguson stated that he personally thinks the exam is a waste of time and that some states have continuing education requiring an hour or so over the rules and regulations instead of a jurisprudence exam. The Board decided that each member would draft exam questions for the staff's review at the October meeting to be used in 2017.

## **Discuss Legislation and take action if needed**

Mr. Gibbs stated there is no legislation to discuss at the meeting and that the legislative liaison will attend the next meeting to discuss what took place this year.

## **Discuss and take action, if needed, regarding rulemaking, hearings, rule amendments and policies**

Mr. Gibbs said OGC drafted a lapsed license policy to make all Health Related Boards consistent and are trying to streamline lapsed license discipline to make sure the violations are the same, or as close as possible.

Mr. Gibbs said T.C.A. §63-11-218 gives licensees sixty (60) days to reinstate, after which time the license is revoked. Mr. Gibbs stated the \$100 fine for each month the license is in a lapsed license status is the same. Mr. Gibbs said if a licensee practiced on an expired license more than three (3) months, but less than six (6) months, they will be issued an Agreed Citation and if they sign the citation and pays the fee within sixty (60) days they will receive their license

immediately. Mr. Gibbs said if a licensee practiced on an expired license for six (6) months or longer, does not sign the agreed citation or pay the civil penalty, they will be referred to OGC for formal disciplinary action. Mr. DeCrow made a motion, seconded by Mr. Freeman, to accept the new lapsed license policy. The motion carried.

Mr. Gibbs asked the Board members to refer to Rule 0480-01-.12(6)(b) regarding a hardship waiver for apprentices. Upon discussion, Mr. Gibbs said he would draft some language for rulemaking. Mr. Gibbs asked the Board if they would like for him to draft language for those applicants who have failed to pass the practical exam within the required time frame. Mr. Gibbs stated applicants have six (6) months to sit and pass the practical exam; however, some applicants fail to submit their apprenticeship documentation after failing the exam. Mr. Gibbs asked Ms. Walton-Hill to meet with him and Ms. Hernandez to review and discuss the files in question. Ms. Walton-Hill stated she would be glad to meet.

With no other Board business to conduct, Ms. Stacey made a motion, seconded by Mr. DeCrow, to adjourn at 12:12 p.m. The motion carried.

*Ratified by the Board of Dispensing Opticians on July 27, 2016.*