

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: January 25, 2017
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
P. Warren Perry, DPO
Les Freeman, DPO

BOARD MEMBER

ABSENT: Dr. Edward Risby, Consumer Member

STAFF

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

Ms. Walton-Hill called the meeting to order at 9:09 a.m. A roll call was conducted and a quorum was present.

Ms. Wilkins asked staff to introduce themselves: Teddy Wilkins, Yvette Hernandez and Stefan Cange.

Minutes

Upon review of the October 26, 2016 Board Meeting minutes, Ms. Stacey made a motion, seconded by Mr. DeCrow, to approve the minutes as corrected. The motion carried.

Office of Investigations

Ms. Dorroh said there are two (2) open complaint cases in their office and a review was conducted in December.

Ms. Dorroh reviewed the summary of currently monitored practitioners and stated one person is now compliant.

Financial Report

Ms. French reviewed the Financial Report stating for fiscal year 2016 the Board had direct expenditures of \$46,066.37 and allocated expenditures of \$28,562.15 for total expenditures of \$74,628.52. Ms. French said Board fee revenue totaled \$151,042.30, current year net \$76,413.78 and LARS improvements of \$2,183.76 for a total cumulative carryover of \$376,405.42.

Ms. French said seventy-six percent (76%) of the Board's revenue is from renewals and twelve percent (12%) is from applications. Ms. French said from 2009 to 2016 revenues have been in good standing in comparison to expenditures; however, they expect that gap to begin closing up with the fee reduction.

Office of General Counsel

Mr. Cange stated there are currently two (2) cases open for discipline in their office.

Mr. Cange said Rule 0480-01-.07(3) allows the Board to delegate licensure authority to staff rather than a consultant. Ms. Wilkins said when Ms. Hernandez became the Board Administrator there was a large backlog of applications and application review was delegated to a Board Consultant. Ms. Wilkins said they are requesting that Ms. Hernandez be designated that authority now that she is familiar with the application process and the backlog has been cleared.

Upon discussion Mr. Perry made a motion, seconded by Mr. Freeman, to delegate the authority for application approval to the Board Administrator and Administrative Director. The motion carried.

Agreed Citations

Ms. Hernandez presented an Agreed Citation to the Board for **Patricia Jo Sullivan** whose license went into a failure to renew status while continuing to practice as a Dispensing Optician. Ms. Hernandez said Ms. Sullivan has complied with the citation by paying a \$300 civil penalty and reinstate her license.

Upon review Ms. Stacey made a motion, seconded by Mr. Perry, to accept the Agreed Citation. The motion carried.

Ms. Hernandez presented an Agreed Citation to the Board for **Felicia L. Hanson-Peay** who failed to obtain the required continuing education hours for 2013/2014. Ms. Hernandez said Ms. Hanson-Peay has complied with the citation by paying a \$100 civil penalty and obtained the eight (8) hours of continuing education she was deficit. The motion carried.

Administrative Report

Ms. Hernandez said there are 339 apprentices and 856 licensed Dispensing Opticians as of December 29, 2016.

Ms. Hernandez said in October 2016 there were 0 apprentices, 2 newly licensed, 38 renewals with 17 renewing online for a total of 45%, 0 retired and 1 expired.

Ms. Hernandez said in November 2016 there were 35 apprentices, 4 newly licensed, 34 renewals with 20 renewing online for a total of 59%, 1 retired and 4 expired.

Ms. Hernandez said in December 2016 there were 0 apprentices, 5 newly licensed, 38 renewals with 22 renewing online for a total of 58%, 1 retired and 3 expired.

Ms. Hernandez said the remaining Board Meeting dates have been scheduled for 2017:

April 17, 2017
July 26, 2017
October 25, 2017

Ms. Wilkins stated the new on-line application system should be operational by late spring.

Ms. Wilkins stated they have implemented a system in which they include a notification with the new licenses for the licensees to review the expiration date of their license.

Newly Licensed

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

**Cara Lee Enfinger
Robert S. Enfinger
Amy Freitag
Ervin Charles Jewell**

**Colleen Phillips
Jama Christine Reagan
Michelle Sellers**

The motion carried.

Newly Approved Apprentices

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

**Kimberly Allen
Valerie A. Baer
Cynthia Brittingham
Christopher B. Bunn
Shirley A. Burbidge
Megan Clowers
Charles J. Gilbert
Alyssa Hall
Megan B. Hunt
Katrice Johnson**

**Jessica Millner
Matthew Morris
Jason Presnell
Darrin A. Richards
Quoya N. Royston
Stacey H. Schwartz
Rebecca K. Shepard
Allyson Shipp
Samantha Soloman
Rachael Stacey**

**Deena Jones
Sarah D. Jones
Breanna Mandolene
Brittany McMurray**

**Syndi L. Tankersley
Lewis H. Tester
Shana J. Williams
Shima Zeinali**

The motion carried.

Practical Examination Candidates

Mr. Perry made a motion, seconded by Mr. Freeman, to approve the following applicants to sit for the practical examination:

**Travys Davis
Deborah Hutson
Andrew Johnson
Henry B. Kistler, III**

**Emily Lenna
Christine Rice
Katherine Thompson**

The motion carried.

Ms. Hernandez asked that the Board review the letter from **Stephen Castellon** in which he discussed his criminal background and asked to be approved to sit for the practical examination.

Mr. Cange said none of the charges Mr. Castellon had were misdemeanors or unprofessional conduct and no felons.

Ms. Wilkins said the apprenticeship application asks if the applicant has been convicted of a misdemeanor or felony. Ms. Wilkins stated the mandatory practitioner profile with the licensure application also asks if the applicant has ever had any final disciplinary action taken against them or been found guilty, pled guilty or nolo contendere to a criminal misdemeanor or felony in any jurisdiction.

Upon review Mr. Perry made a motion, seconded by Ms. Stacey, to add Mr. Castellon to the list. The motion carried.

Reinstatement Application

Mr. DeCrow made a motion, seconded by Mr. Perry, to approve the following reinstated applicant:

**Susan Elaine Brummett
Thomas R. Jones**

Debra A. Simpkins

Ms. Stacey made a motion, seconded by Mr. Perry, to include **Patricia Jo Sullivan** on the list of reinstated applicants. The motion carried.

Closed/Withdrawn Applications

Mr. Perry made a motion, seconded by Mr. DeCrow, to approve the following withdrawn applications:

Jason W. Balaban - Withdrew Apprenticeship Program as of 11/18/2016.
Ashleigh N. Jones - Withdrew Apprenticeship Program as of 11/08/2016.
Denise D'Shea Zeringue - Withdrew Apprenticeship Program as of 11/18/2016.
Sharon R. Insalago - Failure to complete Apprenticeship applications required documentation as of 10/26/2016.

The motion carried.

Review/approve/deny Continuing Education courses for 2017

Upon review Mr. Perry made a motion, seconded by Ms. Stacey, to approve the continuing education request from **Roy R. Ferguson, PhD**. The motion carried.

Upon review Mr. Perry made a motion, seconded by Mr. DeCrow, to approve the continuing education request from **Wang Vision Institute**. The motion carried.

Upon review Mr. Perry made a motion, seconded by Mr. DeCrow, to approve the continuing education request from **International Vision Expo & Conference**. The motion carried.

Upon review Mr. Perry made a motion, seconded by Mr. DeCrow, to approve the continuing education request from **Optical Training Institute**. The motion carried.

Upon review Mr. Perry made a motion, seconded by Ms. Stacey, to approve the continuing education request from **TDOA Memphis Chapter**. The motion carried.

Correspondence

The Board reviewed a letter from **Eman Kiswani, DPO**, requesting an extension of time to approval to obtain eight (8) hours of continuing education for 2016 in 2017 due to illness. Mr. Stacy made a motion, seconded by Mr. DeCrow, to approve Ms. Kiswani's request. The motion carried.

The Board reviewed a letter from **Tanya Lynn Miller, DPO**, requesting an extension of time to obtain nine (9) hours of continuing education for 2016 in 2017 due to illness. The motion carried. Mr. DeCrow made a motion, seconded by Mr. Freeman, to approve Ms. Miller's request. The motion carried.

Discuss Jurisprudence Exam

Mr. Cange presented a Policy Statement for the Jurisprudence Exam to the Board which was voted on at the October meeting.

Mr. Cange said the Policy Statement requires Dispensing Opticians to complete one (1) hour of jurisprudence credit each calendar year by successfully completing the Jurisprudence Exam, with a score of 80% or greater, or attending one (1) morning session of a regularly scheduled meeting of the Board. Ms. Stacey asked if the Jurisprudence Exam was online. Ms. Hernandez stated they needed more questions/answers for the exam after which they will be placed online.

Other Board Business

Mr. Perry asked if there is going to be a discussion on direct supervision.

Mr. Cange said it was discussed at the last meeting; however, no decision had been made to specifically clarify direct supervision by requiring the supervisor to be physically present.

Ms. Wilkins said if the rules are written too specifically you cannot use an exception in any instance and the Board loses its discretionary power.

Mr. Cange suggested placing the discussion on the agenda for the next meeting should any practitioners want to attend and appear before the Board to discuss this issue.

Adjourn

With no other Board business to discuss Mr. DeCrow made a motion, seconded by Mr. Perry, to adjourn at 10:59 a.m. The motion carried.

Ratified by the Board of Dispensing Opticians on May 11, 2017.