

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: July 27, 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
Paul Perry, DPO
Mr. 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

Ms. Walton-Hill called the meeting to order at 9:05 a.m. A roll call was conducted and a quorum was present.

Ms. Walton-Hill welcomed the Board's new member, Paul Perry.

Mr. Perry said he was happy to be on the Board and was a previous Board member. Mr. Perry stated he goes by the name Warren.

Minutes

Mr. DeCrow made a motion, seconded by Mr. Freeman, to approve the minutes of the April 26, 2016 Board meeting. 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 introduced Mr. Ben Simpson, Legislative Liaison for the Department of Health. Mr. Simpson reviewed the following Public Chapters pertaining to the Board:

Public Chapter 719 allows all licensure Boards to consider applications in which the applicant has committed a felony to assure the conviction does not bear directly on the person's fitness to practice competently became effective April 6, 2016.

Public Chapter 990 allows all Health Related Boards to require an insurer to reimburse and provide coverage for telehealth services provided by a practitioner licensed in Tennessee, regardless of the patient's location becomes effective January 1, 2017.

Public Chapter 665 grants immunity from civil liability for charitable organizations or free clinics and optometrists, ophthalmologists, or dispensing opticians providing services at such clinics involved in facilitating the dispensing of previously owned eyeglasses by licensed optometrists, ophthalmologists, or dispensing opticians became effective March 31, 2016.

Public Chapter 763 pertains to all Health Related Boards and permits licensees whose licenses have expired due to non-payment to obtain reinstatement upon payment of past due renewal fees, which are capped at twice the annual renewal fee, and completion of the required continuing education. Mr. Simpson says this replaces the current requirement of payment of all past due fees before reinstatement and became effective July 1, 2016.

Office of Investigations

Ms. Dorroh stated there are currently six (6) complaint cases in their office and they are in the process of scheduling a review. Ms. Dorroh said they are currently monitoring five (5) practitioners.

Ms. Dorroh said the Board reviewed a letter at the last meeting from Jeffrey A. Miller, attorney for **Charles Lee Hudson**, requesting a settlement from the Board. Ms. Dorroh said Mr. Hudson was disciplined in 2008 and fined civil penalties totaling \$52,000. Ms. Dorroh said the Board accepted the settlement and received a check dated June 2, 2016 in the amount of \$10,742.30.

Administrative Report

Ms. Hernandez stated there are 277 apprentices and 856 licensed Dispensing Opticians as of June 30, 2016.

Ms. Hernandez said four (4) Dispensing Opticians were licensed in April; twenty-three apprentices and two (2) Dispensing Opticians licensed in May; and, three (3) Dispensing Opticians licensed in June.

Ms. Hernandez stated twenty-eight (28) Dispensing Opticians renewed their licenses in April with eleven (11) renewing online for a rate of eleven (11) percent.

Ms. Hernandez said thirty-one (31) Dispensing Opticians renewed their licenses in May with sixteen (16) renewing online for a rate of fifty-two (52) percent.

Ms. Hernandez stated twenty-nine (29) Dispensing Opticians renewed their licenses in June with nineteen (19) renewing online for a rate of sixty-six (66) percent.

Ms. Hernandez said the next Board meeting is scheduled for October 26, 2016 and the following dates have been scheduled for 2017:

January 25, 2017
April 19, 2017
July 26, 2017
October 25, 2017

Ms. Stacy asked if the state is working on an online application program. Ms. Wilkins stated the IT staff is working on the project and it should be available in about a year.

Review, Approve/Deny and Ratify New Licensure Files

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

**Audra Erin Fitzgerald Demarcus
Brandy Illobre
Donyell Murae Klepper
Rick E. Metcalf
Steven Tyler Price**

**Ronnie Austin Ray
Brittany E. Ridenour
Brandon R. Rowell
Martin Waller**

The motion carried.

Ms. Stacy made a motion, seconded by Mr. DeCrow, to approve the following Apprenticeship applications:

**Laura G. Anthony
Tessa D. Ashby
Arisa M. Ashley
Sheila A. Baker
Kelly N. Birdwell
Kayla B. Butler
Joshua M. Davenport
Tess L. Deviney
Marina Joe Gonzales
Sarie Greshover
Aislynn M. Hall
Sandra D. Herron
Ashleigh N. Jones
Kathryn Lee Jones
Patricia Kimble-Boyd
Kyle Lee Kimpel**

**Demarcus McDowell
Kristen McGill
Denise L. Murphy
Caleb A. Pease
Kristan A. Price
Melissa J. Pylman
Whitney Raley
Zachary Ramsey-De Werff
Jasmine D. Savage
Yvette E. Shaw
Hope Leigh Smith
Kaitlin M. Walls
Robert D. Walsh
Sarah E. White
Jennifer Wilson
Carol M. Woods**

**Kendra S. Lassiter
Ashton L. Martin
Ching D. Yang**

**Brandi Worex
Magan L. Wright**

The motion carried.

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

**Lisa Gates
Bryan A. Lemons
Jana Reagan
Shania Kaylee Snow
Jan Taylor
Jan Forrester**

The motion carried.

Correspondence

Ms. Hernandez stated **Treva Stowe** is here to discuss her apprenticeship hours and the e-mail she submitted to the Board at the last meeting and is asking if she can continue her apprenticeship program and be scheduled to retake the practical exam.

Ms. Stowe stated she was out of work from February 2015 to March 2016 and began working for America's Best and is working under supervision.

Mr. Gibbs stated that Ms. Stowe is requesting a waiver of the three (3) evaluations she did not submit due to being unemployed.

Upon discussion Mr. Perry made a motion, seconded by Ms. Stacy, to allow Ms. Stowe to continue in the apprenticeship program and sit for the practical exam. The motion carried.

Ms. Hernandez said **Jan Forrester is here to discuss her Consent Order** dated January 28, 2015 in which she worked without the direct supervision of a dispensing optician, optometrist or ophthalmologist in 2012 and 2013.

Ms. Forrester stated she is now working at a location with an on-site supervisor and has accumulated 21,336 hours as of March 9, 2016.

Mr. Perry made a motion, seconded by Ms. Stacy, to allow Ms. Forrester to continue in the apprenticeship program. The motion carried. Ms. Stacy made a motion, seconded by Mr. Perry, to allow Ms. Forrester to sit for the practical exam. The motion carried.

The Board reviewed correspondence from **Felicia Hanson-Peay** requesting a waiver or a period of time to make up the four (4) hours of continuing education hours she was deficient for the 2013/2014 audit.

Mr. Perry made a motion, seconded by Ms. Stacy, to deny Ms. Hanson-Peay's request and requested that Ms. Hernandez send her an Agreed Citation requiring her to pay the \$100 civil penalty and make up the deficient hours, in addition to the hours she is required to obtain for the 2015/2016 audit period. The motion carried.

The Board reviewed correspondence from **Nicole Lopez** requesting to continue her apprenticeship upon return from active duty in the Army.

Mr. Perry made a motion, seconded by Mr. DeCrow, to approve Ms. Lopez's request. The motion carried.

Financial Report

Ms. Vanessa Crutcher reviewed the Board's financial report stating the Board has total direct expenditures of \$42,488.01; total allocated expenditures of \$29,992.76 for total expenditures of \$72,480.77. Ms. Crutcher said the Board has revenue of \$150,237.30, current year net of \$77,756.53 and a cumulative carryover of \$379,931.93. Ms. Crutcher asked the Board if they wanted to discuss reducing fees to offset a large carryover and reminded the Board to look at their current year net when determining a fee decrease to make sure expenses are covered. Ms. Stacy made a motion, seconded by Mr. Perry, to table the discussion until the October meeting in order to give the Board members a chance to review the spread sheet Ms. Crutcher gave the Board. The motion carried.

Approve Continuing Education Courses

Mr. DeCrow made a motion, seconded by Mr. Freeman, to approve the **Tennessee Dispensing Opticians Association** continuing education courses October 9, 2016. The motion carried.

Ms. Stacey made a motion, seconded by Mr. DeCrow, to approve the **Costco East Coast Optical Conference** continuing education courses October 26-27, 2016. The motion carried.

Mr. Freeman made a motion, seconded Mr. DeCrow, to approve the **Southeastern Opticians Conference** continuing education courses July 29-31, 2016. The motion carried.

Ms. Stacy made a motion, seconded by Mr. DeCrow, to approve the **International Vision Expo and Conference** continuing education courses September 14-17, 2016. The motion carried.

Mr. Freeman made a motion, seconded by Ms. Stacy, to approve the **American Board of Opticianry** continuing education courses September 29 – October 2, 2016. The motion carried.

Discuss Jurisprudence Examination

Ms. Stacy stated she came up with twenty-five multiple choice questions for the jurisprudence exam. Ms. Walter-Hill stated she came up with both true/false and multiple choice questions. Mr. DeCrow stated he prefers a grading process. Mr. Ferguson said he will make his services available to the Board to prepare psychometrically sound exam questions. The Board thanked Mr. Ferguson. Ms. Wilkins stated they could send out a push notification regarding the new exam. Ms. Wilkins stated the ethics and jurisprudence exams are graded and are part of the application process. Ms. Wilkins said this is the only Board using the jurisprudence exam for continuing education. If you don't grade the exam and give the licensee feedback they won't know if they passed or failed. Mr. Perry asked what was the benefit in having a jurisprudence exam. Ms. Wilkins said it was to keep licensees apprised of changes to the rules. Mr. Perry stated he will no longer read the questions or answer more than one question if they are not being graded as without a grading system the exam serves no purpose. Ms. Wilkins asked Mr. Gibbs if requiring the exam to be graded could be done in a policy. Mr. Gibbs stated that the Board could not enforce a policy like they could a rule and suggested amending the rules. Mr. Gibbs stated the Board could issue a policy that says "successfully completed as defined as" and it would hold water. Mr. Perry made a motion, seconded by Ms. Stacy, to establish a policy for continuing education that defines successfully completing the jurisprudence exam to include a passing grade of 80% or better. The motion carried.

Mr. Gibbs stated he would prepare the policy for approval by the Board at the next meeting.

Mr. Gibbs stated that Angela Rush wrote a letter to the Board at the last meeting and was asked to attend today's meeting; however, Ms. Rush was unable to attend and will attend the October meeting.

With no other Board business to conduct, Mr. Perry made a motion, seconded by Ms. Stacy, to adjourn at 11:15 p.m. The motion carried.

Ratified by the Board of Dispensing Opticians on October 26, 2016