

TENNESSEE BOARD OF DISPENSING OPTICIANS MEETING MINUTES

DATE: July 27, 2023
TIME: 9:00 A.M. CST
LOCATION: Health Related
Boards Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Herman Bowman, DPO
Larry Christopher, DPO
LeRhonda Walton-Hill, DPO
Jonathan Winnegrad, DPO

BOARD MEMBER(S)

ABSENT: Brandy Miller, DPO
Consumer Member - Vacant

STAFF PRESENT: Kimberly Wallace, Regulatory Board Administrative Director
Maria Johnston, Regulatory Board Admin. Assistant
Leigha Kullman, Regulatory Board Admin. Assistant
Eric Winters, Senior Associate General Counsel

Call to Order

Mr. Winnegrad called the meeting to order at 9:01 AM CST. A roll call was conducted, and a quorum was present.

Ms. Wallace introduced staff, including Mr. Eric Winters, Board Advisory Attorney, Ms. Maria Johnston, Board Administrator, Ms. Leigha Kullman, Board Administrator, and herself, as the Administrative Director.

Ms. Wallace thanked Mr. DeCrow for serving on the Board and introduced Larry Christopher as being appointed the new member of the Board.

She also introduced Ms. Leigha Kullman as the new Board Regulatory Administrative Assistant 1.

Discuss and Consider Approval of Meeting Minutes

Minutes from the April 19, 2023, Board Meeting

Upon review of the April 19, 2023, Board Meeting Minutes, Ms. Walton-Hill made a motion with a second by Mr. Bowman, to approve the Minutes as written. There was no discussion on the motion. The motion passed unanimously.

Receive Reports and /or Requests from the Office of Investigations

Ms. Barbara Granum, Intake Coordinator from the Office of Investigations, was present to provide the investigative reports to the Board.

PERIOD: 2023 COMPLAINTS

New Complaints	Number of Complaints
Total # New Complaints	4
Total Closed Complaints	6
Closed – BIV, EMS, HCF, AW	2
Closed – Letter of Concern	4
Unprofessional Conduct	4
Total Newly Opened Complaints	4

Receive Reports and/or Requests from the Division of Health Licensure and Regulation

There were no reports from the Health Licensure and Regulation for the Board to review.

Discuss and take action as necessary regarding Legislation

Grayson Carter, Legislative Liaison, was present to give the 2023 Annual Legislative Summary, as follows:

Office of Legislative Affairs 2023 Legislative Update

Noteworthy Health-Related Legislation

- The Department of Health’s administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Non-Health Related Legislative Activity of Note

- June 19th is now designated as a state holiday for Juneteenth.
- State employees are authorized to use sick leave from a sick leave bank to care for a sick minor child of the employee.
- State employees must be provided six paid weeks of leave for the birth of the employee’s child or because of the employee’s adoption of a child.
- “Send Me” is now an additional state motto.
- The legislature passed an extensive transportation modernization act.
- The legislature passed a teacher paycheck protection act that, among other things, raises the minimum teacher salary to \$50,000 by 2026.

- Law enforcement officers and the district attorney general’s office may extend criminal immunity to persons who are experiencing a drug overdose and who are seeking medical assistance.

Pertinent Public Chapters

All Public Chapters are hyperlinked to the actual document on the Secretary of State’s website.

Public Chapter No. 1—SB1/HB1—Johnson/Lamberth

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor’s sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor’s congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

Public Chapter No. 2—SB3/HB9—Johnson/Todd

This law creates a Class A misdemeanor offense for a person to perform adult cabaret entertainment on public property or in a location where the adult cabaret entertainment could be viewed by a person who is not an adult. Subsequent offenses are Class E felonies. This bill was effective on April 1, 2023.

Public Chapter No. 24—SB248/HB66—Johnson/Lamberth

This law authorized the Department of Intellectual and Development Disabilities to provide home health services to outpatients through its administration of the Tennessee Early Intervention System and the home and community-based services provided through such system. This bill was effective on March 10, 2023. *This law was a DIDD legislative initiative.*

Public Chapter No. 36—SB23/HB17—Massey/Faison

This law designates the month of May as “Silver Alert Awareness Month.” This bill was effective on March 14, 2023.

Public Chapter No. 41—SB256/HB75—Johnson/Lamberth

This law allows law enforcement or the district attorney general’s office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse’s legislative initiative.*

Public Chapter No. 55—SB680/HB895—Reeves/Hurt

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth.

This law was effective on March 21, 2023.

[Public Chapter No.114—SB255/HB74—Johnson/Lamberth](#)

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1, 2023. *This was a Department of Labor and Workforce Development legislative initiative.*

[Public Chapter No.150—SB523/HB495— Jackson/Martin](#)

This bill enacts the "Topical Medical Waste Reduction Act of 2023," which allows facilities, defined as a hospital operating room, hospital emergency room department, or ambulatory surgical treatment center, to offer a patient an unused portion of certain medications required for continuing treatment upon discharge when the medication was ordered at least 24 hours in advance for surgical procedures and is administered to the patient at the facility. If a medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on a medications proper use and administration, and the requirement of pharmacist counseling is waived. This law was effective on April 13, 2023.

[Public Chapter No.156—SB40/HB206—Roberts/Ragan](#)

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

[Public Chapter No.157—SB86HB734—Walley/Rudd](#)

This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a profession. This law was effective on April 17, 2023.

[Public Chapter No. 168—SB600/HB90—Hensley/Moody](#)

This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a person in obtaining a criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

[Public Chapter No. 188—SB277/HB325—Johnson/Lamberth](#)

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. "Recent cancer treatment" is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of*

Health legislative initiative.

Public Chapter 190—SB350/HB294—Campbell/Freeman

This law creates the “Save Tennessee Students Act” and requires public institutions of higher education to include, among other thing, the telephone number of the suicide and crisis lifeline on student identification cards for students enrolled in the institution. This law takes effect July 1, 2023.

Public Chapter No. 201—SB721/HB498—Massey/Martin

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIAA-compliant electronic means. This law was effective on April 24, 2023.

Public Chapter No. 203—SB799/HB859—Yarbro/Jernigan

This law authorizes the Department of Health to disclose de-identified data that is collected from EMS run reports for the purpose of providing opioid overdose response and resources throughout this state. This law was effective on April 24, 2023.

Public Chapter No. 211—SB1451/HB1312—Roberts/Kumar

This law authorizes the Board of Medical Examiners to issue temporary license for two years to international medical school graduates who meet certain criteria. An international medical school graduate must only provide medical services at a healthcare provider that has in place a post-graduate training program accredited by the accreditation council for graduate medical education. The Board must grant a full and unrestricted license to practice medicine to a temporary licensee who is in good standing two years after the date of temporary licensure. The Board of Medical Examiners will need to promulgate rules for this public chapter. For the purpose of promulgating rules, this rule was effective on April 24, 2023. For all other purposes, this law takes effect July 1, 2024.

Public Chapter No. 216—SB276/HB324—Johnson/Lamberth

This law makes various changes to current law pertaining to leave for state employees. Among other things, this law allows an eligible employee to be granted absence from work with pay for a period of time equal to six workweeks because of the birth of the employee’s child or because of the placement of a child with the employee for adoption. This law is effective on July 1, 2023, and applies to eligible employees who qualify for leave on or after July 1, 2023. *This was one of Governor Lee’s legislative initiatives.*

Public Chapter No. 244—SB1392/HB1213—McNally/Sexton

This law makes changes to the “Tennessee Right to Shop Act” and changes the structure of certain insurance incentives and out of pocket payments. This law takes effect July 1, 2023.

Public Chapter No. 252—SB221/HB273—Roberts/Terry

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on

various issues and to work with the board's attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

[Public Chapter No. 265—SB669/HB0981—Reeves/Faison](#)

This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.

[Public Chapter No. 270—SB859/HB982—Reeves/Terry](#)

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

[Public Chapter No. 300—SB551/HB448—Lowe/Davis](#)

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

[Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs](#)

This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

[Public Chapter No. 316—SB1426/HB1004—Roberts/Darby](#)

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also

creates an advisory council on state procurement. This law was effective on April 28, 2023.

[Public Chapter No. 325—SB1191/HB1388—Bailey/Ragan](#)

This law terminates the Radiologic Imaging and Radiation Therapy Board of Examiners with no wind down period. This law authorizes the Board of Medical Examiners to establish and issue limited and full X-ray certifications. This law was effective on April 28, 2023.

[Public Chapter No. 337—SB269/HB317—Johnson/Lamberth](#)

This law designates June 19th as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives.*

[Public Chapter No. 353—SB1443/HB727—Roberts/Fritts](#)

This law requires an LEA to obtain the written, informed, and voluntary signed consent of a student's parent or legal guardian, or the student if they are 18 years of age or older, before the student participates in a survey, analysis, or evaluation. A parent or legal guardian who wishes to excuse the student from participating in health screenings as part of a coordinate school health program must submit a request in writing to the school's nurse, instructor, school, counselor, or principal. As used in this law, "health screening" means vision, dental, blood pressure, and hearing screenings. This law makes other changes regarding a student's receiving of instruction of sexual orientation curriculum or gender identity curriculum or a student's membership of a club or organization. This law is effective July 1, 2023.

[Public Chapter No. 379—SB0365/HB0355—Massey/Alexander](#)

This law requires that a health benefit plan that provides coverage for a screening mammogram must provide coverage for diagnostic imaging and supplemental breast screening without imposing a cost-sharing requirement on the patient. This law is effective 90 days after May 11, 2023.

[Public Chapter No. 399—SB1458/HB0983—White/Sexton](#)

This law requires local education agencies (LEAs) to provide licensed employees of the LEA 6 paid workweeks after a birth or stillbirth of the employee's child or employee's adoption of a newly placed minor child. This law is effective May 11, 2023, and applies to leave taken on or after that date.

[Public Chapter No. 426—SB0458/HB0496—Watson/Martin](#)

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

[Public Chapter No. 432—SB702/HB1095—Crowe/Boyd](#)

This law places requirements for registration of a temporary healthcare staffing agency. This law requires a temporary healthcare staffing agency to submit a biannual report to the Health Facilities Commission. This law lays out penalties and disciplinary proceedings for temporary healthcare staffing agency, such as revoking registration, under certain circumstances. Sections of this law have differing effective dates.

[Public Chapter No. 438—SB102/HB158—Gardenhire/Zachary](#)

This law prohibits an LEA, public charter school, or public institution of higher education from requiring an educator or other employee of the LEA or public charter school to complete or participate in implicit bias training or take an adverse employment action against them for failure or refusal to complete or participate in implicit bias training. "Implicit bias training" means a training or other educational program designed to expose an individual to biases that the training's or educational program's developer or designer presumes the individual to unconsciously, subconsciously, or unintentionally possess that predispose the individual to be unfairly prejudiced in favor of or against a thing, person, or group to adjust the individual's patterns of thinking in order to eliminate the individual's unconscious bias or prejudice. This law took effect May 17, 2023.

[Public Chapter No. 443—SB296/HB779—Gardenhire/Helton-Haynes](#)

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. "Completed application" means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.

[Public Chapter No. 457—SB753/HB1317—Haile/Kumar](#)

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

[Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan](#)

This law creates the "Mature Minor Doctrine Clarification Act." This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID-19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

[Public Chapter No. 486—SB1440/HB239—Roberts/Bulso](#)

This law defines "sex" in code to mean a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. "Evidence of a

person’s biological sex” includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate. This law takes effect on July 1, 2023.

Receive Reports and /or Requests from the ABO/NCLE

Mr. Jim Morris, ABO/NCLE Executive Director, was present to speak to the Board and if they had any questions. He provided a brief update on testing statistics and plans to provide full annual reports in the October meeting.

Administrator’s Report

Ms. Johnston presented the Administrator’s report, as follows:

PERIOD: As of July 14, 2023

Total # Currently Licensed Dispensing Opticians	925
Total # Current Apprentices	418

LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: April 12, 2023, to July 14, 2023

New Dispensing Opticians Licenses	9
New Apprentice Approvals	31
Reinstated Licenses	0
Approved to Sit for the Practical Exam	3
Voluntarily Retired Licenses	1
Expired Licenses	3
Expired Apprenticeship	3
Closed/Withdrawn	2
Paper Renewals	34
Online Renewal	71

Ms. Johnston also presented the Travel and Lodging rates, as follows:

- The current mileage rate was \$0.655 cents per mile
- The current meals and incidental rate is \$59.25 per day for an overnight stay.

The current maximum reimbursable rate for hotel lodging in Nashville for upcoming meetings dates is as follows (rate re-sets each October)

- July \$207

Upcoming dates for the 2024 Board Meetings, as follows:

- October 25, 2023
- January 17, 2024
- April 24, 2024
- July 24, 2024
- October 23, 2024

Ms. Wallace gave notice for licensees present in today's meeting to sign in and sign out to receive 2023 jurisprudence credit for attending today's meeting.

Review for Approval – 2023 Jurisprudence CE Exam

Ms. Wallace commented that the Jurisprudence Exams for CE Credit are only valid through December 31st of the calendar year for which the exam is dated and must be submitted by email to the Board Administrative Office at Unit3HRB.Health@tn.gov or submitted by mail and postmarked no later than 11:59pm CST on December 31st of that calendar year, as well as receive a passing score, to receive the CE credit. Any Jurisprudence Exam that is submitted late, and/or does not receive a passing score, is not eligible for CE Credit. Exams submitted after the stated deadline will not be accepted. Licensees are encouraged to keep a receipt or confirmation of shipping/sending/delivery with a copy of their completed exam with their own personal CE records.

Mr. Bowman asked that we start the 2024 CE Exam preparation earlier in the year. There was discussion to start the 2024 CE Exam preparation and Board Member Assignment in the October 2023 Board Meeting.

Ms. Wallace is looking into updates for the CE Exams to go from a written version to an electronic version for 2024.

Ms. Walton-Hill made a motion with a second by Mr. Christopher to accept the 2023 CE exam as written. There was no discussion on the motion. The motion passed unanimously.

Receive Reports and/or Requests from the Office of General Counsel

Mr. Winters did not present the Office of General Counsel report or the Open Meeting Acts verbally, it was provided to Board Members on the Office of General Counsel report.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders – Thompson, Mary, License #700

There is one (1) Consent Order for ratification today for Mary Thompson, license number #700, Licensed Dispensing Optician. From October 1, 2020, until on or about November 2022, Ms. Thompson was employed as a licensed DPO and worked full-time. She was unaware her license expired until October 2022 and promptly took action to renew her license which was made current in December 2022.

Terms of the discipline and consent order are in line with TENN. CODE ANN. 63-14-106 and 63-14-

107, for which disciplinary action by the Board is authorized. The facts stipulated in paragraphs three (3) constitute a violation of Rule 0480-01-.03 of TENN. COMP R. & REGS: (2) Dispensing Optician is one of the healing arts, and as such the practice of which is restricted to those persons credentialed by the board. Persons engaging in the practice of dispensing optician without being licensed or expressly exempted by the laws are in violation of division law, TENN. CODE ANN.§ 63-1-123.

Ms. Thompson is assessed (22) type B penalties in the amount of (\$200.00) each, representing the twenty-two (22) months during which she occasionally worked as a DPO on a lapsed license past the grace period, for a total of four thousand four hundred dollars (4,400.00), in accordance with TENN. COMP. R. & REGS. 0480-01-.15(4). She has thirty-six (36) months to pay the civil penalty.

A motion was made by Mr. Bowman to approve the Consent Order as written, with a second by Ms. Walton-Hill. There was no discussion on the motion. The motion passed unanimously.

Agreed Citations

Ms. Wallace presented the following Agreed Citation that was issued by the Administrative Office for Continuing Education Violation.

Agreed Citation – CE – Carpenter, Carla Carpenter, License #906

Ms. Carla Carpenter was in violation for continuing education of Rule 0480-01-.12. She is deficient nine (9) hours of continuing education (CE) credits for January 1, 2021, through December 31, 2022. She has paid the civil penalty in the amount of one hundred dollars (\$100) and is required to complete nine (9) hours of continuing education, the amount determined to be deficient either before ratification or within ninety (90) days of ratification of this citation by the Board.

A motion was made by Mr. Christopher to approve the CE Agreed Citation as written, with a second by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

Applicant Interviews/File Reviews/Waivers & Other Requests

Ms. Wallace presented the following file reviews:

File Review – Crowe, Billy, File #3975

Mr. Crowe has a criminal indication on his CBC rap sheet originating in 2007, however, neither the rap sheet nor the court documents state the severity of the charge. He was sentenced to 12 months incarceration plus three (3) years of supervised release (and received a shortened probation for compliance). Ms. Wallace believes that would indicate a felony, since it was greater than eleven (11) months twenty-nine (29) days. He has also submitted a letter of restoration, which mentions, "...if the individual has additional felony convictions not listed..."

On the application, Mr. Crowe answered "No" to the question asking about previous criminal convictions and in his letter of explanation, he sent with the court documents which were sent after the Administrator's request, subsequent to receipt of the CBC with indications, he states he believed the letter of restoration would have stricken the charge from his record.

Mr. Crowe stated that he misunderstood the expungement processes. He has been employed with Lenscrafters as a Manager and would like to pursue licensure. He's been employed there since December 2022, and he has worked in management for several years. He wants to grow and improve in his career and give value to the public.

A motion was made by Mr. Bowman to complete a new application with the correct information and issue approval contingent upon receipt of his corrected application, a second made by Mr. Christopher. There was no discussion on the motion. The motion passed unanimously.

Apprenticeship Extension Request – Wright, Jerry, File 2983

Ms. Wallace provided a brief overview of the request by Mr. Wright, requesting the potential for an extension past January 1, 2024, to take the ABO/NCLE to gain the pre-requisite certifications to be able to apply for license. He has been in the apprentice program for greater than six (6) years and fourteen thousand (14,000) hours and is subject to have his apprenticeship closed if he has not applied for licensure by January 1, 2024.

Mr. Winters reviewed the Conflict of Interest Policy with the Board, reading it into the records, to review whether or not Mr. Winnegrad is in need of recusal from the matter. He stated he is not going to have skewed judgment and there would be no bias in the issue. Mr. Winters said they would not have a quorum. Mr. Winnegrad does not need to recuse.

Mr. Wright appeared in person, he presented a copy of his dispensing opticians semi-annual evaluation form, which is a second (2nd) late submission. He has taken the ABO twice and failed both attempts. He was prepared to take it again in 2019 and lost his daughter in an accident just a few days before he was scheduled to take the exam.

Mr. Christopher questioned whether approving this request would set a precedence for others who have exceeded 6 years in the apprenticeship. Mr. Winters stated that, yes, other individuals may also ask for extensions.

Mr. Morris of the ABO/NCLE was still present and spoke to the open testing windows, that provide multiple opportunities for immediate re-take between now and the January 1, 2024, deadline. Mr. Morris mentioned an endowment that they have available for students and apprentices. They also provide another as a situational-based availability for taking the exams. They will give him one no-cost opportunity to take both the ABO and NCLE due to his unique circumstances.

Mr. Wright's plan was to take the exams this month. He would ask for a six-month extension, or until May 2024, if he does not pass the ABO/NCLE certifications in time to apply for licensure by January 1, 2024.

Mr. Bowman noted that with dedication and the time frame already available, he doesn't see why Mr. Wright should not be able to pass within the Board's stated timeframes. Ms. Walton-Hill concurred.

A motion was made by Mr. Christopher to deny the request to extend past the January 1, 2024, with a second made by Mr. Bowman. Discussion: Mr. Wright asked, if he fails to pass the test by time, the Board clarified that he could then reapply for apprenticeship at that time. The motion passed unanimously.

Ratification of Licensure Files

Ms. Wallace stated all files on this list have been reviewed and found complete and in good order according to the Board's Rules for each application type.

Dispensing Opticians - Newly Licensed – April 12, 2023, to July 14, 2023

<u>License#</u>	<u>Name</u>
3942	Councill Caroline Virginia
3400	Liberatore Amanda Michelle
3528	Minter Karen
3425	Myers Tiffany Brooke
3321	Ray Robyne Amanda
2900	Robinson Ashley Michelle
3499	Shafer Crystal Diane
3304	Smith Amy Kristen/Allen
3445	Wheeler Kelsey Ann

Dispensing Opticians Apprentice Approvals – April 12, 2023, to July 14, 2023

<u>Approval Date</u>	<u>Status</u>	<u>Name</u>
6/9/2023	Apprentice	Adams Chelsea
7/3/2023	Apprentice	Banks Patricia Ann
7/3/2023	Apprentice	Brown Chastidy
5/1/2023	Apprentice	Clark Denise Marie
5/26/2023	Apprentice	Clough Joseph
5/4/2023	Apprentice	Davis Jonah Max
5/19/2023	Apprentice	Duke De'Zyer
6/23/2023	Apprentice	Elleman Lynn Lanae
5/1/2023	Apprentice	Fowler Michaela Montinez
5/1/2023	Apprentice	Hageman-Petitt Julia Louise
4/12/2023	Apprentice	Harris Jomar Lemont
4/17/2023	Apprentice	Hickman Samantha Nicole
4/17/2023	Apprentice	Hirlston Kiana Paige
6/7/2023	Apprentice	Holliday Matthew Mccann
7/3/2023	Apprentice	Hutchings Kayla Marie
5/15/2023	Apprentice	Jackson Alexandria P
6/8/2023	Apprentice	Jennings Deborah
4/17/2023	Apprentice	Kiner-Davis Joyce Annette
5/26/2023	Apprentice	Locke Tiffany Michelle
4/17/2023	Apprentice	Majors Jerry Lamonte
7/3/2023	Apprentice	Noles Jessica Lynn
6/7/2023	Apprentice	Pannell Xavier Alexander
5/1/2023	Apprentice	Potts Cinnamon Renee
5/15/2023	Apprentice	Powell Ramona
6/7/2023	Apprentice	Reyes Karin
4/17/2023	Apprentice	Smith Sylvia Nicole

4/12/2023	Apprentice	Tejeda Velazquez Alicia Judith
4/17/2023	Apprentice	Tipton Taylor Danielle
5/19/2023	Apprentice	Watts Casey
7/3/2023	Apprentice	Williams David L.
7/3/2023	Apprentice	Worrell Cristina

Approved to sit for Practical Examination – April 12, 2023, to July 14, 2023

<u>Name</u>	<u>Date Approved for Practical Exam</u>
Councill Caroline Virginia	5/3/2023
Holbrook Kellie A	5/10/2023
Rowe Kathy	6/21/2023

Voluntarily Retired – April 12, 2023, to July 14, 2023

<u>Name</u>	<u>Date</u>
Copelin Donald Wesley	6/30/2023

Closed files – April 12, 2023, to July 14, 2023

<u>Name</u>	<u>Date</u>
Johnson Megan	5/7/2023
Tredway Steven Manning	7/7/2023

Apprentice Closed Files – April 12, 2023, to July 14, 2023

<u>Name</u>	<u>Date</u>
Brown Krislin Nicole	5/19/2023
Spencer Kristen K	6/8/2023
Villalobos Ashley	5/19/2023

Ms. Walton-Hill made a motion to approve the ratification list as presented, with a second made by Mr. Christopher. There was no discussion. The motion passed unanimously.

Continuing Education Course Requests, Waivers, and Other Education Items

There were no Continuing Education Course Requests, Waivers, and other Education Items for the Board to review in this meeting.

Discuss and take action as necessary regarding Rulemaking, Rulemaking Hearings, Rule Amendments Hearings, Rule Amendments, and Policies

Apprentice Education Training Policy, Review Criteria

In previous meetings, the Board noted they want to discuss what specific criteria will be used for approving programs for the AETP in the future.

Mr. Winnegrad made the comment that they all want the students to pass the ABO/NCLE Exams. He thought ABO/NCLE pass rates could be used as a marker that a program is producing results that are at least equal to or greater than the ABO/NCLE standards.

Ms. Walton-Hill liked the fact that they were able to go into the demos of past approved program and see what was being offered and see the program before the Board made a decision.

Mr. Winnegrad didn't think there would be a lot of programs that will submit for Board approval and they could review them on a case-by-case basis.

Mr. Bowman stated that Rule 0480-01-.14(6)a references the subject matter required by the Apprentice Program and they could reference that rule. He stated there is a non-profit and a for-profit company both approved by the board at this time. It would be good to have criteria to verify that any program has a minimum list of subjects included.

Mr. Winters cautioned that passage rates can be skewed by the number of people taking a test or using a particular program. The other thing is, when they reviewed the OTI program, they were able to look at what was being presented as well as how it's presented. Just because the material is presented doesn't mean it will be in a valuable format for learning. The Board is not being inundated with requests and may benefit from reviewing on a case-by-case basis.

The Board agreed to use the current rules that are in place at the time a program is being presented.

Discuss Old/New Board Business

There were no Old/New Board Business for the Board to review at this meeting.

Review of Correspondence and Notices

There were no Correspondence or Notice items for the Board to review at this meeting.

Call for Public Comment

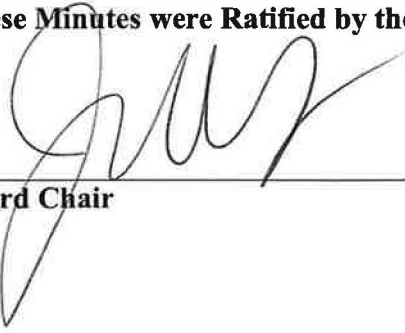
Ms. Wallace gave one final opportunity for public comments to be heard and directed interested individuals to sign-in on the register provided by the front door. As a reminder Public Comments may be submitted in writing to the TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN 37243 or sent via email to Unit3HRB.Health@tn.gov.

Adjourn

Mr. Christopher made a motion to adjourn, with a second made by Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

There being no further business to be heard today, this meeting of the Dispensing Opticians Board was hereby adjourned at 11:27 a.m. CST.

These Minutes were Ratified by the Board on ~~October 25, 2023~~ February 7, 2024.



Board Chair

2/7/24

Date