

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: February 7, 2024
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
Brandy Miller, DPO
Jonathan Winnegrad, DPO

BOARD MEMBER(S)

ABSENT: LeRhonda Walton-Hill, DPO
Consumer Member - Vacant

STAFF PRESENT: Kimberly Wallace, Regulatory Board Administrative Director
Maria Johnston, Regulatory Board Administrative
Eric Winters, Senior Associate General Counsel
Kathy Trawick, Associate General Counsel

Call to Order

Mr. Winnegrad called the meeting to order at 9:03 AM CST. A roll call was conducted, and a quorum was present.

Mr. Winters introduced the Board's new advisory attorney, Ms. Kathy Trawick, and gave the Board an update on the recent role changes within the OGC and the separating of roles between litigation and advisory matters.

Ms. Wallace noted that anyone present wishing to make Public Comments must sign in; this Board receives Public Comments at the end of the meeting; the Board reserves the right to limit comments for time and/or for duplicity.

Ms. Trawick presented the Conflict of Interest Statement and Open Meetings Act Notice to the Board, as follows:

Conflict of Interest

PURPOSE: To assure that the individual interests of board members do not conflict with or have the appearance of conflicts with their responsibilities to the Board to which they are appointed.

CONFLICT OF INTEREST: A circumstance in which a board member's individual interest impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions or to provide full unbiased service to the Board.

It is the duty of this Board to protect the health, safety, and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Any board member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussion or vote on the matter and shall leave the hearing room during the discussion or vote.

If you have a personal or financial interest in the outcome of any issue or matter before this Board that may suggest a bias on your part, you are asked to state that interest on the record so a determination can be made as to whether there exists a need for recusal.

It is improper for any board member having a conflict of interest to attempt to influence another board member at any time, including prior to the discussion on the matter for which the conflict exists.

Open Meetings Act

Pursuant to the Open Meetings Act, Board business may only be discussed by the Board members during the meeting. Members should not discuss the Board's business at any time other than during the open Board meeting. The prohibition applies to phone calls, e-mails, and text messages. Board members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

Discuss and Consider Approval of Meeting Minutes

Upon review of the July 27, 2023, Board Meeting Minutes, Mr. Winnegrad made a motion with a second by Ms. Miller, to approve the Minutes with amendments to page 1 for Mr. Winter's title and the meeting date to read July 27, 2023. There was no discussion on the motion. The motion passed unanimously by voice vote.

Receive Reports and /or Requests from the Office of Investigations

Mr. Justin Thornberry, Compliant Coordinator, presented the Investigations reports for the CY2023 as follows:

PERIOD: 2023 COMPLAINTS

New Complaints	Number of Complaints
Total # New Complaints	7
Total Closed Complaints	9
Closed – BIV, EMS, HCF, AW	3
Complaints Closed	2
Closed – Letter of Concern	4
Unprofessional Conduct	5
Lapsed License	1
Outside INV Scope	1
Total Newly Opened Complaints	7

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

Ms. Emily Godwin, Fiscal Director, presented the FY23 Year End report to the Board, with highlights as follows:

- Total Expenditures: \$89,140.81
- Board Fee Revenue: \$85,400.15
- Current Year Net: (\$3,740.66)
- Total Technology Improvement: \$2,156.71
- Cumulative Carryover: \$801,299.81

Ms. Godwin reviewed the process for analysis of the Cumulative Carryover balance, discussing the thresholds for when a consideration of fee changes should be initiated. The deficiency experienced in FY2023 is expected to continue and into FY2024 which will lead to a natural drawdown of the Cumulative Carryover balance, due to factors including multiple technology costs and improvement plans, such as upgrades to the licensing system and board meeting room upgrades, along with mandatory changes and upgrades from STS, in addition to payroll increases.

Discuss and take action as necessary regarding Legislation

There were no Legislative items for the Board to review in this meeting.

Receive Reports and/or Requests from the ABO/NCLE

Review and consider remote proctoring of the exams

Mr. Jim Morris, CEO for the ABO/NCLE was unable to be present for this meeting but plans to attend the April meeting. He notified Ms. Wallace that, as a general update, their examinations have been undergoing routine review, with the Job Task Analyses being updated as well. They experienced one incident, over a year ago, of a TN exam candidate who was caught cheating in an in-person testing environment and who has been disallowed from sitting for any further examinations by the ABO/NCLE, and other than the one isolated incident, there have been zero other instances or issues involving TN applicants. The TN examinations are performed in accordance with the national trends and are within the margin of error as to the pass/fail rates.

The Board makes an annual decision regarding the acceptable of ABO/NCLE exam scores obtained from candidates using remote testing methods.

A motion was made by Mr. Christopher to review the ABO/NCLE exam scores obtained via remote testing methods at the April meeting with the ABO/NCLE representative present with a second made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously by voice vote.

Receive Reports and/or Requests from the Board Administrative Office

Administrator’s Report

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

PERIOD: As of July 14, 2023

Total # Currently Licensed Dispensing Opticians	930
Total # Current Apprentices	392

LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: July 14, 2023, to January 29, 2024

New Dispensing Opticians Licenses	20
New Apprentice Approvals	43
Reinstated Licenses	5
Approved to Sit for the Practical Exam	29
Voluntarily Retired Licenses	2
Expired Licenses	16
Upgrade Closed/Withdrawn Files	3
Expired Apprenticeship	51
Apprentice Closed/Withdrawn	6

Paper Renewals	51
Online Renewal	183

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

- The current mileage rate was \$0.67 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)

- February 2024 - \$233
- April 2024 - \$233
- July 2024 - \$210

Upcoming dates for the 2024 Board Meetings, as follows:

- April 24, 2024
- July 24, 2024
- October 23, 2024

Notice of Practical Exam Contract to ABO/NCLE

Ms. Wallace provided notice to the Board that Rule 0480-01-.08(1)(c), refers to the TN Dispensing Optician Examination, otherwise known as the “Practical Exam” being administered by a testing agency approved by the Board. The selection of a vendor to administer this examination is handled through the State’s RFP and contract process, whereby interested parties have the opportunity to submit a bid for the contract. A blind review of bids received during the submission period is then conducted and the vendor with the highest score is awarded the contract. The new contract was awarded to the ABO/ NCLE and in effect from January 1, 2024, through December 31, 2028.

A motion was made by Mr. Christopher to ratify the Practical Exam contract award to the ABO/ NCLE with a second made by Ms. Miller. There was no discussion on the motion. The motion passed unanimously by voice vote.

Notice of Apprentice File Closures Greater than six (6) years

The TN Board of Dispensing Opticians met on 04/19/2023 and during that meeting reviewed the file status of those individuals who had been actively participating in an apprenticeship for more than six (6) years. As a result of that review, the Board instructed the Administrative Office to send notice to those individuals who had been in the apprentice program over six (6) years as of July 1, 2023, that they must complete all requirements leading up to taking the Practical Exam and by January 1, 2024, they must apply

for licensure after meeting all qualifications, otherwise their apprentice file would be closed. To continue to seek licensure after a file is closed would require an individual to re-apply, inclusive of paying all required fees and they would have to re-start the apprentice program over from the beginning, in accordance with Rule 0480-01-.14(4).

These letters were sent via certified mail to the address of record to twenty-nine (29) individuals whose apprenticeship exceeded six (6) years as of July 1, 2023. Of those twenty-nine (29), five (5) re-applied to start a new apprenticeship, five (5) submitted an application for licensure, with three (3) of those applications still in progress and two (2) having successfully passed the Practical Exam and been issued a license, and nineteen (19) apprentice files were closed, with those individuals being sent a certified closure letter to their address of record. At this time, the matter is now complete and all individuals with an active apprenticeship are under the six (6) year maximum for the program.

Ms. Wallace reviewed the Semi-Annual Evaluation requirements with the Board and the responsibility of licensees serving as supervisors as well as apprentices to be knowledgeable of the Board's Rules and to submit their semi-annual evaluation forms on time.

2024 Jurisprudence CE Exam Preparations

Ms. Wallace informed the Board that, in follow-up to the last meeting, she has conducted research on the process for potentially converting the Board's jurisprudence examination into an interactive, online format. The Dental Board currently administers their jurisprudence exam in this format, and plans are being made for the Dental Board Administrative Director to attend the Board's April 2024 meeting and provide an overview and demo of how their exam functions in the online format for the Board's consideration.

Ms. Wallace then requested a Board Member be selected to provide a review of the current bank of jurisprudence exam questions and assist with the preparation of the 2024 jurisprudence exam, with plans for presentation to the full Board for review and approval in the April meeting.

Board Member, Mr. Christopher, was selected to perform the review and conduct preparations of the 2024 Dispensing Opticians Jurisprudence Exam.

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

Ms. Trawick presented the OGC report as follows:

Disciplinary Activity

As of January 4, 2024, the Office of General Counsel has one (1) case open against the board's licensees.

Disciplinary Coordinator's Report

Summary: As of January 2024, this report provides the total numbers of licensees currently being monitored for discipline. These numbers include licensees who have been reprimanded, are on probation, have had their license suspended, revoked, or have surrendered due to a disciplinary board order.

Total number of Dispensing Opticians being monitored: 2

- Reprimand: 1

- Probation: 0
- Suspension: 1
- Revoked/Surrendered: 0

Rule Activity

Ms. Trawick informed the Board that during the retrospective rule review, it was determined the Rule 0480-01-.22 Guidelines for Contact Lenses should be repealed because it is duplicative of Rule 0480-01-.10 Supervision, which is also more comprehensive.

A motion was made by Mr. Bowman to repeal Rule 0480-01-.22 Guidelines for Contact Lenses with a second by Mr. Christopher. There was no discussion on the motion.

A roll call vote was then held on the motion, as follows:

Mr. Herman Bowman	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSENT
Mr. Larry Christopher	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSENT
Ms. Brandy Miller	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSENT
Ms. LeRhonda Walton-Hill	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	<input checked="" type="checkbox"/> ABSENT
Mr. Jonathan Winnegrad	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSENT

The motion passed unanimously by a roll call vote.

Ms. Trawick noted that there may be additional updates recommended in future meetings for streamlining and condensing the rules as a result of the retrospective rule review that was recently conducted.

Legislation

There was no new legislation to discuss.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders – Doyle, Jamie, License #3472

There was one (1) Consent Order for ratification for Jamie Doyle, license number 3472, Licensed Dispensing Optician. From July 1, 2022, until on or about June 2023, Respondent worked as a DPO on a lapsed license.

Respondent is assessed eight (8) Type B Civil Penalties in the amount of two hundred dollars (\$200.00) each, representing the eight (8) months which Respondent worked as a DPO on a lapsed license past the grace period noted in the Board’s Lapsed License Policy, for a total of one thousand six hundred dollars (\$1,600.00), in accordance with Tenn. Comp. R. & Regs. 0480-01-.15(4) and shall be paid in full within twenty-four (24) months from the effective date of this Order.

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

Agreed Citations

There were no Agreed Citations for the Board to review in this meeting.

Applicant Interviews/File Reviews/Waivers & Other Requests

Ms. Wallace read the following:

“Rule 0480-01-.12(6) Waiver of Continuing Education (a) The Board may grant a waiver to certify attendance and completion of the required hours of continuing education, if it can be shown to the Board that the failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other instances of undue hardship. Such requests for waiver must be accompanied by written documentation acceptable to the Board.”

CE Waiver Request – Sharon Hoover, License #937

Sharon Hoover, License #937 requested a waiver of her 2023 CE requirements of nine (9) hours. She submitted medical documentation in support of her request.

A motion was made by Mr. Christopher to approve the CE Waiver for Sharon Hoover, License #937, for her 2023 CE requirement of nine (9) hours, with a second made by Mr. Winnegrad. There was no discussion on the motion. The motion passed unanimously by voice vote.

CE Waiver Request – Linda Davis, License #719

Linda Davis, License #719 requested a waiver of her 2023 CE jurisprudence requirement of one (1) hour. She submitted medical documentation in support of her request.

A motion was made by Ms. Miller to approve the CE Waiver for Linda Davis, License #719 for her 2023 CE jurisprudence requirement of one (1) hour, with a second made by Mr. Winnegrad.

Commentary was conducted, as follows: Mr. Christopher noted it was a request to waive the jurisprudence exam, which is an exam that can be done any time remotely, which is different from the other eight (8) hours of annual CE requirements.

Mr. Winnegrad commented that when caring for her spouse, it could be taking all of her time.

The motion passed unanimously by voice vote.

Mr. Bowman noted that when the Board received requests for CE waivers, the Board’s Rules allow for up to two (2) hours of CEs via multimedia formats.

Ms. Trawick advised the Board that they can require a licensee to fulfill all hours via the online format as opposed to waiving the hours altogether.

CE Waiver Request – Stephen Clancy, License #755

Stephen Clancy, License #755 requested a waiver or extension of his 2023 CE requirements of eight (8) hours. He did successfully complete the Jurisprudence Exam in 2023 and earned one (1) credit. He

submitted documentation of enrollment for the remaining eight (8) hours of CEs and an explanation of a medical situation that prevented him from attending the courses in support of his request.

A motion was made by Ms. Miller to approve an extension for Stephen Clancy, License #755 for his 2023 CE requirements of eight (8) hours to be completed by December 31, 2024, with a second made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously by voice vote.

Closed Apprenticeship File Request for Review – Hope Harrell Beck, File #3721

Ms. Beck was present to discuss her file with the Board.

The Administrative Office closed the apprenticeship file in accordance with Rule 0480-01-.14(4)(d)(2) and (5)(c) and (5)(c)(2).

Ms. Beck was initially approved for the apprentice program on August 20, 2021, and since that time, only her first semi-annual evaluation report was received on time and for the correct period, although that form included errors in the dates presented. While there are no requirements for a notice to be made of a late or missing semi-annual evaluation form, and it is clearly stated on the forms that it is the apprentice's responsibility to submit the mandatory forms complete and on time, the Administrative Office sent a courtesy email notice to Ms. Beck after the late receipt of her 3rd form and again after the late receipt of her 4th form to her email address of record on her file. Information and rule references regarding the requirements of the apprentice program are also made in the original apprentice approval letter dated August 20, 2021. Further, the Administrative Office also sent a file closure letter via certified mail to Ms. Beck's mailing address of record on September 29, 2023, which was returned to our office as undeliverable.

It was also noted that the Board's Rule 0480-01-.17 requires all changes of name or address to be submitted to the Board in writing within thirty (30) days of the change.

On January 08, 2024, Ms. Beck requested the Board to consider approving the closed file to be re-opened and allow her to continue in the Apprentice Program and the pursuit of licensure using the hours completed between August 20, 2021, through current date.

Ms. Beck also submitted medical documentation dated December 14, 2023, and December 21, 2023, which are dates that occurred after the file had been closed, and other documentation submitted dated June 21, 2023.

Ms. Wallace also reviewed all semi-annual evaluation forms as received by the Administrative Office, with all but the first one received late, in accordance with the 6-month period after approval for the apprenticeship program.

Ms. Beck stated to the Board that she experienced a change in management and supervisor, and stated that she believed that when an apprentice changes to a new supervisor it re-starts the 6-month period. Ms. Beck apologized for turning in her forms after the thirty-day period, after every period, stating she did not know that her file would be closed for late submissions.

Ms. Trawick informed the Board that they can approve the request and reinstate the apprenticeship, deny the request, or accept and determine how many hours to accept.

Mr. Christopher noted that Ms. Beck has passed the ABO and NCLE and she has completed the NAO OCPP program. Ms. Miller and Mr. Christopher both noted they want to encourage individuals in the profession.

Ms. Wallace asked the Board to provide rationale for any decision they may make, to ensure that any future situations could be referred to the Minutes of this meeting, as this could set precedence.

Ms. Trawick noted that Rule 0480-01-.14(5)(d) explains the opportunity for a Hardship Waiver and should the Board approve a reinstatement of the apprenticeship, the Board should be specific as to their rationale as it is alignment with their rules.

Ms. Miller noted that Ms. Beck did submit medical documentation and Mr. Bowman noted the work Ms. Beck has completed thus far shows her dedication to the profession and desire for licensure. She has completed all requirements, with the exception of the timeliness of submissions.

Ms. Trawick noted if the Board grants a waiver of the reporting on time, the Board needs to establish on record as to where they are approving her to return to the program and include that in the motion.

A motion was made by Ms. Miller to approve a hardship waiver and allow Ms. Beck's apprenticeship file to be reinstated at the same point at which it was closed, which would qualify her to apply for licensure, with a second made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously by voice vote.

Ms. Wallace noted that this case presents the challenges faced in this profession of supervisors and apprentices not remaining aware of and up-to date on the Board's Rules, statutes, and requirements of the apprenticeship program, however, it is their responsibility to do so. Ms. Wallace asked for recommendations of individuals within the profession she can serve as a resource to, to offer licensure outreach presentations.

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 Ratification List

Newly Licensed 7/14/2023 to 1/29/2024

<u>License#</u>	<u>Name</u>	<u>Date</u>
3974	Babinski Isabella Rose	9/29/2023
3684	Bennett Macie Christian	10/12/2023
3985	Bowman Alexis Adairra	9/29/2023
3189	Brasfield Joseph	7/28/2023
3475	Cobb James Vance	11/30/2023
3725	Copeland Jeremy David	11/30/2023
3547	Dishner April N	10/12/2023

3568	Fishpaw Jason Christopher	1/5/2024
3675	Folles Tiffani Dawn	11/30/2023
3980	Hancock, Kaitlin Renee	1/18/2024
3404	Holbrook Kellie A.	9/29/2023
3702	Josephs Jordan Kaleigh	10/12/2023
3055	Ousley Anthony Tate	12/28/2023
3700	Parish Hudson Gray	1/5/2024
3662	Rosencrantz Amber Lace	1/5/2024
3550	Sanders Lucrecia Govea	10/12/2023
2981	Seal Meghann Ruth	1/3/2024
3275	Simons Kathy L	7/28/2023
3712	Webb Collin	9/29/2023
3557	Wright Brad Eugene	9/29/2023

**Voluntarily Retired
7/14/2023 to 1/29/2024**

<u>License #</u>	<u>Name</u>	<u>Date</u>
704	Sims Marsha J	11/15/2023
1215	Steadman Karen L.	11/22/2023

**Reinstatements
7/14/2023 to 1/29/2024**

<u>License #</u>	<u>Name</u>	<u>Date</u>
3472	Doyle Jamie Michaela	8/14/2023
1420	Hollis Rachael D	12/12/2023
1453	Lewis Steven N	11/30/2023
3150	Rice Christine Lou	8/1/2023
873	Schlemmer Donna Dugan	8/14/2023

**Dispensing Opticians Apprentice Approval
7/14/2023 to 1/28/2024**

<u>Approval Date</u>	<u>Status</u>	<u>Name</u>
9/12/2023	Apprentice	Anderson Sarah
1/4/2024	Apprentice	Bailey Jacob Nathaniel
10/18/2023	Apprentice	Biggs Vicky Lynn
11/30/2023	Apprentice	Brazwell Stephanie
9/12/2023	Apprentice	Burgess Hailey Michelle

8/14/2023	Apprentice	Castillo Josephine
10/23/2023	Apprentice	Chang Heejin
12/14/2023	Apprentice	Clipperton Braiden Stacey
10/23/2023	Apprentice	Contreras Ortiz Aidyl Marie
10/5/2023	Apprentice	Crowe Billy Wade
11/30/2023	Apprentice	Davis Tanya Nicole
11/30/2023	Apprentice	Flanagan Savannah Leigh
9/12/2023	Apprentice	Foshee Justin Carl
12/14/2023	Apprentice	Gerges Marina
10/12/2023	Apprentice	Gooch Blake Taylor
8/14/2023	Apprentice	Haggard Leianna Maria
8/4/2023	Apprentice	Holtscaw Kelly Lynne
8/4/2023	Apprentice	Hudson Brendan-Mikal Alexander
9/12/2023	Apprentice	Hull, Sara
10/18/2023	Apprentice	Johnson Megan
7/26/2023	Apprentice	Jordan Thomas
7/26/2023	Apprentice	Kanies Viktoriya Andrea
10/5/2023	Apprentice	Kay Megan Lynn
12/5/2023	Apprentice	Lesley Jenna Lynn
1/8/2024	Apprentice	Lucombe Mercuria
8/14/2023	Apprentice	Marsee Miranda Renee
7/28/2023	Apprentice	Marshall Diane Simoneau
12/14/2023	Apprentice	Mcwilliams Jean Yvonne
10/23/2023	Apprentice	Mills Jeremy Leon
11/30/2023	Apprentice	Morales-Snow Deborah Lynn
11/30/2023	Apprentice	Odom Sharon Lynn
9/6/2023	Apprentice	Pace Amanda
7/26/2023	Apprentice	Peterson Whitney
7/26/2023	Apprentice	Rogers Jazmin
10/5/2023	Apprentice	Ruffin Miosha C
8/4/2023	Apprentice	Rustan Kylie
8/14/2023	Apprentice	Spencer Kristen K
10/12/2023	Apprentice	Taylor Kathy Katrina
9/6/2023	Apprentice	Tidwell Patricia Ann
10/12/2023	Apprentice	Turner Emma Anne
11/7/2023	Apprentice	Underwood Austin Lee
12/14/2023	Apprentice	Van Zyl Sharon Millany
11/7/2023	Apprentice	Winder Jaime Nicole

**Approved to sit for Practical Examination
7/14/2023 to 1/29/2024**

<u>Name</u>		<u>Date Approved for Practical Exam</u>	
Bennett		Macie	8/30/2023
Bowman	Adairra	Alexis	7/25/2023
Copeland	David	Jeremy	11/7/2023
Dishner	N	April	8/30/2023
Douglas	Scott	Kelly	12/5/2023
Fauscett	Lee	Joshua	11/7/2023
Fishpaw	Christopher	Jason	11/3/2023
Folles	Dawn	Tiffani	10/4/2023
Fulmer	Henry	Matthew	12/4/2023
Goldstone		Erica	1/4/2024
Griffith	Elizabeth	Laci	12/14/2023
Hancock	Renee	Kaitlin	8/4/2023
Jeans	R	Michael	1/4/2023
Josephs	Kaleigh	Jordan	7/25/2023
Kaupp	Ross	Melinda	1/4/2024
Ousley	Tate	Anthony	8/4/2023
Owenby	Grace	Hannah	7/25/2023
Painter	Diane	Alesia	12/5/2023
Parish	Gray	Hudson	11/7/2023
Rosencrantz	Lace	Amber	10/23/2023
Sanders	Govea	Lucrecia	8/4/2023
Seal	Ruth	Meghann	10/3/2023
Taylor	Lynett	Kathy	1/8/2024
Thorburn		Mary	1/4/2024
Webb		Collin	8/30/2023
Wilkerson	D	Kathy	12/4/2023
Wolfe	Ann	Melissa	11/13/2023
Woodard	L	Casey	12/14/2023
Wright	Eugene	Bradley	8/4/2023

**Closed/Withdrawn Applications
7/14/2023 to 1/12/2024**

<u>Name</u>	<u>Date</u>
Hudson Brendan-Mikal Alexander	8/4/2023
Johnson Megan	10/18/2023
Turner Emma Anne	10/12/2023

**Apprentice Closed / Expired Files
7/14/2023 to 1/12/2024**

<u>Name</u>	<u>Date</u>
Almy Thomas Ross	1/10/2024
Anderson Ashley Elizabeth	1/4/2024
Bagg Jennifer Lee	1/4/2024
Baldwin Neill W	12/5/2023
Barnefske Bree M.	1/10/2024
Beck Shanna Hope	9/29/2023
Booker Carrie	11/1/2023
Boyd Eric	12/5/2023
Brecht Michele Josephene	1/4/2024
Burbidge Shirley Ann	1/4/2024
Cannon Ethan Marshall	1/10/2024
Clark Christy Amanda	1/10/2024
Counce Sara Lynn	1/10/2024
Dennison Cassandra Erin Phillips	10/4/2023
Denson, Terry Lynn	1/25/2024
Denton Avery Lynn	1/4/2024
Emme Laura Kathleen	12/5/2023
Emory Rebecca	12/5/2023
Fly Ryan Reid	1/10/2024
Ford Alexia Layne	12/5/2023
Glenn Latoya Catrice	1/4/2024
Harness Joseph Wayne	12/5/2023
Harris Cody	9/29/2023
Herron Sandra Dee	1/10/2024
Hunley Amy Denell	1/10/2024
Hyatt Phoebe Nadine	1/10/2024
Johnson Susan Veronica	1/4/2024
Kilgore Davina Leanne	12/8/2023
Lee Amy Jean	9/29/2023
Logue Ashlyn Rose	12/8/2023
Mccoig Kristy Annette	1/4/2024
Mccollum Amanda Nicole	12/5/2023
Notta Karim	12/5/2023
Park Sasha Mckenzie	12/8/2023
Pembroke Gretchen Lee	1/10/2024
Pozo-Aelaya Ana Gisselle	12/5/2023
Ragland Rhonda Lue	12/5/2023

Reed Jaime Jean	12/5/2023
Riding Carly Lynn	1/10/2024
Sargent Cody William	1/4/2024
Satterthwaite Lauren Michelle	1/4/2024
Seale Samantha Nicole	11/14/2023
Shaw Yvette Evans	1/11/2024
Sills Misty	1/11/2024
Souther Amanda Donyall	1/11/2024
Tyler Vickie Renay	1/11/2024
Watson Debra Ann Walton	1/11/2024
Williams Elise Gabrielle	1/4/2024
Womack Kara Renee	1/11/2024
Workman Etta Mae	1/4/2024
Wright Jerry Donald	1/11/2024

A motion was made by Mr. Christopher to approve the Ratification List, as presented, with the exception of Hope Harrell Beck to be rescinded from the closed file list, with a second made by Ms. Miller. There was no discussion on the motion. The motion passed unanimously by voice vote.

Continuing Education Course Requests, and Other Education Items

There were no Continuing Education Course requests, or other Education Items to review in this meeting.

Discuss and take action as necessary regarding Rulemaking and Policies

There were no other rulemaking or policy items for the Board to review in this meeting.

Discuss Old/New Board Business

New Business – Portability of Licenses, Servicemembers and Spouses

Ms. Trawick presented an overview, informing the Board that OGC Staff are in the process of developing a formal set of rules and procedures for use across the HRB in meeting the requirements of the new Federal Servicemembers Civil Relief Act (SCRA) for servicemembers and their spouses. She also provided a summary of the requirements of the SCRA.

Ms. Trawick requested the Board consider approving their understanding that one set of rules are being created for the entire HRB, rather than each Board having to promulgate a duplicate set of rules.

Ms. Wallace and Ms. Trawick reviewed the federal requirement that an individual meeting the SCRA requirements will be authorized to practice in TN under their other-state license and that approved individuals will be listed on the Board’s website Licensure page.

A motion was made by Mr. Bowman to approve one set of rules being created for the entire HRB, rather than each Board having to promulgate an individual set of rules regarding this provision, with a second

made by Mr. Winnegrad. There was no discussion on the motion. The motion passed unanimously by voice vote.

Elections of Board Officers

Current Officers

- Chair: Jonathan Winnegrad
- Secretary-Treasurer: Brandy Miller

TCA 63-14-101(c) states that board officers will serve for two (2) years, or until their successors are appointed.

The current officers were elected on October 26, 2022, therefore, in accordance with the two (2) year provision in the statutes, they will continue in these roles until the October 2024 meeting, where a new election will be conducted.

Review of Correspondence and Notices

Correspondence – Ferguson, Roy

Dr. Roy Ferguson submitted a letter of correspondence to the Board regarding the jurisprudence exam.

Ms. Trawick noted that the Board has received correspondence and they should read and consider the correspondence for items anything they deem appropriate for which to issue a response. If the Board does not have an answer or needs guidance on the correspondence, they can request guidance. The jurisprudence exam is created similarly by other boards and this board is following their statutory guidance and rules in administering the exam. There are only certain things the Board may comment on; they can take correspondence under advisement for potential future considerations, however, being thoughtful as they read it and ensuring they are following the rules in their methodology is important. It is the Board's discretion as to how they administer the exam.

Ms. Wallace read the correspondence into the record. She also reviewed the jurisprudence credit requirement of the Board's rules and the process for constructing and administering the exam.

Mr. Bowman noted there is no subjective interpretation of the rules included in the exam questions as the exam currently exists.

Dr. Ferguson requested in his correspondence that he be provided the exam answer key. Ms. Trawick stated it would not be appropriate to release the exam answer key to anyone. The intent of the exam is for individuals to read and learn the rules. The Board has been following their statutes and rules.

Ms. Wallace provided a brief summary of the Dental Board's use of a no-fail exam approach and the technology employed by that Board in the online exam format.

Mr. Winters referred to T.C.A. 63-14-101(c) and 63-14-106(a), and Rule 0480-01.12(1)(a) that establish the Board's authority to promulgate rules and regulations and the continuing education requirements for the jurisprudence credit. Those rules have been completed and approved through the full rulemaking process with legislative approval. At no point in the process were parameters restricting the Board's

ability to produce and administer the examination. The Board has the authority to structure the exam as they deem appropriate.

Ms. Trawick added that the vetting process for rules is extensive and involves many steps. Executive and legislative oversight and has been approved through many layers of review before rules are made effective.

Ms. Trawick reminded the Board the purpose of correspondence is not for taking immediate action but can be considered for possible advisement by the Board. The Board has followed the process set out in the rules.

The Board thanked Dr. Ferguson for his correspondence.

Call for Public Comment

Ms. Wallace noted that Public Comments may be submitted in writing to Unit3HRB.Health@tn.gov or to 665 Mainstream Drive, Nashville, TN 37243, or may be given verbally by attending a meeting in person.

At 11:55 a.m. CST, a ten (10) minute time limit was set for public comment.

Dr. Roy Ferguson made public comment and said he has no complaint about the statutes or rules. He stated his opinion that the Board has formulated their questions in their jurisprudence exam incorrectly. He expressed his dislike of true/false question format and encouraged the Board to convert to a multi-choice question format.

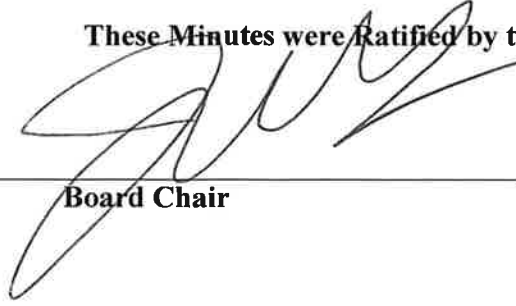
Ms. Trawick stated that Dr. Ferguson has posed questions for the Board to think about, and she will consult with Mr. Christopher as he works on the 2024 exam. If the Board wishes to make substantive changes, requiring a rule change, that would have to go through the rulemaking process.

Adjourn

With no further business to conduct, a motion was made by Mr. Winnegrad to adjourn, with a second made by Ms. Miller. There was no discussion. The motion passed unanimously by voice vote.

There being no further business to be heard today, the meeting of the Dispensing Opticians Board was hereby adjourned at 12:08 p.m. CST.

These Minutes were Ratified by the Board on April 24, 2024



Handwritten signature of the Board Chair, written in black ink over a horizontal line.

Board Chair

4-24-24

Handwritten date "4-24-24" written in black ink over a horizontal line.

Date