

**MEETING MINUTES  
TENNESSEE BOARD OF DISPENSING OPTICIANS**

**DATE:** January 29, 2020

**TIME:** 9:00 A.M., CDT

**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN

**BOARD MEMBERS**

**PRESENT:**

William DeCrow, DPO – Chair  
Janet Perry-Martinez, DPO - Secretary  
LeRhonda Walton-Hill, DPO  
Jonathan Winnegrad, DPO

**BOARD MEMBER**

**ABSENT:**

Consumer member (vacant position)

**STAFF**

**PRESENT:**

Yvette Vagle, Board Administrator  
Kimberly Wallace, Unit Director  
Kaitlin Parham, Associate General Counsel

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

Mr. DeCrow made the following announcement regarding the public comments sign-in sheet: We would like to make it known that Public Comments will be heard by this Board in regard to any topic that appears in today's agenda. A copy of the agenda is available on the table by the front door for anyone who would like a copy. For those who would like the opportunity to make a comment, we ask that your remarks are kept brief and respectful in nature. As a reminder, the Board is only at liberty to take action on items that are on today's agenda, which are previously posted in the Public Notice. Anyone who has a topic they would like the Board to review for possible action that is not on today's agenda is welcome to follow-up with a written request to the Board so that it may be added to the future Public Notice and Agenda.

## **Review/Approve July 25, 2018 Board Meeting Minutes**

Upon review of the October 16, 2019 Board Meeting minutes, Ms. Walton-Hill made a motion, seconded by Mr. Winnegrad, to approve the minutes as written. The motion carried.

### **Office of Investigations**

Lori Leonard, Disciplinary Coordinator, she is currently monitoring three (3) licensees under reprimand. Investigations received six (6) new complaints, of the six (6) complaints; three (3) were for unlicensed practice, one (1) for unprofessional conduct, one (1) for lapsed license and one (1) for failure to supervise. Investigations closed a total of thirteen (13) complaints, of the thirteen (13) complaints; one (1) for insufficient evidence to discipline, one (1) sent to the Office of General Counsel for formal discipline, seven (7) with no action, three (3) with letter of concern and one (1) with letter of warning. At the end of 2019, currently there is one (1) open complaint being investigated and or reviewed.

### **Office of General Counsel**

Kaitlin Parham stated the Conflict of Interest policy.

### **Open Meetings Act**

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the Committee's business at any time other than during the open meeting. The prohibition applies to phone calls, emails, and text messages. Committee 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.

### **Rule Activity**

Kaitlin Parham stated the rule packet that includes amendments regarding definitions, licensure, fees, renewals, applications, continuing education, apprenticeship, and supervision is currently in the internal review process.

At the last Board meeting, the Board voted to draft rules concerning apprenticeship applicants and criminal background checks, which will be presented to the Board later in today's meeting.

### **Disciplinary Activity**

As of January 17, 2020, the Office of General Counsel has one (1) open discipline case, and a Consent Order to present to the Board for ratification at today's meeting.

Ms. Parham has a Consent Order for Randal Cheek license number 487, he practiced on a lapsed license since June 30, 2017. Mr. Cheek agreed to have his license reprimanded, he agreed to pay civil penalties, pay twenty-five (25) type B civil penalties in the amount of \$200.00 for every month he practice on a lapsed license after the ninety (90) day grace period for a total of \$5,000.00, he also agreed to pay the cost for investigations and prosecuting, the cost will not exceed \$500.00, he shall pay within sixty (60) days. Mr. Winnegrad made a motion to approve, seconded by Ms. Perry-Martinez. The motion carried.

### **Financial Report 2018**

Maria McCormick reviewed the Financial Report for fiscal year 2019; the total direct expenditure of \$77,517.27, total allocated expenditures of \$16,327.56, the Board Fee Revenue of \$149,210.56 and the current year net of \$55,365.73. LARS improvements \$1,573.05 giving the Board a cumulative carryover of \$573,069.82.

### **Administrative Report**

Yvette Vagle stated there are 484 apprentices and 889 licensed Dispensing Opticians as of January 28, 2020.

Ms. Vagle stated as of October 15, 2019 to January 28, 2020 there three (3) apprentices, sixteen (16) newly licensed, two (2) retired and twelve (12) expired, there were one hundred two (102) renewals out of one hundred two (102), seventy-two (72) renewed online with (72%).

### **Board meeting dates for 2020:**

April 22, 2020, July 22, 2020 and October 21, 2020

### **Randal Cheek – CE Agreed Citation**

Ms. Wallace stated Randal Cheek received an agreed citation from the administration office for a continuing education violation. Mr. Cheek submitted a reinstatement application and was found deficient one (1) hour of continuing education credit for 2018 jurisprudence exam. Mr. Cheek has signed and returned the agreed citation and paid \$100.00. Ms. Walton-Hill made a motion to accept the citation, seconded by Ms. Perry-Martinez. The motion carried.

### **Peggy R. Happy Moyer – CE Agreed Citation**

Ms. Wallace stated Peggy Moyer received an agreed citation from the administration office for practicing on an expired license. Ms. Moyer submitted a reinstatement application and was found to be practicing on an expired license for a period of one (1) month, Ms. Moyer has signed and returned the agreed citation and paid \$100.00. Ms. Walton-Hill made a motion to accept the citation, seconded by Ms. Perry-Martinez. The motion carried.

## **Discuss & take action if needed regarding administrative procedure for the practical exam candidates and apprenticeship candidates**

Ms. Wallace talked about a change proposal for the administrative processes surrounding 1) approvals for beginning the apprenticeship program and 2) approvals for taking the Tennessee practical exam. Before the applicants can move forward their names go on a list and are ratified at the next Board meeting, it can be delayed one (1) to four (4) months before they can move forward for their practical exam or the apprenticeship program depending on the application date and the date of the next Board meeting. Ms. Wallace reviewed the process with the Board Attorney Ms. Parham and there are no Board rules, statutes or policies that require this process to be handled in this manner. Ms. Wallace proposed to the Board that, once she completes the Director file review, for those files that are complete and in accordance with the Board rules and statutes, that the administrative office to be allowed to provide the approval letters to the applicants, this will allow them to take the practical exam and start the apprenticeship program upon the approval of a completed file, instead of waiting until the next Board meeting. The Board would continue to ratify and finalize the lists with the names on a post-administrative-approval basis, instead of pre-approval list. Ms. Wallace stated this change would be in the best interest to the applicants as we strive to make the licensure process as efficient and timely as possible.

Mr. Winnegrad made a motion to approve the administrative office to issue approval upon a completed file for the apprenticeship program and later ratified by the Board at the next Board meeting, seconded by Ms. Walton-Hill. The motion passed.

Ms. Walton-Hill made a motion to approve the administrative office to issue approval upon a completed file for the practical exam and later ratified by the Board at the next Board meeting, seconded by Ms. Perry-Martinez. The motion passed.

**2020 Jurisprudence Exam** - Ms. Wallace stated this is for information only and no action is needed by the Board. Ms. Perry-Martinez assisted the office by selecting the questions from the established lists for the 2020 jurisprudence exam. Ms. Wallace and Mr. DeCrow thanked Ms. Perry-Martinez for taking the time to assist with the 2020 jurisprudence exam. Ms. Wallace said she will be posting the 2020 jurisprudence on the web site.

## **Review, approve/deny and ratify new licensure files**

**Randyn McMillan file review** – Ms. Wallace stated that Mr. McMillan has applied for licensure and holds an active license in Florida which was obtained by an apprenticeship program which was combined with the NAO program; he also took the ABO practical exam with ABO/NCLE in Florida. Ms. Wallace asked the Board if the total apprentice time in Florida along with the NOA program and college credits be acceptable to the Board toward meeting the three (3) year apprentice rule. Mr. Decrow stated he spoken briefly with Mr. McMillan’s supervisor but that he could review this file without bias to this situation. Ms. Wallace stated with the documentation received he is two (2) months short without the three (3) college credits that were converted, Ms. Perry-Martinez stated he has a bachelor degree and it should count for the two (2) months short.

Ms. Vagle read the ABO/NCLE memorandum that states Florida is one of the states that were approved for the ABO/NCLE practical exam. In late 2015 ABO/NCLE practical examination has been adopted by six (6) adopting states; Georgia, Nevada, North Carolina, Rhode Island, Tennessee, and Washington state. Ms. Perry-Martinez made a motion to accept his apprenticeship hours and his college credits, and also accept his Florida practical exam for licensure, seconded by Ms. Walton-Hill. The motion passed.

Ms. Vagle asked the Board to amend the newly licensed list by adding Randlyn McMillan to the list.

### **Newly Licensed**

Ms. Walton-Hill made a motion to accept the newly licensed list, with Randlyn McMillan being added; seconded by Mr. Winnegrad:

**Amber Danielle Crisp  
Ashley Ladawn Richards  
Breanna Arlene Hatcher  
Breanna Nicole Keith  
Laci Kitts  
Whitney Brooke Marlow  
Randlyn McMillan**

**Holly Lee Miller  
Keala Saundera Nabors  
Miranda Nicole Williamson  
Sarah Faith West  
Nicole Marie Williamson  
Gerardo Zavala Jr.**

The motion carried.

### **Newly Approved Apprentices**

Ms. Perry Martinez made a motion, seconded by Ms. Miller, to approve the following apprentices:

**Alicia Ammons  
Brittanie Barnett  
Jennifer Cates  
Michael Day  
Haley Dixon  
Bryson Gardner  
Kristen Goree  
Michele Hoyt  
Heather Hughes  
Christine Incorvia  
Savannah Keen  
Lindsey Lambert**

**Cole Pablo Liston  
Angela N. Massey  
DeMarcus McDowell  
Noah Murray  
Loren Nicholas  
Beulah Nolan  
Stephanie Ortez  
Karen Soto  
Crystal Shafer  
Dawn Turner  
Sydney Wallace**

The Motion carried.

### **Practical Examination Candidates**

Ms. Perry-Martinez made a motion, seconded by Ms. Walton-Hill, to approve the following applicants to sit for the practical examination:

**Hailey Anderson**  
**Lori Autry**  
**Rachel Burton**  
**Jolene Douglas**  
**Jamie Doyle**  
**Shermila Elder**  
**Stephanie Fischer**  
**Chelsea Guffin**  
**Jessica Hoffstetter**  
**Jennifer Harvey-Boyer**  
**Amy Hunley**

**Judy Kirk**  
**Tanner Lust**  
**Lisa May**  
**Kassandra Mercer**  
**Danielle Oliver**  
**Wallace Redd**  
**John Richards**  
**Abdul Siddiqui**  
**Wendy Simbeck**  
**Tawanda Smith**  
**Chelsea Wills**

The motion carried.

### **Reinstatement Applications**

Ms. Walton-Hill made a motion, seconded by Ms. Perry-Martinez, to approve the following reinstatement applicants:

**Randal L. Cheek**  
**Dawn S. Kavanagh**

**Peggy R. Happy Moyer**  
**Jennifer Gibbons Sawyer**

The motion carried.

### **Approve closed and withdrawn applications**

Ms. Perry-Martinez made a motion, seconded by Ms. Walton-Hill, to approve the following closed/withdrawn applications.

**Laura Auker** – Closed as of 11/21/19, application incomplete from 6/23/17.

**Caleb B. Blackwell** – Closed as of 11/12/19, Failure to submit 6 months evaluation form since 5/19/17.

**Kristen McGill** – Closed as of 11/1/19, Failure to submit 6 months evaluation form since 11/29/17.

The motion carried.

## **Review/approve/deny Continuing Education courses for 2020 and CE waiver requests**

**Matthew Townsend CE Waiver** – Ms. Wallace read his letter regarding CE waiver; Ms. Wallace stated he sent the letter proactively, and had not been selected for audit. Ms. Parham quoted 0480-01-.12(6) waiver of continuing education. Mr. Winnegrad made a motion to waive 2019 continuing education based on rule 0480-01-.12(6), seconded by Ms. Perry-Martinez.

The motion carried.

Upon review Ms. Perry-Martinez made a motion, seconded by Ms. Walton-Hill to approve the continuing education request except for those that list Advance Exam Reviews and NFOS Nat'l College Bowl in the course title.

- **Vision Expo & Conference East 2020 held at the Javits Convention Center in New York, NY from March 26 – 29, 2020.**

The motion carried.

Upon review Ms. Walton-Hill made a motion, seconded by Ms. Perry-Martinez to approve the continuing education for:

- **TDOA Tri Cities Chapter Hours February 9, 2019 at Sullivan Central High School in Blountville, TN.**
- **TDOA Memphis Chapter Hours March 1, 2020 at Crosstown Concourse Building Community Room in Memphis, TN.**

The Motion carried.

Upon review Ms. Walton-Hill made a motion, seconded by Ms. Perry-Martinez to approve the continuing education for:

- **The Learning Curve – Roy Ferguson**
  - **Holiday Inn, Johnson City, TN – February 9, 2020**
  - **Holiday Inn Select, Knoxville, TN – February 23, 2020 & November 15, 2020**
  - **Hampton Inn, Cleveland, TN – March 15, 2020 & September 20, 2020**
  - **Cookeville Regional Hospital, Cookeville, TN – April 15, 2020 & October 11, 2020**

The motion carried.

Upon review Ms. Walton-Hill made a motion, seconded by Mr. Winnegrad to approve the continuing education for:

- **Wang Vision – Topography Grand Rounds 1 at Palmer Plaza 1801 West End Avenue, Nashville, TN 37203 on March 29, 2020 & August 23, 2020**

The motion carried.

Upon review Ms. Perry-Martinez made a motion, seconded by Ms. Walton-Hill to approve the course given except for the course titled “Georgia Opticianry Rules & Laws” on the following date:

- **SECO 20/20 “Where sight Meets Vision” on MARCH 4-8, 2020 AT Georgia World Congress Center in Atlanta, GA.**

The motion carried.

### **Correspondence**

There were none.

### **Discuss legislation and take action if needed.**

There were none.

### **Review and take action as needed regarding rule redlines for criminal background checks and potential Board action for apprenticeship**

Ms. Parham went over the changes that were made to the redlines regarding the criminal background checks for the apprenticeship program. Ms. Parham gave the Board the Fresh Start Act 63-1-130 that is referenced in the redlines. Ms. Parham stated when the rule passes, a criminal background check will be needed for apprenticeship application as well for licensure for Dispensing Opticians applications. Ms. Walton-Hill made a motion to accept the rule change on the apprenticeship program for the criminal background check rule 0480-.01-14(1)(d), seconded by Ms. Perry-Martinez.

The motion carried.

### **Review and Discuss acceptance of CE from surrounding states**

Ms. Wallace stated at the last Board meeting it was suggested that the Board consider accepting continuing education credits that are offered by providers in surrounding states. Ms. Wallace read the current rule 0480-01-.12(2)(a) and stated the Dispensing Opticians redlines CE vendor rule policy in the current redlines that have been in internal review includes a standing list of providers for continuing education. Ms. Wallace asked the Board if they wanted to discuss any potential language revisions that will allow for continuing education offered in the surrounding

states that is not in the current or redlines language. Ms. Parham read rule 0480-01-.12(a)(f) to the Board. The Board read the redlines and agreed no change was needed.

**Call for Public Comment**

Ms. Wallace opened the floor for any public comment regarding any item that was included in the discussion on today's agenda, asking for interested individuals to sign-in at the podium when they approach to comment. There were none.

**Adjourn**

With no other Board business to conduct Ms. Walton-Hill made a motion, seconded by Ms. Perry Martinez to adjourn at 11:00 a.m.

The motion carried.

William A. Brown D.p.O.  
Name and Title

07/22/2020  
Date Minutes Ratified by Board