

TENNESSEE BOARD OF DISPENSING OPTICIANS MEETING MINUTES

DATE: July 22, 2020
TIME: 9:00 A.M., CST
LOCATION: Health Related Boards
WebEx-Teleconference
665 Mainstream Drive
Nashville, TN

BOARD MEMBERS

PRESENT: William DeCrow, DPO
Brandy Miller, DPO
Janet Perry-Martinez, DPO
LeRhonda Walton-Hill, DPO
Jonathan Winnegrad, DPO

STAFF

PRESENT: Lyndsey Boone, Board Manager
Yvette Vagle, Board Administrator
Kimberly Wallace, Executive Director
Kaitlin Parham, Assistant General Counsel

Call to Order

This meeting was convened electronically, via WebEx, due to the gathering restrictions resulting from the COVID-19 pandemic. The meeting was called to order at 9:00AM CST. A roll call of the Board Members and Board staff present was conducted by Kimberly Wallace, Unit 3 Director.

Necessity of Meeting

Ms. Wallace informed all present that prior to proceeding with the electronic meeting, certain criteria for continuing with an electronic meeting must be met. To ensure the meeting proceeded according to guidelines, Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another. All confirmed.

Next, Ms. Wallace reminded all present that this Board Meeting was being held for the purpose of ratifying licenses - including new licenses and reinstated licenses - ratifying orders received

after the Board’s last meeting, and to consider other time sensitive matters. Because this Board was unable to convene a physical quorum today to consider these matters in light of the COVID-19 pandemic, for which the TN Governor and Mayor of Nashville recommend limiting the number of attendees at meetings for several weeks, this WebEx remote meeting was necessary.

Mr. Winnegrad made a motion for the Board Meeting to proceed to conduct this electronic meeting for the aforementioned purpose, with a second from Ms. Miller.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Further, Ms. Wallace asked each Board Member to acknowledge whether they had received, prior to this meeting, all the materials that were to be discussed at this meeting.

A roll call confirmation was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

All Board Members confirmed.

Finally, Ms. Wallace informed the Board that only certain matters are proper for a teleconference; accordingly, Mr. DeCrow made a motion, with a second by Mr. Winnegrad, followed by a roll call vote, that matters to be discussed do meet the following requirements:

The subject matter requires timely action;

The physical presence of all members is not possible considering the period of time required for action; and

The participation by some or all of the members of the Committee by electronic is necessary.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Public Comments

Ms. Wallace informed everyone that Public Comments would be heard during today’s meeting. She then gave instructions for making a Public Comment via the WebEx virtual meeting system. There were no comments made at this time.

Approval of Minutes

Ms. Perry-Martinez made a motion to approve the Minutes from the January 29, 2020 Board Meetings as written, with a second made by Ms. Walton-Hill.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Receive Reports and/or Requests from the Office of Investigations

Lori Leonard presented the Currently Monitoring Practitioners: there are three (3) names on the list that are under a reprimand.

Ms. Leonard presented the Investigative report for 2020: investigations opened two (2) new complaints, one (1) was for unprofessional conduct, and one (1) was for lapsed license. They have closed no complaints so far this year and there are three (3) complaints that are open and being investigated and or being reviewed. Ms. Leonard reminded the Board and the public that the letters of warning and the letters of concern are not reportable to the national practitioner data bank and therefore they are not considered formal discipline.

OGC Report

Kaitlin Parham read the Conflict of Interest statement reminding the Board to disclose any conflicts of interest that may arise.

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 Committee 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

The rule packet that includes amendments regarding definitions, licensure, fees, renewals, applications, continuing education, apprenticeship, examinations, supervision, and criminal background checks for apprentices is currently in the internal review process.

Disciplinary Activity

As of July 9, 2020, the Office of General Counsel has no open discipline cases.

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

Maria McCormick stated there is no year-end finance report today. She will send the fee scenarios report to the Board for use at the next meeting for the Board to discuss a possible fee decrease from a vote taken on 10/26/16. We will send the report to Board Members to review and will add to next meeting for review.

Item 7a. Administrator's Report

Yvette Vagle stated there are 363 apprentices and 918 licensed Dispensing Opticians as of July 21, 2020.

Ms. Vagle stated from February 1, 2020 to July 21, 2020 there are sixteen (16) apprentices, thirty four (34) newly licensed, five (5) retired and two (2) expired, there were one hundred seventy five (175) renewals out of one hundred seventy five (175), ninety-seven (97) renewed online with (55%).

Board meeting dates for 2020:

October 21, 2020

Board meeting dates for 2021:

January 20, 2021, April 28, 2021, July 28, 2021 & October 20, 2021

Director's Review of Executive Orders and CE Issues

Ms. Wallace stated the Administrative Office would like to take this opportunity to recognize and acknowledge the high number of requests and inquiries that have been received in regards to

the position of the Board regarding continuing education requirements - specifically the in-person hours required for the maintenance of an active license during each renewal cycle.

Ms. Wallace stated we understand the challenges that recent event cancellations and conference re-scheduling notices may be posing to our licensed professionals.

Ms. Parham read the new Commissioner’s policy regarding in-person continuing education. Ms. Parham went on to review Executive Order 50 and the subsequent provisions and resulting policy regarding continuing education that have just recently been put into place which allows for CE in calendar year 2020 to be obtained through non in-person/live methods for proof of completion of CE requirements.

Erica Goldstone – Request for consideration of out-of-state apprentice hours

Ms. Goldstone applied to the Board and was approved to begin an apprenticeship in the state of Tennessee on August 21st, 2019. At that time, she was informed, per standard procedures, that the period of apprenticeship shall be not less than 3 years and no more than 6 years, and must include a total of 5,250 hours of training under qualified supervision, with semi-annual evaluation forms to be submitted every 6 months and having a current Apprenticeship Supervisor named for her at all times.

At the time of her application, Ms. Goldstone did not make any special requests for consideration of apprenticeship hours from previous states to be credited to her Tennessee apprenticeship time.

On June 10, 2020, almost 10 months after her approval to begin her TN apprenticeship, the Administrative Office received a letter from Ms. Goldstone requesting that time she spent as an optician apprentice in the state of Ohio between the dates of April 11, 2018, and March 30, 2019, be credited to her TN apprenticeship and pursuit of licensure requirements.

Rule 0480-01-.14(1)(c) states: *“Except as provided in Rule 0480-01-.04(3), only training that occurs on or after the training program start date shall be counted towards meeting the three (3) year minimum requirement.”*

The referenced Rule 0480-01-.14(3) states: *“Changes in the information provided in the original apprentice application shall be reported to the Board in writing within 30 days of such change.”*

Discussion was held regarding Ms. Goldstone’s request and applicable Rules, discussing whether the newly submitted hours would be acceptable or if she will need to complete the full 3 years and 5,040 hours of apprenticeship after her TN start date of August 21st, 2019.

Ms. Walton-Hill made a motion to deny Ms. Goldstone’s request, with a second made by Ms. Perry-Martinez.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Mr. Winnegrad YES NO

The motion passed.

Ratification List – Newly licensed

Hailey Michelle Anderson
Lori Ann Autry
Valeria Ann Baer
Daniel Mark Canter
Shannon Nicole Cayce
Donna Kaye Church
Jolene Nicole Douglas
Jamie Doyle
Shermila Renee Elder
Stephanie Beauchene Fischer
Chelsea Colby Guffin
Alyssa Lynn Hall
Meotia Lashay Harness
Terry William Harris
Jennifer E. Harvey-Boyer

Jessica Elaine Hoffstetter
Kassandra Carol Mercer
Danielle Oliver
Nalini Basmati Persaud
Wallace Marvin Redd
John Richards
Abdul Siddiqui
Wendy Williams Simbeck
Telawan Wanda Sisamouth
Tawanda Smith
Rachael Deanna Stacey
Hiram I. Vera-Estrada
Sarah E. White
Christina Marie Williams
Chelsea Elizabeth Wills

A motion made by Ms. Walton-Hill to accept for ratification the names on the newly licensed list, with a second made by Ms. Miller.

A roll call vote was conducted:

Mr. DeCrow YES NO
Ms. Miller YES NO
Ms. Perry-Martinez YES NO
Ms. Walton-Hill YES NO
Mr. Winnegrad YES NO

The motion passed.

Ratification List – Approved to Enter the Apprenticeship Program

Jennifer Lee Bagg
Krislin Nicole Brown
Tyler Edward Davidson
Pateaka Lashilda Franklin
Hannah Mills Gobble
Rachael Renee Hawkesworth
Teliea Brenay Hurst
Candice Renee Kelley

Ariel N. Kelly
Kayla Christina Lott
Hannah Elizabeth Mclin
Megan Morris
Whitney Peterson
Samantha Nicole Seale
Alexandria Renae Shadwell
Ashley Villalobos

A motion was made by Ms. Miller to approve for ratification the names on the apprenticeship program list, with a second made by Ms. Perry-Martinez.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Teresa Valetutti – School Review – Essex County School

Ms. Teresa Valetutti has applied for licensure as a Dispensing Optician, and is seeking approval to take the Practical Exam. She was licensed in New Jersey in 2001 as an Ophthalmic Dispenser and in New York in 2006, both of which are still active and have experienced no disciplinary actions. Ms. Wallace stated her file is complete and in good order, with the exception being the school from which she graduated is not on the current list of Board-approved schools.

Rule 0480-01-.04(3)(b) states that an applicant must have satisfactorily completed a two-year course of study in opticianry in a college level program recognized and approved by the Board.

Ms. Wallace stated that Ms. Valetutti graduated with honors in 2000 from the Essex County School in Newark, New Jersey with an Associate's Degree in Ophthalmic Dispensing. This school is not on the current list of Board-approved schools. The Administrative Office was unable to locate anything in Board historical Minutes where any other graduate of this particular school had applied for Tennessee licensure in the past, so the Board may not have considered this school before.

Ms. Wallace stated in researching the qualifications for licensure in New Jersey, she found their rules to be at least equivalent to that of Tennessee, and perhaps more stringent than Tennessee, in that they require an individual who has an associate's degree to also complete a 4 month apprenticeship prior to applying to take their state practical exam.

Ms. Wallace will research this school/accreditation status for presentation at next meeting to approve school.

A motion was made by Mr. Winnegrad to approve Ms. Valetutti to take the practical exam, with a second made by Ms. Walton-Hill.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Mr. Winnegrad YES NO

The motion passed.

Tammy Deer – Request to Take the Practical Exam

Ms. Tammy Deer has applied for licensure as a Dispensing Optician, and is seeking approval to take the Practical Exam. Ms. Deer is registered in the state of California as a Spectacle Lens Dispenser as of 2012 and as a Contact Lens Dispenser as of 2013, with no discipline on her records.

Rule 0480-01-.04 states that : If the applicant holds an unrestricted dispensing optician license in another state, the length of time for that state’s training and supervised experience requirements for initial licensure shall be considered as time toward fulfilling Tennessee’s three (3) year requirement.

The state of California does not conduct an apprenticeship program like Tennessee and California provides registration, rather than licensure, for Opticians.

Ms. Deer has provided a letter from a supervising Optometrist that she worked with. The letter states that she was supervised for approximately 4 years, beginning in 2005, and lists the Optical Dispensing Duties held by Ms. Deer during this time.

Ms. Deer lists in her experience having worked as an Optician in a California Walmart Vision Center from 2011 through 2019.

A motion was made by Mr. Winnegrad to approve Ms. Deer to take the practical exam, with a second made by Ms. Perry-Martinez.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Ratification List – Approved to Take the Practical Exam

Megan Renee Boggs
Daniel Mark Canter
Tammy Deer
Hiriam Isael Vera Estrada
Alyssa Hall
Candy Lynn Hamric
Terry Harris

Sammantha Ann Solomon
Kayla Marie Sommerio
Racheal Deanna Stacey
Brianna B. Stafford
Halle LeAnn Strahan
Megan Trubshaw
Teresa Valetutti

Stephanie Hood
Asif Mansoor
Nalini Persaud
Jason Keith Presnell

Jennifer Weese
Christina Marie Williamson
Jennifer Wilson

A motion was made by Mr. Winnegrad to approve the list for ratification with appended names, with a second made by Ms. Walton-Hill.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Ratification List – Reinstatement Applications

Randall Bennett
Ranee B. King

Felicia Peay
Duane G. Ware

A motion was made by Ms. Walton-Hill to accept for ratification the names on the reinstatement list, with a second made by Mr. Winnegrad.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Ratification List – Closed/Withdrawn Applications

Ms. Wallace stated that all files on this list have been reviewed and found that they had not completed their file requirements by the stated application deadline, and have been closed according to the Rules for application handling.

A motion was made by Ms. Walton-Hill to approve for ratification the names on the list of closed/withdrawn files, with a second made by Mr. Winnegrad.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

TDOA Re: 2020 CE Hours Request

The TDOA has requested pre-approval for conducting Continuing Education via Zoom under Board Rule 0480-01-.12(3)(b).

In today’s meeting, Executive Order 50 and the subsequent continuing education policy have made provisions for the interactive component of this request. The Board needed to review the proposed meeting content for possible approval.

Mr. DeCrow is in support of Ms. Drake, the course presenter, as he is familiar with her expertise in this field.

A motion was made by Ms. Walton-Hill to approve the continuing education through zoom as requested by the TDOA, with a second made by Mr. Winnegrad.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Shania Long – CE Waiver Request

Shania Long requested a waiver for her 2020 Continuing Education hours along with presenting supporting documentation for her request. The Board discussed the waiver for Ms. Long’s 2020 Continuing Education hours and wants to table it to the next Board meeting in October. The Board requested the administrative staff to contact Ms. Long to let her know about online policy or reconsider the CE waiver.

A motion was made by Ms. Walton-Hill to table a decision on the waiver request and have the Administrative Office reach out with a notice of the new Commissioner’s Policy on CE related to Executive Order 50/36 para7.4 and see if she feels she can obtain her CE online or wants the Board to still consider a waiver, with a second made by Ms. Perry-Martinez.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Tammy Telker – CE Waiver Request

Tammy Telker requested a waiver for her 2020 CE along with presenting supporting documentation for her request.

A motion was made by Ms. Miller to approve waiver for 2020 CE, with a second made by Ms. Walton-Hill.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Correspondence – Roy Ferguson – CE Requirements Letter

Ms. Wallace stated Dr. Ferguson letter is for the Board’s information only, and no action is required. His request was a list of possible suggestions he wanted to have the Board consider regarding alterations to the CE requirements. The recent Executive Order 50 and subsequent Commissioner’s Policy has addressed this issue.

Correspondence – Roy Ferguson – Jurisprudence Exam Letter

Ms. Wallace stated this item is for the Board’s information only, there is no action required. Dr. Ferguson has presented a list of questions regarding the analytics and reliability of the TN Dispensing Opticians Jurisprudence Exam.

Ms. Wallace stated there are two (2) versions of the jurisprudence exam in use by this Board. One (1) is for those individuals who are applying for a new license and one (1) for current licensees that is used for CE credit. Both exams are in a True and False format. All questions are taken directly from the Board Rules and are fact-based; there are no subjective or interpretative questions included.

Ms. Wallace stated at the October 24, 2018 meeting, the Board discussed the jurisprudence exam and it was decided that a Board Member would assist with the selection of questions from a bank of questions that were taken from the Rules.

Ms. Wallace stated that Dr. Ferguson is on the call and may be interested in making a public comment to the Board regarding his correspondence item.

No comments from Dr. Ferguson.

Correspondence – Charleen Hickey Letter

Ms. Wallace stated this is a correspondence item, which was received via email for the Board's information and discussion, no action is required.

Charleen Hickey submitted an email with 4 separate items that she would like to bring to the Board's attention. Item #1 was addressed by our Legislative Liaison earlier in today's meeting.

Ms. Parham reviewed the following information on items #2-4 for the Board's information.

Item No. 1 – Senate Bill 2317 is Public Chapter 739. It allows medical providers to enter into direct medical care agreements to provide care to a patient for an agreed fee over a period of time.

Item No. 2 and No. 3, deal with shipment and delivery of glasses to patients at home, dispensing opticians working from home, as well as dispensing opticians' licensees being posted online. Executive Order No. 36, section 38.1 (pg. 21) states that "the provisions of Tennessee Code Annotated, Section 63-1-155(a)(1) are hereby suspended to the extent necessary to allow telehealth or telemedicine services to be provided by any provider licensed under Title 63, regardless of the provider's authority to diagnose. This suspension does not otherwise alter or amend any licensee's scope of practice or record keeping requirements." Additionally, executive order 50 extends that provision in executive order 36 until August 29, 2020. These questions depend on the scope of practice laid out in the statutes and rules.

TCA 63-14-102(a) states that the "practice of dispensing opticians means the preparation, adaptation, and dispensing of lenses, spectacles, eye glasses, and optical devices to the intended user thereof on the written prescription of a physician or optometrist duly licensed to practice the physician's or the optometrists profession and the dispensing of frames as a unit or individually to the intended user thereof."

0480-01-.01(18) – Optical dispensing – the design, verification, and delivery to the intended wearer of lenses, frames, and other specially fabricated optical devices upon prescription.

0480-01-.22 – Guidelines for Contact Lenses (pg. 40) – licensed dispensing optician may not fit contact lenses except in the presence of and under direct supervision of a licensed optometrist or ophthalmologist.

Regarding licensure posting,

TCA 63-14-103(c) – every licensee shall display their license conspicuously in the office or establishment operated and conducted by the licensee or office or establishment where licensee is employed

There is nothing in the rules or statutes that mention posting licensees online.

Item No. 4 – Deals with the ability to have dispensing opticians work alone and optometrists work alone without interference from one another 63-8-125, which is an optometrist statute, discusses leases between optometrists and manufacturers, wholesalers or retailers of ophthalmic materials. Specifically, subsection (c)(2) states that the “representatives of the lessor are only permitted on the lessees premises on reasonable notice and at times not disruptive to the practice of the optometrist”

Ms. Wallace stated the Legislative Update is annually and is posted online.

Ms. Wallace stated that Ms. Hickey is on the call and may be interested in making a public comment to the Board regarding her correspondence item. Ms. Hickey expounded upon each of the items in her email.

There was no action from the Board at this time on Ms. Hickey’s email.

Item 13. Discuss legislation and take action if needed

Mr. Patrick Powell, Legislative Liaison, presented the annual Legislative Update.

Public Chapter 594

This act was the Department of Health’s Licensure Accountability Act. The bill allows all health related boards to take action against a licensee that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change.

This act took effect March 20, 2020.

Public Chapter 738

This act prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public record request. Prior to authorizing destruction of public records an entity must contact the public record request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed of in accordance with an established records retention schedule/policy as part of an ordinary course of business as long as the records custodian is without knowledge the records are subject to a pending request.

This act took effect on June 22, 2020.

Discuss and take action if needed regarding rulemaking, hearings, rule amendments, and policies

No items for review at this time.

Discuss Old & New Business – ABO/NCLE Remote Exam Proctoring

Ms. Wallace stated at the last meeting, the Board voted to accept the remote proctoring methods for the ABO/NCLE exam that were being offered by the testing administrator. This approval is in effect until July 31st, 2020, coinciding with the open exam window. The Board wanted to review this item at today’s meeting for any further consideration or extension of that approval, as needed.

Ms. Wallace stated Jim Morris with ABO/NCLE has provided an update that states no Tennessee exam candidate chose to use the remote proctoring exam method, although candidates in other states have used this method.

Ms. Wallace state the Board has not received any update as to whether the remote method for exams will be extended by ABO/NCLE through Prometric or not.

A motion was made by Ms. Miller to wait until we hear from ABO/NCLE on new guidelines or changes, with a second made by Mr. Winnegrad;

Discussion ensued on continuing the current approval or holding a time-sensitive electronic meeting if needed between regularly schedule meetings.

Ms. Miller amended her motion to extend the current approval until the next meeting 10/21/2020, Mr. Winnegrad maintained his second on the motion.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Call for Public Comment

Ms. Wallace stated that the meeting would be opened one final time for Public Comments and reminded all participants of the instructions for making a comment via the WebEx virtual meeting platform. She reminded all participants that the Board may only take action on items that were listed on today’s agenda.

There were no Public Comments offered at this time.

Adjournment

A motion was made by Mr. Winnegrad to adjourn, with a second made by Ms. Walton-Hill.

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Perry-Martinez	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Mr. Winnegrad	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

The meeting of the Board of Dispensing Opticians was adjourned at 12:07pm CST.

These Minutes were Ratified by the Board on October 21, 2020.

William H. DeCrow D.P.O.
Board Chair

Oct. 21, 2020
Date