

TENNESSEE BOARD OF DISPENSING OPTICIANS MEETING MINUTES

DATE: April 28, 2021
TIME: 9:00 A.M. CT
LOCATION: Health Related Boards
WebEx-Teleconference
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

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

BOARD MEMBER(S)

ABSENT: Consumer Member - Vacant

STAFF PRESENT:

Kimberly Wallace, Unit 3 Director
Lyndsey Boone, Board Manager
Maria Johnston, Board Administrator
Eric Winters, Associate General Counsel
Kaitlin Parham, Associate General Counsel

Call to Order

This meeting was convened electronically, via WebEx, due to the gathering restrictions resulting from the COVID-19 pandemic. This meeting was called to order by Board Chairman, Mr. William DeCrow at 9:08 AM CST.

Necessity of Meeting

A roll call of the Board Members and Board staff present was conducted by Ms. Wallace, with a quorum of Board Members present.

Ms. LeRhonda Walton-Hill
Ms. Brandy Miller
Mr. William DeCrow
Mr. Jonathan Winnegrad
Ms. Lyndsey Boone
Mr. Eric Winters
Ms. Kaitlin Parham

After conducting the roll call, Ms. Wallace introduced Ms. Maria Johnston, Dispensing Opticians Administrator, to the Board.

Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another. All Confirmed.

- Ms. Walton-Hill
- Ms. Miller
- Mr. DeCrow
- Mr. Winnegrad
- Ms. Boone
- Ms. Johnston
- Ms. Parham
- Mr. Winters

Purpose of Meeting and Necessity of Teleconference

Ms. Wallace reminded all present that this Board Meeting was being held for the purpose to ratify licenses – including new licenses and reinstated licenses – to ratify orders received after the Board’s last meeting, and to consider other time sensitive matters. Because this Board was unable to convene in a physical location today to consider these matters - in light of the COVID-19 pandemic, for which the TN Governor and Mayor of Nashville have recommend limiting the number of attendees at meetings at this time - this WebEx remote meeting was necessary.

A motion was made by Mr. DeCrow to proceed with the electronic meeting, with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

- | | | | | | |
|-----------------|---|-----------------------------|----------------------------------|----------------------------------|---------------------------------|
| Mr. DeCrow | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN | <input type="checkbox"/> ABSENT |
| Ms. Miller | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN | <input type="checkbox"/> ABSENT |
| Ms. Walton-Hill | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN | <input type="checkbox"/> ABSENT |
| Mr. Winnegrad | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN | <input type="checkbox"/> ABSENT |

The motion passed. YES NO

In addition, all Board Members were asked to acknowledge whether they had received, prior to this meeting, copies of all the materials and documents that are to be discussed at this meeting.

- | | | | | | |
|------------|---|-----------------------------|----------------------------------|----------------------------------|---------------------------------|
| Mr. DeCrow | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN | <input type="checkbox"/> ABSENT |
| Ms. Miller | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN | <input type="checkbox"/> ABSENT |

Ms. Walton-Hill YES NO RECUSED ABSTAIN ABSENT
 Mr. Winnegrad YES NO RECUSED ABSTAIN ABSENT

The motion passed. YES NO

Finally, Ms. Wallace informed the Board that only certain matters are proper for a teleconference; accordingly, that the matters to be discussed in this meeting met 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 means is necessary.

Ms. Miller made a motion, with a second made by Ms. Walton-Hill that the matters to be discussed in this meeting meet the requirements.

Discussion: None OR As Follows

A roll call vote was conducted:

Mr. DeCrow YES NO RECUSED ABSTAIN ABSENT
 Ms. Miller YES NO RECUSED ABSTAIN ABSENT
 Ms. Walton-Hill YES NO RECUSED ABSTAIN ABSENT
 Mr. Winnegrad YES NO RECUSED ABSTAIN ABSENT

The motion passed. YES NO

Public Comment

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 system. Ms. Wallace also noted that, as always, prior to the date of any Board Meeting, any member of the public is welcome to submit a written comment or inquiry to the Board via email at Unit3HRB.Health@tn.gov or via postal mail addressed to the Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243.

Conflict of Interest Statement

Mr. Winters reviewed the Conflict of Interest statement and Open Meetings Act statement, as follows:

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

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 member 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.

Approve Minutes from January 20, 2021 Board Meeting

A motion was made by Mr. Winnegrad to approve the January 20, 2021 Board Meeting Minutes as written with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Receive Reports and /or Requests from the Office of Investigations

Lori Leonard provided reports to the Board. The currently monitored practitioners report and investigative reports were presented.

CURRENTLY MONITORED PRACTITIONERS

PERIOD: As of 04/19/2021

Total # Currently Monitored Practitioners	2
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PERIOD: 01/01/2021 – 4/19/2021

COMPLAINTS

New Complaints	Number of Complaints
Unlicensed Practice	1
Lapsed License	1
CE Violation	1

Total # New Complaints	3
Closed Complaints	
Closed BIV, EMS, HCF, AW	0
Closed – Letter of Concern	0
Closed – Warning Letter	0
Total # Closed Complaints	0
Total # Currently Open Complaints	8

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 (NPDB) and therefore, they are not considered formal discipline.

No new investigative matters have been added since the beginning of January 2021.

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

Ms. Alicia Grice, finance Director, provided the Board the Mid-Year 2021 Financial Report, with highlights as follows:

- Total Expenditures \$23,588.36
- Board Fee Revenue \$84,400.25
- Current Year Net \$60,811.89
- Cumulative Carryover \$703,841.93

Ms. Grice provided a review of the cumulative carryover funds, and potential fee reduction scenarios for the board’s consideration.

A motion was made by Mr. DeCrow for scenario number 3 to reduce renewal fees to \$75, with a second made by Mr. Winnegrad.

Discussion: None OR As Follow

Ms. Walton-Hill would like to discuss a more aggressive approach from the \$75 renewal fee to \$5 renewal fee and to run in a deficit run for approximate 6 years instead of 10 years.

Mr. DeCrow also considered this option to or to come up with a different amount to consider.

Ms. Grice provided additional information that if the motion for scenario 3 does not include the application and initial fees to \$37.50 and \$27.50, deficit will be 14 yrs instead of 10 yrs of a deficit.

Mr. DeCrow did not include this in the motion but would like to amend the motion to include the initial and application fees to \$37.50 and \$27.50, respectively. Mr. Winnegrad made a second.

A roll call vote was conducted:

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

The motion passed. YES NO

Legislation

There were no legislative items for review at this meeting.

Ms. Wallace asked to take one agenda item out of order as there was an interpreter present for a file review/applicant interview as this would be in the best interest of the interpreter's time, and expense to the Board for the interpreter's services.

File Review – Brenda Ramos

Regarding the file review for Ms. Brenda Ramos, interpreter Mr. Cesar Muedas was present serving on Ms. Ramos' behalf. Ms. Ramos has not yet applied for licensure, as she would like the Board to review her education and experience to provide guidance on whether or not she can apply to take the Practical Exam and pursue licensure based on her current qualifications, or if she will be required to apply for apprenticeship and complete a 3-year apprenticeship before applying for a license.

Several attempts were made by Mr. Meudas, Interpreter, and Lyndsey Boone, Board Manager, via audio and video today. The attempts to contact Ms. Ramos were unsuccessful as Ms. Ramos was not present for the meeting.

A motion was made by Mr. DeCrow to table the file until the next meeting with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Administrator’s Report

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

PERIOD: As of 04/20/2021

Total # Currently Licensed Dispensing Opticians	930
Total # Current Apprentices	431

LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: January 19, 2021 – April 20, 2021

New Dispensing Opticians Licenses	12
Renewed Licenses – Total	119
Paper Renewals	43
Online Renewals	76
Licenses Renewed Online as % of Total Renewals	64%
Retired Licenses	4
Expired Licenses	7
New Apprentice Approvals	42

Ms. Johnston also presented the dates upcoming Board Meetings, as follows:

- July 28, 2021
- October 20, 2021
- January 19, 2022

Ms. Wallace presented the Board phone & email contact information of 615-532-5090 and Unit3HRB.Health@tn.gov.

2021 Jurisprudence Exam

Ms. Wallace stated that since the last meeting she had been working with Mr. Winnegrad to update the Jurisprudence Exam for 2021. The revised version was provided for review to the Board.

A motion was made by Mr. DeCrow to approve the 2021 Jurisprudence Exam as written with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

OGC Report and Requests

Mr. Winters presented the OGC report; there is one Agreed Citation to review in this meeting, in addition to the rule packet that includes amendments regarding definitions, licensure, fees, renewals, applications, continuing education, apprenticeship, examinations, supervision, and criminal background checks that is currently in the internal review process.

Keri Pauley, Lapsed License

An Agreed Citation was issued to Ms. Keri Pauly for practicing on an expired license for two months and was issued a fine of \$200.00.

A motion was made by Mr. DeCrow to approve the Agreed Citation as written with a second made by Mr. Winnegrad.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Break

A break was called for at 10:23 a.m. The Board meeting resumed at 10:34 a.m. CST and a roll call was conducted, and all Board and Staff members were present for the continuance of the meeting.

Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another upon resuming the meeting. All Confirmed.

Mr. DeCrow
 Ms. Miller

- Ms. Walton-Hill
- Mr. Winnegrad
- Ms. Parham
- Mr. Winters
- Ms. Johnston
- Ms. Boone

File Review – Monica Berry

Ms. Monica Berry’s file is being brought to the Board today at the applicant’s request. Ms. Berry failed to submit all her required semi-annual evaluation forms within 30 days of the completion of each period. Therefore, in accordance with the Rules, the Applicant’s approval for the Apprentice program is set to be rescinded. Only after discussion with Ms. Berry about her being removed from the Apprentice Program due to non-compliance with the Rules, did she provide the missing forms in February of 2021, which were due for November 2019, May 2020, and November 2020, which was well after the due dates. Ms. Berry has requested the Board consider accepting the forms and allowing her to move forward in her pursuit of licensure, rather than having to re-apply and re-start the Apprentice Program.

After discussion, a motion was made by Mr. DeCrow to forego rescinding of the apprenticeship program as determined by the active pursuant of licensure by Ms. Monica Berry by submission of a licensure application and follow-up of the submission of her semi-annual evaluation forms and request made to the Board with a second made by Mr. Winnegrad.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

File Review – Katherine Adams

Ms. Katherine Adams has applied to take the Practical Exam and pursue licensure in TN. Ms. Adams holds an active and undisciplined license in the state of Nevada. The letter provided by the Nevada State licensing Board indicates that when Ms. Adams was licensed in 1992 for spectacles, and later upgraded to dual contact lens and spectacle dispensing in 1999, that there were no formal educational components required for licensing in Nevada at that time. The Nevada Board has no certificates or transcripts on file that indicate Ms. Adams completed a formal educational program.

Rule 0480-01-.04(3)(d) reads:

(d) 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 requirements.

As such, Ms. Adams has submitted a letter to the board which outlines training that she cites as having had during various periods spanning 1987 through 2000.

The Board was asked to determine if the training information provided by Ms. Adams meets the Tennessee requirements for supervised training or apprenticeship, and subsequently, a licensing decision based upon that determination. All other items in her application file are complete and in good order.

A motion was made by Mr. DeCrow that a license will be approved contingent upon receipt by the Administrative Office of notarized documentation that Ms. Adams completed a 3-year supervised training prior to issuance of her Nevada license with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

File Review – Amy Schroeder

Ms. Amy Schroder has applied to take the Practical Exam and pursue licensure in TN. Ms. Schroder holds an active and undisciplined license in the state of Kentucky which was issued on July 30, 2010. Ms. Schroder notes that she apprenticed in Kentucky for only 7 months, from November 2008 through June 2009, prior to receiving her Kentucky license, and that the state of Kentucky waived their full apprenticeship requirement due to her having worked in the optical field in Mississippi for 10 years prior, which is a non-licensing state, nor did the Kentucky board provide any insight or documentation as to their waiving their apprenticeship requirements. Kentucky currently requires a 24-month apprenticeship, but the administrative office is unaware of what their requirement may have been at the time Ms. Schroder was licensed there.

Ms. Schroder also cites apprenticeship time in Georgia from October 2017 through May 2020; however she did not obtain a license in Georgia and has not provided any documentation of the apprenticeship time in that state. However, TN Board Rule 0480-01-.04 (3)(d) reads "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."

This being the rule, since Ms. Schroder did not obtain a license in Georgia, following the letter of the TN Rules, any apprenticeship time not obtained in conjunction with a license would not be applicable to the TN apprenticeship requirement.

Ms. Schroder was asked to submit documentation of any supervised apprentice time she may have obtained, along with any documentation of the waiver provided by Kentucky, and no documentation was provided to the Administrative Office in response to our request.

The Board was asked to decide if the training information provided by Ms. Adams in her file review package meets the TN requirements for supervised training or apprenticeship, and subsequently, a licensing decision based upon that determination. All other items in her application file are complete and in good order.

A motion was made by Mr. DeCrow to table a licensing decision to the July meeting with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Break

A break was called for at 12:50 p.m. CST The Board meeting resumed at 1:30 p.m. CST and a roll call was conducted, and all Board and Staff members were present for the continuance of the meeting.

Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another after resuming the meeting. All Confirmed.

Ms. Walton-Hill
 Ms. Miller
 Mr. DeCrow
 Mr. Winnegrad
 Ms. Boone
 Mr. Johnston
 Ms. Parham
 Ms. Winters

CE Waiver – Anthony French

Mr. Anthony French has submitted a request to waiver his CE for calendar year 2020 due to the reasons cited in his request letter. In conjunction with Rule 0480-01-.12(6)(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.

A motion was made by Ms. Miller to waive continuing education for 2020 with a second made by Mr. Winnegrad.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Ratification List – Newly licensed, Approved for Apprenticeship, Approved for Practical Exam, Reinstatements, and Closed/Withdrawn Files

Ms. Wallace stated all files on this list have been reviewed and found complete and in good order according to the Rules. We do not have any closed or withdrawn files for the Board's consideration today.

A motion was made by Mr. Winnegrad to approve the ratification list as presented, with a second made Mr. DeCrow.

Discussion: None OR As Follows

A roll call was conducted:

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

The motion passed. YES NO

Taskforce/Committee Reports

There are no Taskforce or Committee reports to be heard today.

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

Commissioner's CE Policy

Ms. Wallace provided an update regarding the Commissioner's Policy on CE for 2021, as follows:

The Commissioner of the TN Department of Health has suspended the audit of in-person-live hours through December 2021. The policy has been updated on the Board website. This does not change the number of CE hours required for each profession but rather, extends the ability to obtain those CE hours via non-in-person or non-live methods such as online and interactive virtual formats.

It is important to note, per the last sentence of the policy, for any licensee whose CE cycle crosses over from 2021 into 2022, unless they have obtained all of their CE hours by December 31, 2021, they will be subject to the CE requirements as written in the rules, inclusive of the live/in-person hours.

Public Comment

Theo Morrison, TDOA lobbyist, informed the Board that the legislature has introduced SB37 HB 263 related to the Sunset Hearing. Ms. Wallace confirmed that the 5-year extension for the Board was discussed in Agenda Item #6 along with the finance discussion, and thanked Mr. Morrison for noting the House and Senate Bill numbers.

Apprenticeship Program Review

Over the last few weeks, Mr. Winters and Ms. Wallace conducted a thorough review of the Board's decision from January 2018 to allow for the acceptance of the National Academy of Opticianry's Ophthalmic Career Progression Program. When the Board first reviewed the NAO program, they approved the acceptance of the completion of this program as credit for 1,750 hours and 1 year of the total TN Apprentice Program, which is by Rule 0480-01-.04(3)(c) and 480-01-.14(4) required to be a total of 5,250 hours and three years. The current understanding of the NAO program is that it is a self-directed program, and the time it takes to complete the program can vary based on the participant, and that there are also two community colleges that accept the completion of the NAO program as 14 credits hours of coursework towards an associate's degree in opticianry.

After the review of the Minutes and recording of the 2018 meeting, as that meeting pre-dates any of the current HRB and OGC staff working with this Board, Mr. Winters and Ms. Wallace felt like it was important for the current Board to revisit the approval of this program, and perhaps consider providing additional clarification if they wish to continue the acceptance of the NAO program to ensure that it is handled in accordance with the Board Rules.

In addition, Mr. Winters has drafted some language for a potential Board Policy Statement regarding Board-approved apprentice educational training programs. Policy Statements are often issued by Boards as a means to further define specific rules or provide clarity for administrative procedures surrounding a rule.

Ms. Wallace also asked the Board to consider having additional language added to a policy for 2 other related factors:

1. A clarification statement which clearly notes that any board-approved training program can only be accepted if it is completed after the date the individual is approved to begin the TN apprenticeship (with proof provided by the completion date of the certificate from NAO).
2. A clarification statement that should an individual's approval for the Apprentice program be rescinded for any reason (such as due to not submitting their semi-annual evaluation forms on time, etc. as listed in the rules) and they have to re-apply and begin a new Apprenticeship, then any outside training program completed prior to starting the new Apprenticeship would not be accepted towards meeting their apprentice requirements.

These two provisions would keep any Board-approved apprentice educational training programs in alignment with Rule 0480-01-.14(1)(c) that states that only training that occurs on or after the training program start date shall be counted towards meeting the three year minimum requirement.

The Board is being asked to make two determinations, 1) if they wish to continue accepting the NAO OCPP program as a board-approved apprentice training program; and 2) if they wish to implement a Policy Statement that clarifies the handling of such a program.

Mr. Jim Iciek of the NAO was present to answer any questions the Board may have about the OCPP program.

A motion was made by Mr. Winnegrad to accept the Board Approved Program for the Alternative Policy with a second made by Mr. DeCrow.

Discussion: None OR As Follows

Mr. DeCrow agrees the one year is fair. Mr. Iciek verifies that if documentation is needed for the apprenticeship program it can be provided.

A roll call vote was conducted:

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

The motion passed. YES NO

A motion was made by Mr. DeCrow to continue to accept NAO/OCPP program as an approved educational program with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT

Mr. Winnegrad YES NO RECUSED ABSTAIN ABSENT

The motion passed. YES NO

A motion was made by Mr. DeCrow if an Apprentice Optician program has been rescinded and they must restart the Apprenticeship they must also restart any Board approved apprentice training program, with a second made by Mr. Winnegrad.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Mr. Iciek thanked the Board and offered to be available for the July Board meeting.

CE Course Review

Wang Vision

May 02, 2021 and October 03, 2021 in Nashville, TN 37203

Topography Grand Rounds I and II

Refractive Grand Rounds I and II

Ocular Surface Disease Management

New Horizons in Micro-Invasive Glaucoma Devices

Specialty Lenses I and II

8 continuing education hours

A motion was made by Mr. Winnegrad to approve CE courses for Wang Vision, with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Vision Expo

June 02, 2021 to June 05, 2021 in Orlando, FL

Vision Expo & Conference East 2021 Opticianry Program

58 continuing education hours

A motion was made by Ms. Miller to approve CE courses for Vision Expo, with a second made by Mr. Winnegrad.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Correspondence Review

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

Conference/Event Reports

FARB 2021 – FARB Regulatory Law Seminar, September 30 – October 3, Nashville, TN

The following Board Members showed interest in attending this event:

Ms. Walton-Hill
Mr. Winnegrad
Ms. Miller (tentative)
Mr. Decrow (tentative)

The Board also showed interest in having the Board’s attorney, Mr. Winters and the Board Director, Ms. Wallace attending.

A motion was made by Mr. Winnegrad to approve attendance at the FARB conference, with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted

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

The motion passed. YES NO

Discuss Old & New Board Business

At the last Board Meeting, the Board voted to extend the acceptance of ABO/NCLE exams scores for applicants that take the exam via remote proctored methods out through today’s meeting. When this item was first presented, several meetings ago, Ms. Parham noted that her legal opinion would be to extend this approval from board meeting to the next and continue to review the applicability at each subsequent meeting. Therefore, the Board was asked to once again consider to continue this acceptance until the next meeting.

A motion was made by Mr. DeCrow to extend the acceptance of ABO/NCLE exams scores via remote proctoring until the next board meeting, with a second made by Ms. Miller.

Discussion: None OR As Follows

A roll call vote was conducted:

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

The motion passed. YES NO

Call for Public Comment

Ms. Wallace gave one final call for Public Comments. As a reminder, the public is always welcome to submit comments to the Board in writing prior to any Board Meeting via email at Unit3HRB@tn.gov or by postal mail to the TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN 37243.

There were no requests for public comment.

Adjourn

A motion was made by Ms. Miller to adjourn at 3:26 p.m., with a second made by Mr. Winnegrad.

Discussion: None OR As Follows

A roll call vote was conducted:

Mr. DeCrow	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Ms. Miller	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT
Ms. Walton-Hill	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	<input type="checkbox"/> ABSENT

Mr. Winnegrad YES NO RECUSED ABSTAIN ABSENT

The motion passed. YES NO

There being no further business to be heard today, this meeting of the Dispensing Opticians Board was adjourned at 3:26 p.m. CST.

These Minutes were Ratified by the Board on July 28, 2021.


Board Chair

7-28-21
Date