

## TENNESSEE BOARD OF DISPENSING OPTICIANS MEETING MINUTES

**DATE:** April 20, 2022  
**TIME:** 9:00 A.M. CST  
**LOCATION:** Health Related Boards  
Iris Room  
665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

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

### **BOARD MEMBER(S)**

**ABSENT:** Consumer Member - Vacant

### **STAFF PRESENT:**

Kimberly Wallace, Unit 3 Director  
Maria Johnston, Board Administrator  
Eric Winters, Senior 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.

Staff including Mr. Winters, Senior Associate General Counsel, Maria Johnston, Board Administrator, and Kimberly Wallace, Unit 3 Director were also present.

### **Public Comment**

Ms. Wallace made it known that that Public Comments would be heard in this meeting and directed interested individuals to sign-in on the register provided by the front door and the individual would be called upon at the appropriate time in the meeting. As a reminder, Public Comments can also be submitted in writing and sent by mail to the TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN, 37243 or submitted via email to [Unit3hrb.health@tn.gov](mailto:Unit3hrb.health@tn.gov).

### **Discuss and Consider Approval of Meeting Minutes**

Minutes from the January 19, 2022 Board Meeting

Upon review of the January 19, 2022, Board Meeting Minutes Ms. Walton-Hill made a motion with a second by Ms. Miller, to approve the minutes as written. There was no discussion on the motion. The motion passed unanimously.

**Receive Reports and /or Requests from the Office of Investigations**

Roger Knowlton, Intake Coordinator, provided the Complaint Report to the Board.

**PERIOD: 2022 COMPLAINTS**

<b>New Complaints</b>	<b>Number of Complaints</b>
Unlicensed Practice	1
Lapsed License	1
<b>Total New Complaints</b>	<b>2</b>
Closed Complaints	0
<b>Total # Closed Complaints</b>	<b>0</b>

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

Ms. Alicia Grice, Finance Director, was present to give the Mid-Year FY22 Financial report to the Board. She reminded the Board the report runs from July 1 to June 30 for the fiscal year. The report presented was for July 1, 2021, to December 31, 2021. Highlights are as follows:

- Total Expenditures: \$31,818.40
- Board Fee Revenue: \$81,599.17
- Current Year Net: \$49,780.77
- Cumulative Carryover: \$791,245.29

**Discuss and take action as necessary regarding Legislation**

There were no legislative reports for the Board to review in this meeting.

**Administrator’s Report**

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

**PERIOD: As of April 12, 2022**

<b>Total # Currently Licensed Dispensing Opticians</b>	931
<b>Total # Current Apprentices</b>	398

**LICENSE STATUS SINCE THE LAST BOARD MEETING**

**PERIOD: January 11, 2022, to April 12, 2022**

New Dispensing Opticians Licenses	7
New Apprentice Approvals	35
Renewed Licenses – Total	98
Paper Renewals	34
Online Renewals	64
Reinstated License	3
Approved for Practical Exam	6
Retired Licenses	5
Expired Licenses	4
Expired Apprenticeship	13
Closed/Withdrawn	5

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

- July 27, 2022
- October 26, 2022

The current mileage rate was noted as \$0.585 cents per mile. The current meals and incidental rate was noted as \$59.25 per day for an overnight stay. The current maximum reimbursable rate for hotel lodging in Nashville was noted as \$230 for April 2022 and \$207 for July 2022.

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

**Conflict of Interest**

Mr. Winters reviewed the Conflict of Interest statement and Open Meetings Act statement with the Board, 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, 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.

### Rule Activity

Mr. Winters continued with on April 1, 2022, the substantial rule packet from the January Rulemaking Hearing was sent to the Attorney General's Office for final review. After the Attorney General's Office review, the packet will be filed with the Secretary of State's Office and it will then be reviewed by the Government Operations Committee.

### Disciplinary Activity

Mr. Winters stated there are three (3) licensees currently being monitored by the Disciplinary Coordinator.

### Legislation

Mr. Winters confirmed there were no Legislation for the Board to review in this meeting as previously stated.

### Contested Cases

There were no Contested Cases for the Board to review in this meeting.

### Consent Orders

There were no Consent Orders for the Board to review in this meeting.

### Declaratory Orders

There were no Declaratory Orders for the Board to review in this meeting.

### Agreed Orders

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

### Agreed Citations

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

### Orders of Compliance

There were no Orders of Compliance for the Board to review in this meeting.

### Requests for Order Modifications

There were no Order Modifications for the Board to review in this meeting.

## **Final Orders**

There were no Final Orders for the Board to review in this meeting.

## **Applicant Interviews/File Reviews/Waivers & Other Request**

Ms. Wallace directed the Board to 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.

(b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the Board administrative office.

1. A written request for a waiver which specifies what requirement is sought to be waived and a written and signed explanation of the reasons for the request.
2. Any documentation which supports the reason for the waiver requested or which may be subsequently requested by the board.

(c) A waiver approved by the Board is effective for only the calendar year for which the waiver of the requirement is sought, unless otherwise specified in writing by the Board.

### **CE Waiver Request – Karen Pratt #2033**

Ms. Wallace presented the CE Waiver Request for Karen Pratt. She requested a CE waiver for the 2022 continuing education requirements due to medical reasons. She provided medical documentation in support of her request. She mentioned she is willing to take the credits online for 2022 if sufficient board-approved courses are available.

Mr. Bowman made a motion to approve Ms. Pratt to complete her continuing education hours online for 2022, with a second made by Ms. Walton-Hill.

Discussion on the motion, Mr. DeCrow asked about the ability to extend the deadline for completion of the hours into the next year. The board reviewed their CE waiver rules in the discussion.

The motion passed unanimously.

### **CE Waiver Request – Suzanna Haynes #679**

Ms. Wallace presented the CE Waiver Request for Suzanna Haynes. She requested a CE waiver for the 2022 continuing education requirements due to medical reasons. She provided medical documentation in support of her request.

Ms. Walton-Hill made a motion to waive the CE hours for 2022, with a second made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

#### File Review – Linda Lee #3776

Ms. Wallace presented the File Review for Linda Lee. She submitted an application by reciprocity. She is currently licensed in Georgia and has been since 2013. Georgia only requires a two (2) year apprenticeship program prior to licensure. Ms. Lee spoke with the Board via phone call to discuss her application and supervised training that led to her Georgia license. She completed three (3) years of apprenticeship training in Georgia.

Mr. DeCrow made a motion in lieu of information provided, Ms. Lee can submit either a letter from her supervisor documenting three (3) years of the apprenticeship program and/or a letter from the State of Georgia that she completed three (3) years of the apprenticeship program, then her application can be approved to take the Practical exam for licensure in Tennessee, with a second made by Ms. Walton-Hill. There was no discussion on the motion. The motion passed unanimously.

#### File Review – Stanley LaBruna #3795

Ms. Wallace presented the File Review for Stanley LaBruna. He attended the Board Meeting in person. His file could not be administratively approved, he has been licensed and in good standing in the state of New Jersey since 1992, his criminal background check came back with felony charges therefore, it is up to the Board to make a licensing decision on his file. This Board does not have a separate policy for the handling and review of a file with a felony on the criminal background check results.

Ms. Wallace asked Mr. Winters to speak regarding the Fresh Start Act that is in place in the state of Tennessee and how it is applicable to this file.

Mr. Winters provided a quick reminder to the Board that the Fresh Start Act says the Board will not disallow someone to be licensed because of criminal history, unless there is evidence that shows in their history that it is directly related to the profession. If Mr. LaBruna's convictions are not directly related to the practice as a Dispensing Optician, then the Board should accept his licensure request. It is up to the Board to make this decision.

Mr. LaBruna completed a three (3) year apprenticeship program in New Jersey, per his application, with LensCrafters from July 1988 to December 1992.

Mr. DeCrow asked if this file was complete and in order. Ms. Wallace confirmed that his file was complete and in good order.

Ms. Walton-Hill made a motion to approve his application, with a second made by Ms. Miller. There was no discussion on the motion. The motion passed unanimously.

#### Apprenticeship File Re-Open Requests

Ms. Wallace reminded the Board Members that the Rules require that anyone who is approved to participate in the Tennessee Apprentice Program must complete and submit semi-annual evaluation forms by the 30<sup>th</sup> day after each six (6) month training period and if they are not received at all, or not received by the stated deadline for the individual's approval for the apprentice program it will be rescinded and to continue as an apprentice, the individual must re-apply and start the program again from the beginning in pursuant to Rule 0480-01-.14(4)(d) and (5)(c) 1 and 2.

The next three (3) requests for the Board's review, David Ward, Ashley Rayner and Marsha Thompson were all occurrences where two (2) semi-annual evaluation forms in a row were not received and in

accordance with the rules, the individuals were rescinded from the apprenticeship program and their files were closed. Upon receipt of the letter notifying them that their file had been closed, they have each submitted letters requesting the board to re-open their files and restore them to the apprenticeship program, continuing on without having to re-apply and re-start the program over again.

Rule 0480-01-.14(c)2 reads, "If two (2) semi-annual evaluation reports are not received by the Board's administrative office within thirty (30) days after the applicable training periods have ended, the Board will rescind its approval of the apprenticeship training program."

This being the case, the Administrative Office has no authority to re-open these files and are providing them to the Board to be reviewed and discussed with the now-former apprentices, in response to their specific individual requests to speak to the Board on their own behalf.

#### Apprenticeship File Re-Open Request – Marsha Thompson #3580

Ms. Thompson was available by phone. The file was on the agenda for the January 19, 2022, meeting and the Board tabled the review until the April 20, 2022, to allow Ms. Thompson to submit proof of attempting to fax in her semi-annual evaluation forms on time, even though they were not received by the Administrative Office.

Ms. Thompson was approved to begin the apprentice program on September 4, 2020, and she did not submit any semi-annual evaluation forms since the date that she was approved, which were due April 4, 2021, and October 4, 2021. In November 2021, after she received a letter from the Administrative Office that her file was closed for non-compliance with this requirement, she submitted the semi-annual evaluation forms.

Ms. Thompson submitted a fax confirmation form showing a fax was sent on April 21, 2021, which was still 17 days after the April 4, 2021, due date and was sent to our Unit phone number instead of the fax number, which explained why it was not received since it was sent to the incorrect number. There was no fax confirmation submitted showing that her form due by October 4, 2021, had been attempted at being sent on time. That form was received by our office on December 9, 2021.

Ms. Walton-Hill made a motion to deny the request to re-open the apprenticeship file and she will have to reapply, with a second made by Mr. DeCrow. There was no discussion on the motion. The motion passed unanimously.

#### Apprenticeship File Re-Open Request – Ashley Rayner #2736

Ms. Rayner was available by phone. Her file was on the agenda for the January 19, 2022, meeting and the Board tabled the review until the April 20, 2022, Board Meeting as Ms. Rayner did not answer the phone call the Board placed to her and they wanted the opportunity to discuss her request with her.

Ms. Rayner was approved to begin the Apprentice Program on January 9, 2012, at the time of her approval, the six (6) year maximum for the program was not in place, only a minimum of three (3) years and 5,250 hours, an individual was required to continue submitting their semi-annual evaluation forms to maintain their approval status in the apprentice program. Since then, the Board had a rule change that created a maximum of six (6) years that a person could remain in the apprentice program. Ms. Rayner was sent a letter on October 15, 2021, informing her that her file was closed due to not receiving the required forms since March 2020. We did receive a supervisor change form in July 2020 and a

shortened-period evaluation form.

Ms. Rayner provided a letter of explanation and medical documentation of a diagnosis in May 2021 as to her reason for becoming deficient on the submission of her semi-annual evaluation forms, and a statement that she has been on medical leave of absence but did not state when that leave began.

Ms. Rayner stated her medical leave of absence started in February 2021, then returned to work and then was out again in May 2021. She started dialysis in May 2021, working to get her health in order and has not yet taken the NCLE.

Ms. Walton-Hill made a motion to deny the request to re-open the apprenticeship file and she will have to reapply, with a second made by Ms. Miller. There was no discussion on the motion. The motion passed unanimously.

**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 Board’s Rules for each application type. We do not have any closed or withdrawn files for the Board’s consideration today.

**Dispensing Opticians - Newly Licensed – 1/11/2022 to 4/12/2022**

License#	Name
3261	Berry, Monica Jean
3365	Bonds, Reshonda Tenise
3236	Cunningham, Andrew Jaleel
3414	Edwards, Jessica Dawn
3764	Gentry, Savannah
3363	Pugh – Johnson, Alexis Monique
3652	Schroeder, Amy Smith

**Dispensing Opticians – Reinstatement – 1/11/2022 to 4/12/2022**

License#	Name
3246	Elmore, Elizabeth Maria
2491	Morris, Lindsey Michele
3466	West, Sarah Faith

**Dispensing Opticians - Apprentices Approval – 1/11/2022 to 4/12/2022**

Approval Date	Status	Name
2/7/2022	Apprentice	Anderson, Kaylie
3/24/2022	Apprentice	Baran, Sarah Elizabeth
2/16/2022	Apprentice	Boswell, Casey Glenn
4/01/2022	Apprentice	Brannon, Ashley Alesa
4/11/2022	Apprentice	Brodie, Violeta Angeles
1/12/2022	Apprentice	Cain, Savannah Marie
3/10/2022	Apprentice	Chapman, Tiffanie Rochelle



3/9/2022	Apprentice	Cherry, Leigha Elise
3/14/2022	Apprentice	Clay, Linda E
2/22/2022	Apprentice	Collins, James Gregory
1/31/2022	Apprentice	Conley, Trevor Andrew
3/9/2022	Apprentice	Dugger, Kiersten
1/26/2022	Apprentice	Escamilla, Claribell C
2/7/2022	Apprentice	Fluker, Teresa Bryant
2/18/2022	Apprentice	Frailey, Amber Calene
1/31/2022	Apprentice	Frazier, Misty Dawn
1/31/2022	Apprentice	Gallipeau, Karley Brooke
3/14/2022	Apprentice	Hinkle, Jeana Rebecca
1/31/2022	Apprentice	Jacobs, Cydney Lane
2/23/2022	Apprentice	Lanius, Jesica
3/14/2022	Apprentice	Leverson, Dominic
2/28/2022	Apprentice	Mccoig, Kristy Annette
2/16/2022	Apprentice	Medina, Troy Demartez
1/31/2022	Apprentice	Merritt, Troy Demartez
1/14/2022	Apprentice	Parker, Shaterika Charmane
1/31/2022	Apprentice	Pick III, Jay Allen
1/31/2022	Apprentice	Ristich, Raymond James
4/11/2022	Apprentice	Rodrigues, Victoria Lorraine
1/26/2022	Apprentice	Santiago, Maria De Los Angeles
4/1/2022	Apprentice	Satterthwaite, Lauren Michelle
2/16/2022	Apprentice	Seale, Samantha Nicole
1/31/2022	Apprentice	Shaw, Jada Taleigha
1/31/2022	Apprentice	Weinman, Phoebe Ann
1/12/2022	Apprentice	Woods, Carol Nanette
4/1/2022	Apprentice	Workman, Etta Mae

**Approved to sit for Practical Examination – January 11, 2022 to April 12, 2022**

<u>Name</u>	<u>Date Approved to sit for Practical Exam</u>
Bonds, Reshonda Tenise	2/23/2022
Edwards, Jessica Dawn	3/04/2022
Dolihite, Kelley Michele	3/17/2022
Schroeder, Amy Smith	3/17/2022
Moore, Ashlee	4/01/2022
Day, Michael	4/08/2022

Mr. Winnegrad made a motion to approve the ratification list as presented, with a second made by Mr. Bowman. There was no discussion. The motion passed unanimously.

### **Receive Reports and take action as needed regarding Taskforce/Committee Reports**

There were no Taskforce or Committed Reports for the Board to review in this meeting.

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

#### Rule 0480-01-.04(3)(d) Qualifications for Licensure

Ms. Wallace provided an informational piece on behalf of the administrative office that they would like to have a brief discussion on with the Board. One of the number one calls received from out of state applicants, that are licensed from another state and is a reciprocity applicant, is in reference to Rule 0480-01-.04(3)(d) (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 requirement.

Ms. Wallace also wanted to bring to the Board's attention to the statute the Rule was promulgated from, T.C.A. 63-14-103 the section of Qualifications - Examinations – Display of license – Unlawful acts. This T.C.A. reads as in (a) (1) Any person who is a citizen of the United States and of good moral character, and who is eighteen (18) years of age or over and who has satisfactorily completed not less than two (2) years of the prescribed course of a school for dispensing opticians recognized by the board or who has had practical training and experience of a grade and character satisfactory to the board as an apprentice or student under the supervision of a dispensing optician, optometrist or ophthalmologist licensed by the state for a period of not less than three (3) years or the equivalent amount of time under the supervision of such licensed professionals of another state that has dispensing opticianry licensure criteria at least as strict as Tennessee shall be entitled to make application to the board for examination. The Rule as written mirrors very closely the language of that particular Statute.

Ms. Wallace asked the Board to make a statement of their interpretation of that Rule and Statute on the record so that when the Administrative Office receives these questions from potential applicants, they can be pointed to the Minutes alongside the rule and statute.

Mr. DeCrow provided his opinion on the matter, noting that every state is different and has their own rules, regulations, and statutes, and that applicants/licensees have to abide by them. He went on to note that if he personally went to another state, he would not be so bold to say, "I've been in the Optical business since 1975, you owe me this license." Each state's legislature sets their statutes and that's just the way it is. It is not dependent upon how long someone may have been licensed in another state, individuals must abide by the rules of each state.

Ms. Walton-Hill agreed with Mr. DeCrow's opinion.

Mr. Bowman asked Mr. Winters if the Board had the authority to grant work experience in lieu of apprentice's period of time. Mr. Winters replied, that they could not, because the Statutes are issued by the Legislature. The Board is allowed to make change to the Rules however, they are also approved by the Legislature. Until the Legislature decides to change the Statutes then that is the law of Tennessee.

Mr. DeCrow commented that when you walk into another state, you have to abide by the laws of that state. He knows of medical professionals who have gone from one state to another state, and when they walk into that state and want to practice medicine, they do what they have to do; they have to abide by the rules and what each state requires.

Ms. Wallace thanked the Board Members and let them know it will be easier for the administrative staff to point individuals to this meeting for an affirmative stance by the Board on that Rule.

### **CE Course Review**

#### **CE Course Approval - TDOA**

Tennessee Dispensing Opticians Association (TDOA) presented Zoom CE Hours for August 29, 2021, for 8 continuing education hours.

Mr. DeCrow made a motion to approve the TDOA August 2021 CE Course Offerings as presented, with a second made by Ms. Miller and Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

#### **CE Course Approval – SECO Speaker Change**

SECO had a speaker change on a previous CE Course approval. In conjunction with that, there was a change in the ABO number in their packet. In accordance with the Rule documentation which includes a change must be resubmitted for reapproval.

Ms. Walton-Hill made a motion to approve the CE Course from SECO, with a second from Mr. DeCrow. There was no discussion. The motion passed unanimously.

### **Correspondence Review**

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

### **Discuss Old/New Board Business**

#### **ABO/NCLE Remote Proctoring Update**

At the last several Board Meetings, the Board voted to extend the acceptance of ABO/NCLE exams scores for applicants that take the exam via remote proctored methods. When this item was first presented, several meetings ago, the attorney at the time, Ms. Parham noted that her legal opinion would be to extend this approval from one board meeting to the next and continue to review the applicability at each subsequent meeting.

Ms. Wallace reached out to ABO/NCLE to try to find out what the Tennessee participation rate was for the remote proctoring, unfortunately our contact had a family emergency and has not responded.

Mr. DeCrow made a motion to extend the acceptance of ABO/NCLE score reports that are obtained from remote proctored exams until the next meeting, with a second made by Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

### **Call for Public Comment**

There are no requests for public comment. The Board provided one final opportunity before the meeting adjourned. Individuals interested in making a public comment were directed to sign in at the register located by the front door to be called upon to address the Board. As always, public comments may also be submitted in writing and sent by mail ahead of any meeting to The TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN 37243 or sent via email to [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov). Ms.

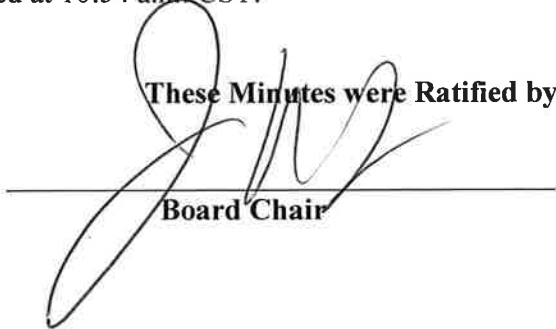
Wallace also reminded that if there are any licensees that have attended to receive an annual jurisprudence credit to be sure they sign in on the registry by the front door and indicate in the comment section, they attended for a jurisprudence credit. If they do not sign in, they will not receive the jurisprudence credit.

**Adjourn**

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

There being no further business to be heard today, this meeting of the Dispensing Opticians Board was adjourned at 10:54 a.m. CST.

These Minutes were Ratified by the Board on July 27, 2022.



Board Chair



Date