

TENNESSEE BOARD OF DISPENSING OPTICIANS MEETING MINUTES

DATE: October 26, 2022
TIME: 9:00 A.M. CST
LOCATION: Health Related Boards
Iris Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

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

BOARD MEMBER(S)

ABSENT: Jonathan Winnegrad, DPO
Consumer Member - Vacant

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

Call to Order

Ms. Miller called the meeting to order at 9:01 AM CST. A roll call was conducted, and a quorum was present. Ms. Wallace confirmed the following Board Members were present; Herman Bowman, William DeCrow, Brandy Miller, LeRhonda Walton-Hill. Jonathan Winnegrad was absent and previously notified that he would not be present.

Ms. Wallace introduced herself as the Administrator Director for Unit 3 of the Health Related Boards, she then moved on to introductions for the administrative and legal staff with Ms. Maria Johnston, Board Administrator, Mr. Eric Winters, Advisory Attorney.

Contested Case Hearing

Judge Padfield introduced herself as the Administrative Law Judge overseeing the case. She requested a break at 9:03 a.m. to allow the respondent time to arrive if they were experiencing traffic issues.

The Board Meeting resumed at 9:10 a.m.

Joy L. Dailey, D.P.O. License #1657, Docket No 17.13-223097A

Judge Padfield reviewed three motions and orders filed regarding notice made to the Respondent, who

has failed to respond to all attempts made in preparation for the trial. All efforts for service were deemed appropriate and legally sufficient by Judge Padfield.

Mr. Winters provided a review to the Board Members of the attempts made to notify Ms. Dailey. She has failed to respond to all attempts.

Judge Padfield made a charge to the Board and provided information and instructions to the Board Members for their handling of the case as presented.

A motion was made by Ms. Walton-Hill to proceed in default. A second was made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

Ms. Miller verified with the Board Members that no one had prior knowledge of Ms. Dailey's case.

Mr. Winters provided a proposed order to the Board Members for their consideration. He gave his Opening Statements and evidence, including affidavits from Ms. Kimberly Wallace, Administrative Director for the Board, regarding deficiencies in the Respondent's continuing education and licensure status. Mr. Winters then gave his closing statements on the case and provided a proposed order to the Board Members for their consideration.

A motion was made by Mr. Bowman to reopen the case to pose a question to Mr. Winters. A second was made by Mr. DeCrow. There was no discussion on the motion. The motion passed unanimously.

Mr. Bowman asked if the Respondent's CE deficiencies were discovered through the CE audit process. Mr. Winters confirmed this was correct.

The Board returned to deliberations and proceeded to review the Findings of Fact, the Conclusions of Law, the Reasons for Decision, and Order in the Proposed Final Order presented. The Board Members verbalized their agreement with each of these four sections of the Proposed Order, with each stating their agreement with the Proposed Order.

A motion was made by Ms. Walton-Hill to approve the Proposed Order as presented in its entirety, inclusive of the Findings of Fact, Conclusions of Law, Policy Reason for Decision, and Disciplinary Actions. A second was made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

Ms. Wallace called for a brief recess at 9:39 a.m. to allow the Judge and the Court Reporter to finalize their work. Ms. Miller called the meeting to resume at 9:48 a.m.

Discuss and Consider Approval of Meeting Minutes

Minutes from the July 27, 2022, Board Meeting

Ms. Wallace shared with the Board Members when the pre-meeting review packets were sent out, that Mr. Bowman replied that there were two corrections that needed to be made to the Minutes. The two corrections that were completed were in regards to the dates on a lapsed license agreed citation for Jennifer Addison, license #1158 the correct date is December 31, 2021, instead of December 31, 2022. The other correction was the Consent Order for Linda Cooper, license #543 the correct date of the lapsed license is August 31, 2021, instead of August 31, 2022.

Upon review of the July 27, 2022, Board Meeting Minutes, Ms. Walton-Hill made a motion with a second by Mr. DeCrow, 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 currently monitored Complaint report to the Board.

PERIOD: 2022 COMPLAINTS

New Complaints	Number of Complaints
Unlicensed Practice	3
Lapsed License	2
Unprofessional Conduct	1
Total New Complaints	6
Closed BIV, EMS, HCF, AW	2
Complaint Closed	1
Closed Warning Letter	3
Total # Closed Complaints	6

Mr. Knowlton clarified for Mr. DeCrow that allegations that do not fall into the more specifically defined sub-categories may be classified as unprofessional conduct. Mr. Winters stated that unprofessional conduct serves as a catch-all.

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

Fiscal Manager, Keeyona Love was present to give the Year End Fiscal Year 2022 report, highlights included:

- Total Expenditures: \$85,556.99
- Board Fee Revenue: \$153,378.26
- Current Year Net: \$67,821.27
- Cumulative Carryover: \$807,197.18

Discuss and take action as necessary regarding Legislation

There were no legislative items for the Board to review at this meeting.

Review and consider approval of 2022 Jurisprudence Exam

Mr. DeCrow worked with Ms. Wallace to draft the 2022 Jurisprudence Exam, reflecting the new version of the Board’s Rules, which became effective on September 13, 2022. Mr. DeCrow wrote several new questions and reviewed all existing questions for accuracy with the current version of the rules. Ms. Wallace then compiled and finalized the exam document for use.

Ms. Bowman made a motion to approve the 2022 Jurisprudence Exam as presented, with a second made by Ms. Walton-Hill. There was no discussion on the motion. The motion passed unanimously.

Administrator's Report

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

PERIOD: As of October 16, 2022

Total # Currently Licensed Dispensing Opticians	925
Total # Current Apprentices	405

LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: July 19, 2022 to October 16, 2022

New Dispensing Opticians Licenses	5
New Apprentice Approvals	22
Reinstated Licenses	2
Approved to Sit for the Practical Exam	13
Voluntarily Retired Licenses	2
Expired Licenses	10
Expired Apprenticeship	12
Closed/Withdrawn	2
Paper Renewals	42
Online Renewal	75

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

- The current mileage rate was \$0.625 cents per mile
- The current meals and incidental rate is \$59.25 per day for an overnight stay
- The current maximum reimbursable rate for hotel lodging in Nashville for upcoming meetings dates is as follows (rate re-sets each October)
 - October \$234.00
 - January \$187.00
 - April \$230.00
 - July \$207.00

Upcoming dates for the 2023 Board Meetings, as follows:

- January 25, 2023
- April 19, 2023
- July 27, 2023

- October 25, 2023

Ms. Wallace reminded Board Members they are requested to serve until they receive notice from the Governor's Office of reappointment or the official end of their term of service. She also reminded apprentices that semi-annual evaluation reports are required to be submitted until they receive notice of an approved license.

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

There are currently no rules in process for the Board to review at this meeting.

Disciplinary Activity

Mr. Winters provided a review of the complaint and disciplinary process for the Board Members. There are currently three (3) licensees being monitored by the Disciplinary Coordinator.

Mr. Winters gave a brief overview of the process for complaints that go to the Office of Investigations.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

There were no Consent Orders for the Board to review at 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.

Orders of Compliance

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

Requests for Order of Modifications

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

Agreed Citations

There were no Agreed Citations 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

There were no applicant interviews, file reviews, waivers, or other requests for the Board to review in this meeting.

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.

Dispensing Opticians - Newly Licensed – 07/19/2022 to 10/16/2022

License#	Name
3852	Geames, Corey Randall
3839	Jones, David Anthony
3795	LaBruna, Staney Steven
3603	Lee, Stefanie Darlene
3845	Williams, Hayley Madison

Dispensing Opticians – Reinstatement – 07/19/2022 to 10/16/2022

License#	Name#
3345	Davis, Kristen Dawn
2967	Ellison, Bethany H.

Dispensing Opticians Apprentice Approvals – 07/19/2022 to 10/16/2022

Approval Date	Status	Name
9/29/2022	Apprentice	Adcox, Amber Nicole
7/25/2022	Apprentice	Armor, James C
8/1/2022	Apprentice	Baldwin, Neill W
8/1/2022	Apprentice	Boswell, Deidra Cole
8/19/2022	Apprentice	Champion, Brittny De'Shae
8/1/2022	Apprentice	Coleman, Caleb Joshua
9/29/2022	Apprentice	Dunn, Carissa Grace
8/19/2022	Apprentice	Gehring, Danielle Nichole
8/10/2022	Apprentice	Hardaway, Michael Nolan
8/10/2022	Apprentice	Harness, Joseph Wayne
9/29/2022	Apprentice	Igne, Jamille Rose
8/19/2022	Apprentice	Klaassen, Seth Gregory
9/13/2022	Apprentice	Maines, Dalton Worley

8/19/2022	Apprentice	Mowry, Adrianna Charisse
8/19/2022	Apprentice	Owen, Karah Faith
9/29/2022	Apprentice	Patten, Jefferson
9/7/2022	Apprentice	Scott, Katrina
8/19/2022	Apprentice	Suarez, Ortiz Dorian
8/1/2022	Apprentice	Vickers, Cynthia Dyane
8/10/2022	Apprentice	Weddle, Marissa Cornesha
9/2/2022	Apprentice	Wilson, Morgan Chanae
8/31/2022	Apprentice	Wolfe, Rebecca

Approved to sit for Practical Examination – July 19, 2022 to October 16, 2022

<u>Name</u>	<u>Date Approved for Practical Exam</u>
Geames, Corey Randall	7/28/2022
Charles, Dianet	7/28/2022
Gonzalez, Treisy	7/28/2022
Hester, Ronishe Shavon	7/28/2022
Walker, Erica LeAnn	8/9/2022
Broughton, Sara Deanne	8/9/2022
Clark, Claire Elizabeth	8/18/2022
Massie, Pamela Nicole	8/30/2022
Ebersole, Elizabeth Ann	9/12/2022
Long, Bailey Kay	9/12/2022
Walker, Brian P	9/12/2022
Hall, Aislynn M	9/23/2022
Shima, Michelle Ann	9/23/2022

Closed files – July 19, 2022, to October 16, 2022

<u>Name</u>	<u>Date</u>
Geoffroy, Paula Marie	9/7/2022
Maratita, Candice	9/7/2022

Mr. DeCrow made a motion to approve the ratification list as presented, with a second made by Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

Review Request for Alternate Education Program from Optical Training Institute

Mr. Diener, Director at the Optical Training Institute (OTI) presented an overview of their Optician Development Program (ODP). OTI sought approval from the TN Board as an Apprentice Educational Training Program under the Board’s Policy Statement for the Apprentice Education Training Program, requesting that those completing the ODP they will receive 1 year/1750 hours towards the completion of the 5,250 hours/3-year TN apprenticeship requirements. This is a new program, so there is no data available on pass/fail rates.

Mr. Bowman asked if the Board Members could receive access to review the program. Mr. Diener indicated he could provide this access for Board Members to demo the program.

The program has been approved in the states of Arizona and Alaska. It has also been approved by ABO/NCLE. Ms. Walton-Hill has utilized OTI resources with apprentices for whom she supervises.

Mr. DeCrow likes what he sees so far and believes OTI is doing a good job with this program. He would like to see the digital side of the program.

Ms. Walton-Hill likes the idea of having options for Apprentice Educational Training Programs.

Ms. Wallace will work with Mr. Diener on obtaining demo access for the Board Members.

Mr. Bowman made a motion to table a decision until the Board can receive access to the demo and review the program, with a second made by Mr. DeCrow.

Discussion on the motion: Mr. DeCrow would like time to review and then discuss the program after review. Mr. Winters suggested the demonstration review take place at the next Board Meeting. The Board Members can review individually, and OTI can attend the next Board Meeting to share the demonstration. OTI will send the demo materials to the Administrative Office. The motion passed unanimously.

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

There were no Taskforce or Committee Reports for the Board to review at this meeting.

Review of Correspondence and Notices

There were no Correspondence Items for the Board to review at the meeting.

Conference/Event Reports and Upcoming Events Review

Upcoming Event: Federation of Association of Regulatory Boards (FARB) in Nashville, TN on January 26 – 28, 2023

Ms. Wallace presented the upcoming FARB Conference. The Board can elect up to three Board Members to attend.

Ms. Walton-Hill volunteered to attend.

Mr. DeCrow made a motion to sponsor up to two Board Member Representatives, including Ms. Walton-Hill, with a second made by Mr. Bowman. There was no discussion. The motion passed unanimously.

Discuss Old/New Board Business

ABO/NCLE Remote Proctoring Update and Exam Statistics

Jim Morris, Executive Director and General Counsel for ABO/NCLE was present to review the exam information and statistical data regarding the ABO/NCLE Exams. He also gave an overview regarding the remote proctoring examination process, it's not an easy or comfortable experience for the exam candidates. He noted that remote exam proctoring has become more commonplace and includes a live proctor watching via video as well as Artificial Intelligence monitoring. ABO/NCLE feel strongly about the quality of the security of this exam method. There has only been seven people in the last year and this year, in total, that took the test remotely. Pass rates are equivalent to in-person exam pass rates. They do not see a cause for concern with the remote proctor exam delivery method. If the TN Board

decides to withdraw approval of the remote proctored exam method, he would suggest grandfathering anyone already registered to take the exam in this method. The ABO/NCLE is in continual exam review and improvement processes. The Practical exam is not available via remote due to technical and security requirements.

As of February 2022, ABO/NCLE has permanently adopted the remote exam proctoring method. Many states have requested they keep that option in place. The state of Virginia originally rejected it; they are the only state who denied it for Dispensing Opticians. All other states either left it up to ABO/NCLE or adopted it on a temporary basis.

Mr. DeCrow made a motion to extend approval until the next meeting, with a second made by Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

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

There were no Rulemaking, Rulemaking Hearings, Rule Amendments, OR Policies for the Board to review in this meeting.

Election of Board Officers

At this time, the current officers are:

- Board Chair: Mr. Winnegrad
- Secretary-Treasurer: Ms. Miller

These are the two (2) positions to be elected for the new calendar year.

Nominees:

- Board Chair: Ms. Walton-Hill nominated Mr. Winnegrad
- Secretary-Treasurer: Mr. DeCrow nominated Ms. Miller

A motion was made by Ms. Walton-Hill to approve Mr. Winnegrad as Board Chair. A second was made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

A motion was made by Mr. DeCrow to approve Ms. Miller as Secretary-Treasurer. A second was made by Ms. Walton-Hill. There was no discussion on the motion. The motion passed unanimously.

Call for Public Comment

Ms. Wallace gave one final opportunity for public comments to be heard and directed interested individuals to sign-in on the register provided by the front door. As a reminder Public Comments may be submitted in writing to the TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN 37243 or sent via email to Unit3HRB.Health@tn.gov.

Ms. Miller asked if there were any public comments.

Nadia Drake was present and represents the National Academy of Opticianry (NAO), she stated that she has signed in. She asked if she could provide some documents to the Board Members. She presented the documents to Mr. Winters and he approved her request. She then handed each of the Board Members copies of the documents. She voiced her appreciation to the Board for approving the NAO, Ophthalmic Career Progression Program (OCPP), under the Apprentice Educational Training Program Policy. She

also offered to answer any questions the Board Members may have about the program. She also reviewed facets of their program and its history.

Adjourn

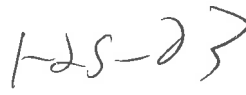
Mr. DeCrow made a motion to adjourn, with a second made by Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

There being no further business to be heard today, this meeting of the Dispensing Opticians Board was hereby adjourned at 11:28 a.m. CST.

These Minutes were Ratified by the Board on January 25, 2023



Board Chair



Date