

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: May 28, 2014
TIME: 9:00 A.M., CST
LOCATION: Health Related Boards Conference Center
Poplar Room
665 Mainstream Dr
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Donald Wells, DPO, Chairman
LeRhonda Walton-Hill, DPO, Secretary
Kathy Hawkins, DPO
Kimberly Jackson, DPO
Felda Stacy, DPO

BOARD MEMBER

ABSENT: Edward Risby, Consumer Member

STAFF

PRESENT: Sheri Patterson, Board Administrator
Teddy Wilkins, Unit 1 Director
Matt Gibbs, Office of General Counsel, Assistant General Counsel
Mark Waters, Office of General Counsel, Deputy General Counsel

Mr. Donald Wells, Board Chair called the meeting to order at 9:10 a.m. and declared a quorum was present.

Minutes

Ms. LaRonda Walton-Hill made a motion, seconded by Ms. Kimberly Jackson, to approve the February 4, 2014 meeting minutes as written. The motion carried.

OGC Report

Matt Gibbs, advisory attorney, stated there are seven (7) open cases for discipline, there are no contested cases, agreed or consent orders to present to the board at this meeting.

Mr. Gibbs stated that at the February 4, 2014 Board meeting, there were a set of rules approved which are now in the Attorney General's office awaiting review and their signature; once the

Attorney General's office signs them, the rules go to the Administrative Procedures Division of the Office of the Secretary of the State, where they will sit for 90 days.

This morning we have Ben Simpson from the Legislative Liaison office to address the legislation that was passed during the 2014 session.

The Board has been scheduled for a Sunset hearing coming up in June 2014.

Ms. Wilkins requested Mr. Wells to attend the sunset hearing as a representative of the Board as the Government Operations Committee likes to see a Board member at the sunset hearings, and Mr. Wells agreed to attend.

Legislative Report

Ben Simpson, Legislative Liaison with the Department of Health, stated the reason the committee likes to have a Board member at the sunset hearing is that they want someone who is not with the Department of Health, to go and answer questions from a board member's perspective.

Mr. Simpson talked about the Sunset hearing and some of the questions they'll be asking about - (a) finances and (b) audits. On Sunset reviews, they have been looking at the finances; a particular legislator along with the Government Operations Committee is concerned with the fees being charged to licensees. The conversations the department has been having with all 32 boards, and the legislator for about the past two (2) years, is "what does a healthy surplus look like and what is an over surplus or reserve?" The department came up with a policy, when board reserves exceed two times the operating cost for a period of two years, which is an automatic trigger, there will be a conversation with the board about reducing fees. The Government Operations Committee is concerned about surplus of revenue.

Mr. Simpson asked, does anyone have any questions concerning the Sunset hearing, and then he will talk on the legislation that was passed last year, that will affect the Board and the licensee. Ms. Hawkins asked Mr. Simpson when is the date of the Sunset, Mr. Simpson stated the Sunset hearing date is June 24, & 25, 2014 and Mr. Gibbs stated the actual sunset of the Board is June 30, 2015, but if things go well this June, a year from your sunset, they will extend the Board,. The normal is extension is for 4 years. Ms. Hawkins stated they received a 6 year extension at the last Sunset.

Mr. Simpson stated there was some legislation that was passed in this last session, that we think will affect the Board and the licensees. We have been working with Office of General Counsel and the Administration from Health Related Boards to get this information onto the web site, the association is always good about sending the information out in the news letter, to notify the licensee of some things that have changed.

1. Senate Bill 1629 - It is one of the Department of Health through the Administration of Governor Haslam, passed this legislative session, it allows initial licensure applications to be accepted online. At the present time you can do renewals online, but this will give

another avenue for applications once it goes into effect on July 1. This is one way to reduce costs and be more customer focused in the Administration of all of our Boards.

2. The Professional Privilege Tax - This allows the Department of Revenue to notify the Board administrative offices of tax delinquency. The requirement would be that if there is a tax delinquency, the practitioner will be unable to renew their license. The Department of Revenue will provide ninety (90) days for payment before notifying the Health Related Boards of the delinquency.
3. Civil Immunity - For health care providers providing services at clinics that charge patients based on a sliding scale or give health care away, the licensee will be immune from malpractice, to be able to do that practice.
4. Tele-Health - There has been a large movement throughout the State to have tele-health to be able to do face time and those types applications for health care. This bill allowed that to be covered with most insurances, it says if you're covering those services and they turn to a different platform than face to face, you should continue to cover those services as a health insurance provider.
5. Governor Meth Bill – It was the bill that put limits on Sudafed-type products across the counter, the cap is 5.76 grams per month and 28.8 grams per year.

Investigative Report

Ms. Denise Moran stated they hired two (2) new disciplinary coordinators. She introduced Tammy Cochnauer who will be the disciplinary coordinator providing services to the member Boards, with the exception of Nursing. She couldn't announce the other disciplinary coordinator's name, because she hasn't given notice, but she will be coming aboard and cross training with Ms. Cochnauer. They are changing the reports and adding the collection amounts that will be added to the disciplinary coordination report, this will be user friendly and will also give more information about the finances, and we won't have to wait until end of year for annual financial reports. There is one (1) file pending for first review and four (4) cases in the field being investigated and one (1) is pending second review. They will be scheduling another review in the month of June. Ms. Hawkins asked is it possible for the Board to be notified on cases that have been closed or completed. Ms. Moran said they can try and do a year-end report but she needs to talk to the staff to see if they can do the year-end report since it would be an extra report and formal discipline goes on the web site. Ms. Wilkins stated anything that is posted on the website has been presented to the Board, and has to be ratified by the Board since the Board has to ratify letters of reprimand, consent orders, agreed orders, agreed citations for lapsed licenses or continuing education; these are what are posted on the web site. Ms. Moran stated complaints closed with a letter of concern or letter of warning are confidential and those are not disclosed to the public.

Administrator Report

There are 852 active licensed dispensing opticians and 411 active apprentices. From February 1, 2014 to May 14, 2014, one (1) dispensing optician was reinstated, four (4) licenses were retired, fifteen (15) licensees failed to renew, and no newly reported licenses are deceased.

New applications received totaled thirty three (33). There were twelve (12) DPO and twenty one (21) Apprentice applications.

The Administrative office and the Board would like to welcome Matt Gibbs as our new attorney.

Financial Report

Ms. Vanessa Crutcher presented the projections for FY June 30, 2014. The Board of Dispensing Opticians projects total expenditures \$50,618.75, with a current year net of \$76,469.25 and a cumulative carryover of \$247,922.86.

Ms. Crutcher discussed with the board a onetime cost the Board will see for 2015. The onetime cost is for the replacement of the current RBS licensure tracking system with the new Versa system. This is a cost that is spread out over all the Health Related Boards and is based on the percentage of total licensees of the respective board. The Board of Dispensing Opticians share is projected \$6,600.00.

Ms. Crutcher stated if the Board wants to discuss fee reductions, they could put some numbers together for the renewals.

Ms. Stacey asked if there an issue getting to the surplus. Ms. Crutcher answered there's a onetime expenditure that you want to do to help your profession and the surplus and be used it that way. Mr. Cange stated there is a one time expense you can pull from the reserves without triggering anything,; what Ms. Crutcher would be nervous about, is if you spend all that you have budgeted in that single year and you're in the red for the year, even if you have \$157,000.00 in reserves, if you do that two (2) years in a row, it triggers a self sufficiency hearing.

Ms. Hawkins had a question about investigations and whetgerthat is the total amount that investigations cost the Board per year,. Ms. Crutcher said those are time records and it depends on how many cases they are working and the same for legal. Mr. Wells said maybe initiate a study, to see if we need to possibly reduce fees in the future. Ms. Wilkins said Ms. Crutcher can do some numbers for the next Board meeting; generally it involves lowering the renewal fee, verification or endorsement fee; travel is something Board members can do, if there are national conventions that the Board members would like to attend, three (3) board members can go and the director. Ms. Crutcher said she would get the numbers together. Ms. Wilkins stated to Mr. Wells, item #6 does not apply to this Board; this was in error, because this Board does not prescribe.

Newly Licensed

Ms. Hawkins made a motion, seconded by Ms. Jackson, to approve the following new licensees: The motion carried.

**Jean Bosse
Tammy Clemson
Dan Gray**

**Rebecca Bridges
Sara Donnan
Erin Gunter**

**Yelena Gurskaya
Jessica Motta
David Parks
Russell Sexton
Teresa Sullivan**

**Melissa Jones
Rita Mullins
Eric Phipps
Mariah Stone**

Reinstatement Applications

Ms. Hawkins made a motion, seconded by Ms. Walton-Hill, to approve the following reinstated applicants. The motion carried.

Joy Lynn Daily DPO

Robert Carl Marshall DPO

Requests to Sit for the Practical Exam

Ms. Hawkins made a motion, seconded by Ms. Jackson to approve the following dispensing optician applicants to sit for the practical examination:

**Bridgit Cook
James Kiger, Jr.
Courtney Taylor
Lauren Veal
Julie Phillips
Lindsay Weese**

**Angela Holt
Mollee Graham
Matthew Townsend
Candace Davis
Leah Phillips**

Apprentice Program Requests

Ms. Hawkins made a recommendation with all the names in front of them, that they hold out three (3) apprentice files because they need more clarification on their job duties and two (2) apprentice files asking for dispensing opticians to be their sponsors. Ms. Hawkins made a recommendation to accept the other names applying for the apprentice training program. Ms. Hawkins made a motion, seconded by Ms. Jackson. The motion carried.

**Sheila Allen
Taylor Anderson
Sheila Baker
Marrio Butler
Maruzn Collins
Jennesiea Ferguson
Whitney Hartsell
Lindy Faulkner
Keona Thomas
Irina Waterman
Lindsey Weese**

**Michelle Amazeen
Jonathan Baker
Dustin Burnette
Christy Clark
Michelle DeWitt
Maira Guerrero-Navarro
Tracey Norris
Stephanie Rainey
Katherine Thompson
Kayla Williamson**

Ms. Hawkins asked about clarification on direct supervision with an Optometrist for an apprentice. Ms. Wilkins and Ms. Patterson talked about revising the application with information regarding direct supervision.

Correspondence

Donald C. Akin, Jr. submitted a letter requesting to reduce hours for apprenticeship as his primary sponsor left the company, he has an alternate supervisor. Mr. Wells and Ms. Hawkins stated to allow him to continue until he finds another primary sponsor to make up the hours.

Stacy J. Waechter submitted a letter requesting to reduce hours for apprenticeship as the primary sponsor left the company, and she has an alternate supervisor, Mr. Wells and Ms. Hawkins stated to allow her to continue until she finds another primary sponsor to make up the hours.

Angela C. Chatman submitted a letter regarding continuing education hours for reinstatement. Mr. Wells stated she can reinstate after she complies. Ms. Hawkins made the motion, seconded by Felda Stacey. Motion carried.

Kristi Hurst submitted a letter, Mr. Gibbs spoke with Ms. Hurst and explained because of timing of the letter received, it would be presented at the August 6, 2014 Board meeting.

NCSORB submitted their NCSORB notes on examination statistics and NCSORB OptiCon convention September 5 – 7, 2014 at the Gaylord Opryland Hotel in Nashville, Tennessee. Ms. Wilkins stated three (3) Board members can attend the convention. Ms. Stacey, Ms. Hawkins and Mr. Wells requested to go to the NCSORB OptiCon Convention September 5 – 7, 2015. Walton-Hill made a motion, seconded by Ms. Stacey. Motion carried.

Marlene Crawford submitted a letter and spoke at the Board meeting regarding being unsuccessful on the second part of the practical examination Ms. Crawford stated the lens meter is not being clear on the examination. Roy Ferguson spoke about the lens meter and the pass rate. Ms. Patterson will contact NCSORB regarding a webinar to view the practical examination; the Board members want to see what the candidates are seeing when taking the examination.

Mike M. Sandy, OD submitted a letter on a website being launched this summer that affects the Board of Optometry, regarding Opternative and other online refraction programs, Ms. Patterson wanted the Board to see the information Ms. Stacey asked if the Board needed to respond to the letter. Mr. Gibbs stated the letter addresses the Optometry Board and not the Dispensing Opticians Board therefore no response is needed.

Shukur Tairov submitted a letter asking the Board to allow him to take the practical examination earlier than the three (3) years and five thousand two hundred (5250) hours of apprenticeship. Ms. Hawkins and Ms. Stacey stated Mr. Tairov has to follow the rules of the three (3) years and the five thousand two hundred (5250) hours in order to take the practical examination.

Continuing Education

Costco Wholesale submitted a request for continuing education seminar, they are ABO and NCLE approved. Ms. Stacey made a motion, seconded by Ms. Jackson. The motion carried.

TDOA submitted a request for continuing education hours for TDOA Annual Convention in Gatlinburg, TN on June 21, 2014; speakers are ABO and NCLE certified. Ms. Hawkins made a motion, seconded by Ms. Walton-Hill. The motion carried.

SECO International, LLC submitted a request for continuing education for March 12 – 16, 2014, they already held the conference. The Board stated pursuant to rule 0480-01-.12(d)(6) regarding prior approval, all information shall be received at least 30 days prior to the scheduled Board meeting. Ms. Hawkins made a motion, seconded by Ms. Stacey to deny the request for approval. The motion carried.

Update on Rulemaking Hearing

Mr. Gibbs discussed the rulemaking regarding the jurisprudence language. Ms. Wilkins agreed with Mr. Gibbs on the rules that were voted in February that are under review by the Attorney General will have to go forward. A short notice of rulemaking hearing can be foled to add the one (1) hour for the jurisprudence. Ms. Patterson will post the eight (8) hours of 2014 continuing education without the jurisprudence on the website. Mr. Gibbs asked the Board to vote on the language or the rulemaking notice. Ms. Hawkins made a motion to allow the Office of General Counsel to put the language that is written in paragraph four (4) and by attending the morning session of the Dispensing Opticians Board meeting in lieu of the one (1) hour jurisprudence, seconded by Ms. Walton-Hill. The motion carried.

Other Board Business

ABO and NCLE exam administrations Ms. Patterson received information on the dates and deadlines for the 2014 and 2015 test for the ABO and NCLE. They changed the format and they wanted Ms. Patterson to post them to the website. Mr. Wells and Ms. Hawkins recommended posting it online.

NCSORB – Wendy Lee submitted an invoice for payment in the amount of \$95.00 for Esther Evans, due to Board error. Ms. Hawkins made a motion, seconded by Mr. Wells to approve payment of \$95.00 for Board error. The motion carried.

New Orleans 2014 Annual Educational Conference Ms. Hawkins received information on the conference for September 11 – 13, 2014. Ms. Stacey made a motion for up to three (3) Board members to attend this conference, seconded by Ms. Walton-Hill. The motion carried.

Proposed Board meeting dates for 2015 Ms. Wilkins presented the following Board meeting dates for 2015. Board approved.

January 28, 2015

April 29, 2014
July 29, 2015
October 28, 2015

With no other Board business to discuss, Ms. Hawkins made a motion, seconded by Ms. Walton-Hill to adjourn the meeting. The meeting adjourned at 3:44 PM.

Ratified by the Board on January 28, 2015