

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: April 29, 2015

TIME: 9:00 A.M., CST

LOCATION: Health Related Boards Conference Center
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT:

Donald Wells, DPO, Chair
LeRhonda Walton-Hill, DPO, Secretary
Kimberly Jackson, DPO
Felda Stacy, DPO
Greg DeCrow, DPO
Edward Risby, Consumer Member
Greg DeCrow, DPO

STAFF

PRESENT:

Yvette Hernandez, Board Administrator
Teddy Wilkins, Unit 1 Director
Matt Gibbs, Office of General Counsel, Assistant General Counsel

Mr. Wells, Chair, called the meeting to order at 9:01. A roll call vote was conducted and all Board members were present.

Minutes

Upon review of the August 26, 2014 Tele-Conference Board meeting minutes, Ms. Jackson made a motion, seconded by Mr. DeCrow, to approve the minutes as written. The motion carried.

Upon review of the November 4, 2014 Board meeting minutes, Ms. Jackson made a motion, seconded by Ms. Walton-Hill, to approve the minutes as written. The motion carried.

Office of General Counsel Report

Mr. Gibbs stated there are five (5) open cases for discipline in OGC and two (2) Consent Orders to be presented to the Board.

Amendments to Rules 0480-01.01-Definitions, .02-Scope of Practice, .12-Continuing Education and .14-Apprenticeship Training Program to clarify roles and scope of practice of Dispensing Opticians and Apprentices have been reviewed and approved by the Attorney General's Office.

The rules will become effective on June 30, 2015, pending review by the Joint Government Operations Committee.

Amendments to Rule 0480-01-.12-Continuing Education is being amended to require that all licensees obtain one (1) hour of jurisprudence as part of the continuing education requirements by either attending the morning session of the Board's regularly scheduled Board meeting or successfully completing the Board's Continuing Education Jurisprudence Credit Examination. Licensees who attend one (1) morning session of a regularly scheduled meeting of the board must sign the sign-in sheet, maintained by the Board's administrator. The licensee must record their name, license number, the time the licensee arrived at the Board meeting, and the time the licensee departed the Board meeting to receive one (1) hour of jurisprudence continuing education credit. The morning session shall be not less than 50 minutes. The rule packet is undergoing review at the Attorney General's Office. Once approved, the rules will be filed with the Secretary of State. The rules will become effective ninety (90) days after the date of filing with the Secretary of State, pending review by the Joint Government Operations Committee.

Mr. Gibbs stated that OGC is monitoring the North Carolina Dental Board Examiners vs. the FTC Supreme Court case. The Dental Board of Examiners issued cease and desist letters to kiosk teeth whitening companies in shopping malls. The teeth whitening companies contacted the FTC who ruled it was an anti-trust case behavior by a group of dentists trying to exclude the companies from the profession. The Supreme Court agreed with the FTC. Mr. Gibbs said OGC will keep the Board informed on what, if anything needs to be done to prevent this from happening to any Health Related Board in Tennessee.

Consent Orders

Ms. Stacy recused herself from both Consent Orders as she was the consultant in reviewing these complaints.

The Consent Order for **Austin Torrejon**, Apprentice, charges the respondent with engaging in the unlicensed practice of opticianry on numerous occasions while employed as the general manager at LensCrafters in Murfreesboro, TN. Without the direct supervision of Respondent's designated direct or alternate supervising optician, Respondent adjusted, adapted, measured, and dispensed eyewear. Respondent also schedule an apprentice to work during shifts when the apprentice optician's designated supervising optician and alternate supervising optician were not scheduled to work at the store. Mr. Torrejon is being assessed a \$500 Type A civil penalty for the unlicensed practice of opticianry by someone in a store supervisor position. A violation of this Order shall constitute a separate violation of Tenn. Comp. R. & Regs. Rule 0480-01-.13(2) (d) and is grounds for further disciplinary action by the Board.

Mr. DeCrow made a motion, seconded by Mr. Risby, to approve the Consent Order. The motion carried.

The Consent Order for **Telawan W. Sisamouth**, Apprentice, charges the respondent with engaging in the unlicensed practice of opticianry on multiple occasions. Respondent adjusted, adapted, measured, and dispensed eyewear. Respondent stated that she was under the supervision of licensed opticians in, or about, August and September of 2014; however, she was not under the direct supervision of her designated direct or alternate supervising optician. Ms. Sisamouth is being assessed a \$100 Type A civil penalty for the unlicensed practice of opticianry. In the event Ms. Sisamouth applies for licensure, she must appear before the Board to explain the circumstances surrounding this Consent Order.

Ms. Walton-Hill made a motion, seconded by Mr. Risby, to approve the Consent Order. The motion carried.

Office of Investigations Report

Ms. Dorroh stated there are three (3) complaint cases in Investigation and plan to schedule a review in May.

Ms. Dorroh said their office is currently monitoring six (6) practitioners and have just completed a compliance audit on the practitioners.

Financial Report

Ms. Wilkins said Ms. Tittle or Ms. Crutcher will be at the next meeting to review the report in detail.

Administrative Report

Ms. Hernandez stated there are currently 844 licensed Dispensing Opticians and 425 apprentices. Since the last meeting five (5) Dispensing Opticians were licensed; fifteen (15) apprentices were licensed; no retired licenses; and, four (4) licenses expired.

Newly Licensed

Ms. Stacy made a motion, seconded by Ms. Walton-Hill, to approve the following newly licensed Dispensing Opticians:

Alice Jane Cook
James Allen Gorszcyk
Lynsey Marie Lowe
Stacey L. Morris
Nicholas Gordon Munding
Ashley Danielle Phillips
Amy Scott
Lindsey Weese

The motion carried.

Apprentices

Ms. Jackson made a motion, seconded by Ms. DeCrow, to approve the following Apprentice applications:

Brandie Baldwin
Meghann Bradshaw
Gavlan Cheek
Randal Cheek
Teresa Coleman
Karen Francis
Bethni Hardy
Hailey Hendry
Kandy Hutchison
Barbara McCurley
Rhonda Mills
Ramona Ogle
Whitney Ownbey
Dana Pekarchick
Barbara Pena
Brittany Self
Landon Southerland
Bria Thatcher
Brooke Williams
Jerry Wright

The motion carried.

Reinstatement Applications

Ms. DeCrow made a motion, seconded by Ms. Jackson, to approve the following Dispensing Opticians reinstatement applications:

Kimberly A. Cooper
Donna Dugan Schlemmer

The motion carried.

Requests to Sit for the Practical Examination

Ms. Jackson made a motion, seconded by Mr. DeCrow, to approve the following applicants to sit for the practical examination:

Christina Bassant
Sarah Burkhart
Whitley Coxey

Carl Dunn
Emily Reid
Shukur Tairov
Courtney Walker

The motion carried.

Task Force Report

Dr. Roy Ferguson, LDO, Ph.D. stated the practical exam, as presented by the National Commission of State Opticianry Regulatory Boards (NCSORB) to the Task Force, was found to be irreparably flawed, and not based on industry standards, tolerances, or best practices. The committee concluded that the exam fails to conform to best practices published in the reference texts provided to test candidates. The Task Force recommends that the testing contract with NCSORB be terminated immediately.

Mr. Gibbs said hard copies of the report are available to the public.

Dr. Ferguson stated from July 2011 through March 2013, 146 Tennessee candidates took the hands-on practical examination and, when presented with a pair of progressive lenses mounted in a frame, 92% correctly identified the add power.

Mr. DeCrow said NCSORB does not show engravings from the exam causing exam candidates unable to read the add power.

Mr. Darrell Lassiter stated all dispensing opticians need to have hands on training on using a vertimior and lens clock and not computer generated.

Mr. Robert Flippin, member of NCSORB, addressed the Board stating he could not answer the eighty (80) questions asked by the Board, but could address points that do not compromise the examination security, propriety information or confidential candidate information.

Ms. Flippin said NCSORB identified the need for a practical examination that met the following standards:

Neutral environment to ensure fairness

Offer year round testing

Eliminate optical equipment malfunctions

Faster exam results

Allows opticians and contact lens fitters to enter the workforce faster

There is a digital copy in the data base of how a candidate performed each task for validation and improved examination feedback

Portability of the license becomes less burdensome as they share identical examinations

Mr. Flippin stated that ANSI 280.1 standards are not used in the examination to assess candidate's techniques and results.

Upon discussion of the practical examination, Mr. Flippin suggested that the Board members take the exam at the Pearson Vue Testing Center.

Ms. Stacy asked if the Board could customize the examination to meet Tennessee's requirements. Mr. Flippin said no, it's a standard practical examination for all states that accept the exam which are Florida, Arkansas, Kentucky and Tennessee.

Mr. Flippin thanked the Board for their time and invited the members to attend their annual meeting, participate in a WEBINAR presentation and take the exam at the Pearson Vue Testing Center.

ABO/NCLE

Mr. James Morris, Esq., Executive Director and General Counsel for the ABO/NCLE, said their exams have been upgraded, can be taken up to four (4) times annually, is computer based, and, has the ability for instant testing. The candidate can register and pay for the exam online. If a candidate fails the exam, they must wait six months before retaking the exam. Mr. Morris said a practice exam has been added to their web site and recommended that the Board visit their web site. There are over 450 testing centers through the United States. There is a ten (10) day window to take the exam.

Mr. Morris asked the Board to notify the ABO/NCLE of formal disciplinary actions imposed by the Board for placing on their web site. Mr. Gibbs asked that this request be tabled to the next meeting in order for him to discuss this with the Disciplinary Coordinator to determine if discipline actions could be forwarded to ABO/NCLE.

Mr. Morris invited the Board members to attend the ABO/NCLE Conference.

Review Continuing Education Courses

Southeastern Opticians Conference submitted a request to offer continuing education courses for conference in Atlanta, GA July 24-26, 2015. Ms. Stacy made a motion, seconded by Mr. DeCrow, to approve the request. The motion carried.

Opticians Association of Georgia submitted a request to offer continuing education courses at its spring meeting in Clarkston, GA May 30-31, 2015. Ms. Walton-Hill made a motion, seconded by Ms. Stacy, to approve the request with the exception of the one (1) hour course titled Demystifying Georgia Law. The motion carried.

Steven Ward, DPO, submitted a request to attend a seminar by the National Academy of Opticianry in Tampa, FL April 25-26, 2015. Ms. Stacy made a motion, seconded by Ms. Walton-Hill, to deny the request as it was not received thirty (30) days prior to the Board meeting as required in Rule 0480-01-.12(3)(b). The motion carried.

Correspondence

Ms. Hernandez said **Randy Jones, DPO**, submitted a letter to the Board at the last meeting requesting an extension of time to complete his 2014 continuing education. At that meeting, the Board requested Ms. Hernandez to ask Mr. Jones to submit a letter explaining why he did not complete the hours in 2014. Mr. Jones stated in his current letter that he was unable to complete the hours due to an illness in the family. Mr. DeCrow made a motion, seconded by Mr. Risby, to approve the request. The motion carried.

The Board reviewed a letter from **Brigette Adams, DPO** requesting a waiver of eight (8) continuing education hours for 2013 due to a death in her family and personal illness. Mr. DeCrow made a motion, seconded by Ms. Jackson, to send Ms. Adams a letter asking her to specify if she wants a waiver or extension of her 2013 hours and request that she submit documentation of her 2014 hours. The motion carried.

The Board reviewed a letter from **Josh Williams, DPO** requesting reinstatement of his apprenticeship to obtain employment under supervision to complete the program. Mr. DeCrow made a motion, seconded by Ms. Walton-Hill, to send Mr. Williams a letter asking him to submit an evaluation from May 2014 to October 2014, include a change in supervisor form with the letter and ask him to notify the Board of his new employer. The motion carried.

Adjourn

With no other Board business to conduct Mr. Risby made a motion, seconded by Mr. DeCrow, to adjourn at 12:45 p.m. The motion carried.