

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: January 28, 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, Chairman
LeRhonda Walton-Hill, DPO, Secretary
Kimberly Jackson, DPO
Felda Stacy, DPO
Greg DeCrow, DPO
Edward Risby, Consumer Member

STAFF

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

Mr. Donald Wells, Chair, called the meeting to order at 9:10 a.m.

Rulemaking Hearing

Mr. Gibbs, Office of General Counsel, introduced Ashley Fine, Rules Coordinator in OGC and law student in Nashville.

A roll call was conducted to determine that all Board members were present.

Mr. Gibbs conducted the rulemaking hearing stating Rule 0480-01-.12 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.

Mr. Gibbs said once the rule is adopted by the Board it will be forwarded to the Attorney General's Office for review of legality. If approved the rule will be filed with the Secretary of

State, which is responsible for publication and the Government Operations Committee of the General Assembly. The rules must remain in the Secretary of State's Office for ninety (90) days, at which time they are effective.

Ms. Walton-Hill made a motion, seconded by Mr. DeCrow, to approve the rule as written. A roll call vote was conducted and all Board members voted in the affirmative.

Upon review of the Statement of Economic Impact to Small Businesses, Ms. Jackson made a motion, seconded by Mr. Risby, that the rule is not likely to produce any direct benefits or impose any costs on small businesses. A roll call vote was conducted and all Board members voted in the affirmative.

Upon review of the Regulatory Flexibility Analysis, Mr. Risby made a motion, seconded by Ms. Jackson that the rule amendments do not overlap, duplicate, or conflict with other federal, state, and local governmental rules. A roll call vote was conducted and all Board members voted in the affirmative.

Minutes

Upon review of the May 28, 2014 and August 6, 2014 Board meeting minutes, Mr. DeCrow made a motion, seconded by Ms. Walton-Hill, to approve the minutes as written. The motion carried.

Office of General Counsel

Mr. Gibbs stated there are currently seven (7) cases in OGC and two (2) Consent Orders being presented at today's meeting.

Mr. Gibbs said the Task Force consisting of Dr. Roy Ferguson, Darrell Lassiter, Kathy Hawkins and himself is meeting immediately following the Board meeting.

Consent Orders

Mr. Gibbs said the Consent Orders are for **Sandra Crimmins** and **Jan Forrester**. Ms. Stacy recused herself, as she knows one of the respondents, and left the meeting room. Ms. Walton-Hill recused herself, as she works for the company, and left the meeting room.

Ms. Crimmins, a license Dispensing Optician, is being charged with not providing direct supervision of her apprentice at all times; signing two (2) false semi-annual evaluation reports; and fraudulently using a fellow employee's identification number to gain access to the database to purchase a pair of glasses. Ms. Crimmins stated the glasses were for her husband but were actually for a third party. Ms. Crimmins is being assessed a \$1,000 Type A civil penalty for not directly supervising Respondent's apprentice, for signing false semi-evaluation report and committing fraud in the practice of opticianry. Ms. Crimmins license is suspended for one (1) year. At the conclusion of one (1) year from the effective date of the Order, her license will return to active status.

Ms. Jackson made a motion, seconded by Mr. Risby, to approve the Consent Order for **Sandra Crimmins**. The motion carried.

Ms. Forrester is being charged with working without a supervising dispensing optician; engaging in an unlicensed practice by preparing, adapting, and dispensing lenses, spectacles, eyeglasses and optical devices on the written prescription of an optometrist or physician; assisting clients with frame styles, sizes, and materials; fit eyewear, order eyewear; verify parameters; perform pupil distance measurements, perform segment height, made final personal adjustments/alignments; and repaired, replaced, and realigned eyewear without a valid Tennessee dispensing optician license. Ms. Forrester is being assessed a \$500 Type A civil penalty for the unlicensed practice of opticianry and two (2) \$250 Type B civil penalties for submitting false semi-annual evaluation reports and failing to submit changes to Respondent's original apprenticeship application within thirty (3) days for a total of \$1,000. Ms. Forrester must appear before the Board to explain the circumstances surrounding the Consent Order should she apply for licensure.

Mr. DeCrow made a motion, seconded by Ms. Jackson, to approve the Consent Order for **Jan Forrester**. The motion carried.

Office of General Counsel

Mr. Gibbs asked the Board to set out the number of continuing education hours each year, prior to February, as required by the legislature.

Ms. Stacy made a motion, seconded by Ms. Jackson, to require four (4) hours in spectacles, two (2) hours in contact lenses, one (1) hour optional course and one (1) hour jurisprudence for a total of nine (9) hours of continuing education for 2015. The motion carried.

Ms. Wilkins stated the jurisprudence examination can be posted at the Board's web site within a week and asked if the Board wanted to use the 2014 exam.

Ms. Stacy volunteered to promulgate twenty-five (25) questions for the 2015 jurisprudence exam. Mr. DeCrow offered to help Ms. Stacy with the exam.

Ms. Jackson made a motion, seconded by Mr. DeCrow, to allow the one (1) hour jurisprudence to be accomplished by successfully completing the jurisprudence examination or attending a Board meeting effective January 28, 2015 through December 31, 2015. The motion carried.

Office of Investigations

Ms. Dorroh stated there are three (3) complaint cases in OGC and two (2) in the field. Ms. Dorroh stated one (1) complaint is back for a second review which will take place on February 9, 2015.

Ms. Dorroh said five (5) complaints were closed with no action, two (2) with a letter of concern, one with a letter of warning and two (2) referred to OGC.

Financial Report

Ms. Wilkins reviewed the report stating the Board had total expenditures of \$54,018.31; Board fee revenue of \$130,524.46; a current year net of \$76,506.15; and a cumulative carryover of \$247,959.76.

Ms. Wilkins said she would ask Ms. Tittle to attend the next Board meeting to discuss a fee reduction.

Administrative Report

Ms. Hernandez stated there are currently 863 licensed Dispensing Opticians and 414 apprentices. Since the last meeting ten (10) Dispensing Opticians were licensed; eighteen (18) apprentices were licensed; three (3) retired their licenses; and two (2) licenses expired.

Newly Licensed

Ms. Jackson made a motion, seconded by Mr. Risby, to approve the following newly licensed Dispensing Opticians:

**Lauren Barr Combs
Tasha Marie Jarvis
James Kay Kiger, Jr.
Jennifer Carol Ladd
Karen Elizabeth Pratt
Kendyce Renee Studdard
Ryan Dean Vogel**

The motion carried.

Apprenticeship Applications

Ms. Walton-Hill made a motion, seconded by Mr. DeCrow, to approve the following apprenticeship applications:

**Rebecca Allen
Suzanne Baldin
Christopher Carter
Shannon Chesney
Carrie Clark
Hiram Vera-Estrada
Brenda Hansen
Sabrina Helton**

**Yen Hoyt
William Long
Nicole Lopez
Jessica Smith
Austin Torrejon
William Williams**

The motion carried.

Requests to Sit for the Practical Exam

Ms. Walton-Hill made a motion, seconded by Mr. DeCrow, to approve the following applicants to sit for the practical exam:

**Lindsey Caulfield
Bethany Cordell
Brian Hood
Sharon Johnson
Megan Mason
Stacey Morris
Willie Person
Treva Stowe
Christopher Wade**

The motion carried.

Reinstatement Applications

Ms. Jackson made a motion, seconded by Mr. Risby, to approve the following reinstatement applications:

**Robert S. Boles, DPO
Misty Lynn Ruff, DPO
Kimberly Marie Stahl, DPO**

The motion carried.

Correspondence

The Board reviewed a letter from **Jerry Himes, Chairman, National Commission of State Opticianry Regulatory Boards** regarding the National Optician's Practical Examination, which currently has an overall pass rate of 64%.

Mr. Gibbs said NSORB is willing to make a presentation to the Board on their exams.

NCSORB said the meeting would be proprietary in nature and will ask the Board to sign a non-disclosure agreement that would prohibit the Board from discussing what they see in the presentation. Mr. Gibbs' stated his concern is the Open Meetings Act.

Dr. Ferguson said he cannot come up with anything that would be proprietary in nature. The idea is to test the minimum competency of the applicant.

The Board reviewed a letter from **Tonia Sutton, DPO** requesting approval to obtain her 2014 continuing education in 2015 due to an automobile accident and death in the family. Ms. Stacy made a motion, seconded by Ms. Jackson, to approve Ms. Sutton's request. The motion carried.

The Board reviewed a letter from **Randy Jones, DPO** requesting approval to obtain his 2014 continuing education in 2015. Mr. DeCrow made a motion, seconded by Ms. Walton-Hill, to request Mr. Jones to submit a letter explaining why he was unable to complete his continuing education for 2014 before making a decision. The motion carried.

Continuing Education Requests

International Vision Expo & Conference East 2015 submitted a request to offer continuing education courses for March 19-22, 2015. Mr. DeCrow made a motion, seconded by Ms. Jackson, 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.

Tennessee Dispensing Opticians Association submitted a request to offer continuing education courses for February 8, 2015. Mr. DeCrow made a motion, seconded by Mr. DeCrow, to approve the request. The motion carried.

Roy Ferguson, Ph.D. of The Learning Curve submitted a request to offer continuing education courses for February 22, 2015; March 15, 2015; March 22, 2015; April 12, 2015; October 11, 2015 and November 15, 2015. Mr. DeCrow made a motion, seconded by Mr. Risby, to approve the request. The motion carried.

Wang Vision Institute submitted a request to offer continuing education courses for March 8, 2015 and August 30, 2015. Ms. Jackson made a motion, seconded by Ms. Walton-Hill to approve the request. The motion carried.

Other Board Business

Mr. Gibbs requested approval from the Board to attend the **FARB Regulatory Law Seminar** in Denver on October 1-4, 2015. Ms. Stacy made a motion, seconded by Ms. Walton-Hill to approve the request. The motion carried.

Adjourn

With no other Board business to conduct, Mr. Risby made a motion, seconded by Mr. DeCrow, to adjourn at 11:35 a.m. The motion carried.