

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: April 19, 2023
TIME: 9:00 A.M. CST
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

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

BOARD MEMBER(S)

ABSENT: 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

Mr. Winnegrad called the meeting to order at 9:04 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, and Jonathan Winnegrad.

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.

Discuss and Consider Approval of Meeting Minutes

Minutes from the January 25, 2023, Board Meeting

Upon review of the January 25, 2023, Board Meeting Minutes, Mr. Bowman made a motion with a second by Ms. Walton-Hill, 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

There was no Representative present, questions may be submitted for review in the next meeting.

PERIOD: 2023 COMPLAINTS

Currently Open Complaints	Number of Complaints
Currently Open Complaints	3

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

Keyyona Love, Fiscal Manager, was present to give the Mid-Year 2023 finance report to the Board with highlights, as follows:

- Total Expenditures: \$32,607.62
- Board Fee Revenue: \$59,105.15
- Current Year Net: \$26,497.53
- Cumulative Carryover: \$768,786.70

Discuss and take action as necessary regarding Legislation

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

Receive Reports and /or Requests from the ABO/NCLE

There were no reports and/or Requests from ABO/NCLE to review at this meeting.

Administrator's Report

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

PERIOD: As of April 12, 2023

Total # Currently Licensed Dispensing Opticians	925
Total # Current Apprentices	418

LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: April 12, 2023, to July 14, 2023

New Dispensing Opticians Licenses	9
New Apprentice Approvals	31
Reinstated Licenses	0

Approved to Sit for the Practical Exam	3
Voluntarily Retired Licenses	1
Expired Licenses	3
Expired – Suspended Licenses	3
Expired Apprenticeship	3
Closed/Withdrawn	2
Paper Renewals	34
Online Renewal	71

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

- The current mileage rate was \$0.655 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)
- April \$230.00
- July \$207.00

Upcoming dates for the 2023 Board Meetings, as follows:

- October 25, 2023

Discuss of Apprentices Program Files Exceeding Six (6) Years

Ms. Wallace presented the Board’s current rules, found in 0480-01-.14(4) regarding the Apprentice Program, it is established with a minimum of three (3) years and a maximum of six (6) years for completion of the program, along with the requirement of 5,250 hours to be completed in that time. Prior to 2015, this rule established the same minimum time period, but put no maximum length of time on an apprenticeship.

The Board’s current Rule 0480-01-.04(4)(c) regarding qualifications for licensure also refers to the maximum of six (6) years for an apprenticeship.

The change to the rules that established the 6-year maximum is now almost eight (8) years old itself. During a file audit by the Administrative Office, it has been discovered that there are approximately two dozen active apprentice files that were approved to begin their program prior to the 2015 rules change by the Board that established the maximum length for the apprentice program of six (6) years. These individuals were approved between 2006 – 2015, meaning these individuals have been in the apprentice program for anywhere between 8-17 years without applying for a license.

In addition, there are approximately one-half dozen apprentice files that were approved to begin their program in 2015 and 2016, after the 2015 rules change was implemented, but have continued in the

program past the six-year mark, for anywhere from 7-8 years without applying for a license. These individuals have continued submitting their apprentice program semi-annual evaluations.

Ms. Wallace inquired of the Board, seeing that the current rule for Qualification for Licensure in 0480-01-.04(4)(c) only allows for licensure for those whose apprenticeship is not more than six years, how should the Administrative Office proceed.

The Administrative Office would like to seek guidance from the Board on the handling of these files, and whether any action should be taken at this time to establish a time frame in which these individuals must either meet the requirements to apply for and be granted a license (and also give authorization that the Administrative Office can accept those licensure applications when the apprenticeship has exceeded six (6) years), or else they will have their apprentice files closed in conjunction with the current rules, OR if they should be allowed to continue in the program without regard to the maximum program length and be allowed to apply for licensure if or when they decide to pursue that path. Both those files originating before and after 2015 are asked to be considered.

0480-01-.04 *QUALIFICATIONS FOR LICENSURE. An applicant and licensee must:*

(4) *Meet the following educational requirements:*

(c) *Have had practical training and experience (apprenticeship) of a grade and character satisfactory to the Board as an Apprentice for not less than three (3) years or more than six (6) years under the Sponsoring Supervision of a Sponsoring Supervisor.*

0480-01-.14 (4) *Length of Training Program - Pursuant to T.C.A. § 63-14-103(a)(1), the period of apprenticeship training shall be not less than three (3) years and no more than six (6) years and must include a total of five thousand two hundred and fifty (5,250) hours of full time or part time education and training under qualified supervision. If the apprenticeship is not completed within a maximum of six (6) years, the applicant shall be required to start the apprenticeship program from the beginning.*

Mr. Winnegrad noted that the public is not at risk, but if spots are filled by long-term apprentices, it may prohibit others from entering the program. Ms. Walton-Hill asked about ABO/NCLE Certifications status. She also commented that if they've never taken the ABO/NCLE, then they're not serious in a career. If they're not willing to go through the program as a whole, why keep them in the apprenticeship program. The Board should set a time frame to have them take the ABO/NCLE tests and apply to take the Practical exam. This is a career, not just a job. The Board needs to set the standard in accordance with the rules and regulations.

Mr. Bowman asked Mr. Winters for those that started before 2015 if they grandfathered in? Mr. Winters said the rule has been in place long enough, they should be under the current rule. He gave examples of fee changes in rules being applicable. Mr. Winters believes they should be held to this standard. Mr. Bowman noted the Board should send a letter, giving them 1 (one) year to apply for licensure.

Mr. DeCrow concurred. Ms. Miller also concurred that this has been far too long. Mr. DeCrow posed the possibility, rather, to ask them to possibly send a letter asking them to explain why they've been in the program so long. Ms. Walton-Hill said anyone wanting to rebut it can petition the Board. Mr.

Bowman and Mr. Winnegrad said they may be working for large companies that have had an effect on them staying in the apprentice program. Mr. Bowman said if they're at a retail establishment, they may be afraid they will lose their job, if they are removed from the apprenticeship if they don't seek and obtain licensure. Ms. Walton-Hill said the apprentices must be held accountable to do what they need to do to move towards licensure.

Mr. Winters referred to the rules for the apprenticeship program, the Board's rules charge them with the oversight of licensure, not the preservation of certain jobs. Apprenticeship should lead to licensure.

Mr. Winters commented are those in the apprenticeship program for an extended period of time without actually seeking licensure are taking a spot and preventing someone else from getting a spot that needs it, by being in the program for too many years. Mr. Winters referenced Mr. Winnegrad's earlier comment. It's not fair to new apprentices to have to follow the six (6) year maximum and allow others to stay in the program for seventeen (17) years. New apprentices cannot come under a supervisor who is already maxed out in apprentices. Someone staying in the apprenticeship program longer than the maximum number of years is taking a spot away from a new apprentice.

Ms. Walton-Hill made a motion to send a letter starting July 1, 2023, the apprentices must work to complete all requirements leading up to taking the Practical Exam and by January 1, 2024, apprentices must apply for licensure after meeting all the qualifications, with a second by Ms. Miller.

Discussion: Mr. Bowman would put a phrase in the motion as to why this is happening, such as the "State has found that your apprenticeship time exceeds, the time allowed," or something along those lines. The Board discussed the language of the rules regarding the length of time for the apprenticeship program.

Ms. Walton-Hill amended the motion to read: In accordance with Rule 0480-01-.14(4), which reads "Length of Training Program – Pursuant to T.C.A. 63-14-103(a)(1), *the period of apprenticeship training shall be not less than three (3) years and no more than six (6) years and must include a total of five-thousand, two-hundred and fifty (5,250) hours of full-time or part-time education and training under qualified supervision. If the apprenticeship is not completed within a maximum of six (6) years, the applicant shall be required to start the apprenticeship program from the beginning.* "All apprentices that have been in the Apprentice Program over six (6) years as of July 1, 2023, must complete all requirements leading up to taking the Practical Exam and by January 1, 2024, they must apply for licensure after meeting all qualifications, otherwise their apprentice file will be closed, with a second made by Ms. Miller.

Discussion: Public Comment was made by Felda Stacey, asking if there was any grandfathering included when the rule changed to add the maximum time for apprenticeship in 2015. Ms. Walton-Hill confirmed the grandfathering clause was discussed by the Board while working on the rulemaking change, however, it was not included in the final rule change. The motion passed unanimously.

A motion was made by Mr. DeCrow to give authorization to the Administrative Office to license those individuals who have been in the apprenticeship program over six (6) years as of July 1, 2023, who then apply and qualify for licensure, pursuant to the previous motion, with a second made by Ms. Walton-Hill. There was no discussion. The motion passed unanimously.

2024 Jurisprudence CE Exam Preparation

Ms. Wallace made a note for a typo on the Agenda for 7.c. for 2024 Jurisprudence CE Exam Preparation should be made to reflect this is for the 2023 Jurisprudence CE Exam Preparation, not 2024. Ms. Wallace apologized for the typo. She asked the Board for a Member to work with her on updating the Jurisprudence CE exam for licensees wishing to make use of the exam to obtain their 2023 jurisprudence credit. The goal is for the 2023 exam update to be ready for the Board to review at their July meeting for approval and to be posted to the Board's website earlier this year, as it was not completed and able to be posted in 2022 until after the October Board Meeting.

Mr. Bowman recommended Mr. DeCrow to work with the exam again, Mr. DeCrow deferred to have another Board Member assist with this year's exam. Mr. Bowman has agreed to assist this year.

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 four (4) licensees being monitored by the Disciplinary Coordinator and there is one (1) case assigned to the OGC.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

There is one (1) Consent Order for ratification today for Joshua M. Davenport, file number #3075, Dispensing Optician apprentice. From December 2020 until August 2022, Mr. Davenport was employed as an Apprentice at SEE Eyewear (SEE) in Nashville, Tennessee. In December 2021, his supervising DPO ended employment with SEE. From December 2021 until August 2022, Mr. Davenport continued preparing, adapting, and dispensing lenses, spectacles, eyeglasses, and optical

devices while unsupervised by an optician or optometrist. On or about August 11, 2022, Board administrative staff rescinded Mr. Davenport's apprenticeship status because he failed to submit two (2) semi-annual evaluation forms. Terms of the discipline and consent order are in line with TENN. CODE ANN. 63-14-101, for which disciplinary action by the Board is authorized. The facts stipulated in paragraphs three (3) and five (5) constitute a violation of TENN. CODE ANN. § 63-14-103: It is lawful for any apprentice dispensing optician or student dispensing optician to perform any of the services or do any of the acts included in the definition of dispensing optician contained in this chapter; **provided, that such apprentice dispensing optician or student dispensing optician does so under the direct supervision, direction and control of a dispensing optician, optometrist or ophthalmologist licensed by the state.** (Emphasis added).

The facts stipulated in paragraphs three (3) and five (5) constitute a violation of Rule 0480- 01-.03 of the TENN. COMP. R. ®S.: (2) The practice of a Dispensing Optician is one of the healing arts, and as such the practice is restricted to those persons credentialed by the Board. Persons engaging in the practice of dispensing opticianry without being licensed or expressly exempted by the laws are in violation of division law, T.C.A. § 63-1-123. The facts stipulated in paragraphs three (3) and five (5) constitute a violation of Rule 0480- 01-.14 of the TENN. COMP. R. ®S.: (2) Apprenticeship training programs must be conducted under Sponsoring Supervision.

Mr. Davenport is assessed (9) type C penalties in the amount of (\$20.00) each, representing the nine (9) months which he worked as an Apprentice without a supervising DPO, for a total of one hundred eighty dollars (\$180.00). He has twelve (12) months to pay the civil penalties.

A motion was made by Ms. Walton-Hill to approve the Consent Order as written, with a second by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

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

Ms. Wallace presented the following Agreed Citations that were issued by the Administrative Office for Continuing Education Violations.

Agreed Citation – CE - Blake-Sias, Veronica #2089

Ms. Blake-Sias was in violation for continuing education of Rule 0480-01-.12. She is deficient eight (8) hours for 2020 – 2021 audit period. She has paid the Civil Penalty in the amount of one hundred dollars (\$100) and is required to complete eight (8) hours of continuing education, the amount determined to be deficient either before ratification or within ninety (90) days of ratification of this

citation by the Board.

A motion was made by Mr. Bowman to approve the CE Agreed Citation as written, with a second by Mr. DeCrow. There was no discussion on the motion. The motion passed unanimously.

Agreed Citation – CE – Coleman, Patricia #1934

Ms. Coleman was in violation for continuing education of Rule 0480-01-.12. She is deficient one (1) hour for 2021 – 2022 audit period. She has paid the Civil Penalty in the amount of one hundred dollars (\$100) and is required to complete one (1) hour of continuing education, the amount determined to be deficient either before ratification or within ninety (90) days of ratification of this citation by the Board.

A motion was made by Mr. DeCrow approve the CE Agreed Citation as written, with a second by Ms. Miller. There was no discussion on the motion. The motion passed unanimously.

Applicant Interviews/File Reviews/Waivers & Other Requests

Ms. Wallace presented the following requests:

CE Waiver Request - Haynes, Suzanne # 679

Ms. Haynes requested a CE waiver for the 2023 continuing education requirements due to medical reasons. She provided medical documentation in support of her request.

Mr. DeCrow explained his request for recusal, he knows Ms. Haynes and she contacted him to ask how to submit her request to the Board. Mr. Winters confirmed the recusal. There was a quorum to continue.

Mr. Bowman questioned if it would be okay to have her complete the hours online. Mr. Winters doesn't see why they couldn't waive the in-person component only.

A motion was made by Mr. Walton-Hill to allow Ms. Haynes to take all online CE hours instead of in-person hours for the CE period, with a second by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

Apprenticeship Extension Request – Spencer, Kristen File # 3187

Ms. Spencer was initially approved to begin the Apprentice Program on May 16, 2017, therefore, by rule that was established for a six (6) year maximum, her program must end no later than May 16, 2023. As of the last semi-annual evaluation form received for the period ending November 11, 2022, she completed 11,291.6 hours thus far during her apprenticeship. She was requested to provide medical documentation to substantiate her request, and she did not submit anything to our office. While the rules make provision for a hardship waiver regarding the submission of the semi-annual evaluation forms, the Administrative Office sees no mention of a waiver or extension for the completion date of the Apprentice Program.

Rule 0480-01-.14(4) states: *Length of Training Program – Pursuant to T.C.A. § 63-14-103(a)(1), the period of apprenticeship training shall be not less than three (3) years and no more than six (6) years and must include a total of five thousand two hundred and fifty (5,250) hours of full time or part time education and training under qualified supervision. If the apprenticeship is not completed within a maximum of six (6) years, the applicant shall be required to start the apprenticeship program from*

the beginning.

A motion was made by Mr. DeCrow to table the request to have her attend the meeting in person or by phone, with a second made by Mr. Bowman.

Discussion: To table the file to the July meeting is essentially allowing her file to remain open until that meeting. Mr. Winnegrad feels like it's dragging it out. Ms. Walton-Hill and Mr. Bowman is opposed to tabling the request. Ms. Spencer has until May 16, 2023, to apply for licensure. If she has not already taken the ABO/NCLE exams, she would have until May 16, 2023, to do so and apply for licensure. All Opposed failed unanimously.

A motion was made by Ms. Walton-Hill to deny the request, she has until her time is up to apply to take the Practical Exam, with a second made by Mr. Bowman. There was no discussion on the motion. The motion passed unanimously.

File Review – Ivan Reyes Rodriguez File # 3930

Mr. Rodriguez was present in person to discuss his application with the Board. He has applied for and was administratively approved to begin a Tennessee Apprenticeship on February 23, 2023. He obtained an apprenticeship license in South Carolina on July 31, 2020, submitting semi-annual evaluation forms every six (6) months through June 6, 2022, and graduated from a program at Penn Foster on June 9, 2022. Mr. Rodriguez is petitioning the Board to accept his apprenticeship time completed in South Carolina prior to obtaining that state license towards the Tennessee three (3) year requirement.

Rule 0480-01-.04(4)(d) states: *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.*

Mr. Rodriguez was present to speak to the Board, he stated he liked being the bridge between the patient and the Optometrist. In 2019 he started in optical as an office manager and found he wanted to make a career of it. He was also working on becoming a U.S. Citizen at the time, after which, he began his apprenticeship in South Carolina, obtained his ABO/NCLE certifications and South Carolina required him to also complete the Penn Foster Program. He is asking if Tennessee will accept a full reciprocity and license him. He moved to Tennessee from South Carolina to be closer to family.

Mr. Winters confirmed that the Board requires three (3) years of apprenticeship. The Board has had previous applicants from Georgia with two (2) years of apprenticeship and the Board has accepted to apply the two (2) years of apprenticeship towards the Tennessee requirement.

A motion was made by Ms. Walton-Hill to grant two (2) years of apprenticeship time from South Carolina towards the Tennessee three (3) year requirement and require Mr. Rodriguez to complete 1,750 hours during the year in the Tennessee Apprenticeship Program, with a second made by Mr. Bowman.

Discussion: Mr. DeCrow questioned the number of hours completed each year in the South Carolina Apprentice Program. The average hours on Mr. Rodriguez's semi-annual evaluation forms had 32 – 40 hrs on average a week. The motion passed unanimously by voice vote.

Ratification of Licensure 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 – April 12, 2023, to July 14, 2023

<u>License#</u>	<u>Name</u>
3942	Councill Caroline Virginia
3400	Liberatore Amanda Michelle
3528	Minter Karen
3425	Myers Tiffany Brooke
3321	Ray Robyne Amanda
2900	Robinson Ashley Michelle
3499	Shafer Crystal Diane
3304	Smith Amy Kristen/Allen
3445	Wheeler Kelsey Ann

Dispensing Opticians Apprentice Approvals – 4/12/2023 to 7/14/2023

<u>Approval Date</u>	<u>Status</u>	<u>Name</u>
6/9/2023	Apprentice	Adams Chelsea
7/3/2023	Apprentice	Banks Patricia Ann
7/3/2023	Apprentice	Brown Chastidy
5/1/2023	Apprentice	Clark Denise Marie
5/26/2023	Apprentice	Clough Joseph
5/4/2023	Apprentice	Davis Jonah Max
5/19/2023	Apprentice	Duke De'Zyer
6/23/2023	Apprentice	Elleman Lynn Lanae
5/1/2023	Apprentice	Fowler Michaela Montinez
5/1/2023	Apprentice	Hageman-Petitt Julia Louise
4/12/2023	Apprentice	Harris Jomar Lemont
4/17/2023	Apprentice	Hickman Samantha Nicole
4/17/2023	Apprentice	Hirlston Kiana Paige
6/7/2023	Apprentice	Holliday Matthew Mccann
7/3/2023	Apprentice	Hutchings Kayla Marie
5/15/2023	Apprentice	Jackson Alexandria P
6/8/2023	Apprentice	Jennings Deborah
4/17/2023	Apprentice	Kiner-Davis Joyce Annette
5/26/2023	Apprentice	Locke Tiffany Michelle
4/17/2023	Apprentice	Majors Jerry Lamonte
7/3/2023	Apprentice	Noles Jessica Lynn
6/7/2023	Apprentice	Pannell Xavier Alexander

5/1/2023	Apprentice	Potts Cinnamon Renee
5/15/2023	Apprentice	Powell Ramona
6/7/2023	Apprentice	Reyes Karin
4/17/2023	Apprentice	Smith Sylvia Nicole
4/12/2023	Apprentice	Tejeda Velazquez Alicia Judith
4/17/2023	Apprentice	Tipton Taylor Danielle
5/19/2023	Apprentice	Watts Casey
7/3/2023	Apprentice	Williams David L.
7/3/2023	Apprentice	Worrell Cristina

Approved to sit for Practical Examination – April 12, 2023, to July 14, 2023

<u>Name</u>	<u>Date Approved for Practical Exam</u>
Councill Caroline Virginia	5/3/2023
Holbrook Kellie A	5/10/2023
Rowe Kathy	6/21/2023

Voluntarily Retired – 4/12/2023 to 7/14/2023

<u>Name</u>	<u>Date</u>
Copelin Donald Wesley	6/30/2023

Closed files – 4/12/2023 to 7/14/2023

<u>Name</u>	<u>Date</u>
Johnson Megan	5/7/2023
Tredway Steven Manning	7/7/2023

Apprentice Closed Files – April 12, 2023, to July 14, 2023

<u>Name</u>	<u>Date</u>
Brown Krislin Nicole	5/19/2023
Spencer Kristen K	6/8/2023
Villalobos Ashley	5/19/2023

Mr. Bowman 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.

Continuing Education Course Requests, Waivers, and Other Education Items

Follow-up on Apprentice Educational Training Programs (AETP)

Mr. Winters presented follow-ups as requested by the Board in their last meeting regarding the Board’s authorization abilities for an Apprentice Education Training Program (AETP). Mr. Winters stated no, there is no specific liability, however, it would be good for the Board to determine criteria for an AETP to refer to when applying. The process Mr. Morris from ABO/NCLE referred to in the last meeting was the RFGP process for a vendor who is contracted through the State. An AETP would an entirely different scenario and not be required to follow the same procedures to gain Board

Approval.

Mr. Bowman referred to the Board's Policy Statement on Board Approved Educational Programs. The Board is responsible for licensing dispensing opticians. Ms. Wallace noted that this policy gives standardized criteria for college degree program approvals rather than having to require each individual with a college degree in opticianry to have to petition the Board to approve their school, it allows the Administrative Office to confirm the school's accreditation and approve according to the Board's standards.

Mr. Winters discussed establishing criteria for approving AETP in a similar manner, as the Board does not have specific guidelines in place at this time. NAO is the only approved program, thus far, which was reviewed by the Board several years ago, but there's nothing like the criteria the Board set up for reviewing college degree programs as is found on the Board Approved Educational Programs Policy Statement.

Mr. DeCrow referenced that most CE courses the Board has approved meets the ABO/NCLE approval and has been used as the standard criteria. Mr. Bowman mentioned that when people were historically struggling to find CE speakers, the apprentice program itself wasn't necessarily standardized. Over the years, things have evolved, and standards were set up for the apprenticeship and the ABO/NCLE was used to establish a minimum qualification standard for education. Mr. Winters noted, from his experience, when an attorney is going to law school, there are programs designed to help prepare for the bar exam. He sees an AETP as being similar in helping prep for examinations. The difference is you cannot complete the bar exam prep class and shorten your time in law school. There's no guarantee that a prep course will ensure a person passes an exam.

Consideration of Optical Training Institute (OTI) as an AETP

The Board considered the request originally presented and reviewed in the last two Board Meetings from Brian Denier from OTI. Mr. Denier was present in person at this meeting to answer any questions the Board may have for him.

Mr. DeCrow's understanding is that any program the Board accepts as an AETP, if in the future they feel like a program has not been assisting apprentices or if they feel like a program has not been assisting apprentices, they can rescind the AETP approval.

Ms. Walton-Hill liked what she saw in the demo of the OTI program, so did Ms. Miller. OTI simply provides another option besides NAO, neither one guarantees they will pass the exam, but gives an option.

Mr. DeCrow mentioned Mr. Morris' comments on vetting from the last meeting. If that kind of review were instituted for an AETP it would also have to be extended to CE courses as well and that is not necessary. This is like deciding between two books to read and picking one or the other.

A motion was made by Mr. DeCrow to accept the OTI Program as a Board approved AETP, with a second made by Ms. Walton-Hill.

Discussion: Mr. Bowman's concern is the Board has to remember that if something is approved by the Board, that it is putting their stamp of approval on it as a viable program. Mr. DeCrow state they are accepting the program, not necessarily approving it. There's only so many ways to provide the same education information and material. The programs should stay up to date with the changes in

the industry. The Board may need to re-examine the programs every so many years. Ms. Walton-Hill mentioned that some of the NAO material comes from OTI. Mr. Bowman states there's a limited number of experts in the field. Ms. Miller asked Mr. Denier of OTI how often they make improvements and changes to the program? He said their editors review generally once per year. Mr. Denier stated they can provide ongoing information to the Board. The motion passed unanimously by voice vote.

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.

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

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

Review of Correspondence and Notices

Correspondence – Lindy Faulkner

Lindy made comments and recommendations regarding the use of cumulative carryover funds and ATEP's. The Board thanked her for her comments. Mr. DeCrow said for the AETP, she should have the organization present their program to the Board for consideration.

Conference/Event Reports and Upcoming Events Review

There were no Conference/Event Reports and Upcoming Events for the Board to review at this meeting.

Discuss Old/New Board Business

There were no Old/New Board Business for the Board to review at this meeting.

Call for Public Comment

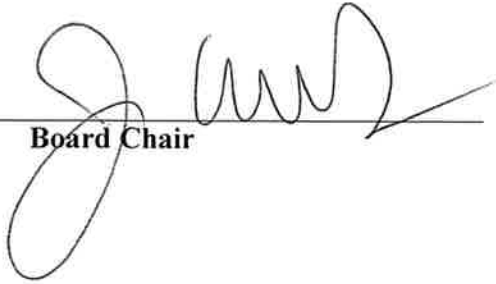
Ms. Wallace gave one final opportunity for public comments to be heard and directed interested individuals to sign-in on the register provided by the front door. As a reminder Public Comments may be submitted in writing to the TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN 37243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

Adjourn

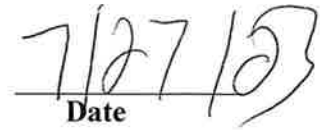
Mr. DeCrow made a motion to adjourn, with a second made by Ms. Miller. There was no discussion. The motion passed unanimously.

There being no further business to be heard, this meeting of the Dispensing Opticians Board was adjourned at 11:43 a.m. CST.

These Minutes were Ratified by the Board on July 27, 2023



Board Chair



Date