

**MEETING MINUTES  
TENNESSEE BOARD OF DISPENSING OPTICIANS**

**DATE:** August 21, 2019  
**TIME:** 9:00 A.M., CDT  
**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN

**BOARD MEMBERS  
PRESENT:**

William DeCrow, DPO – Chair  
LeRhonda Walton-Hill, DPO  
Janet Perry-Martinez, DPO  
Brandy Miller, DPO  
Jonathan Winnegrad, DPO

**BOARD MEMBER  
ABSENT:**

Consumer member (vacant position)

**STAFF  
PRESENT:**

Yvette Vagle, Board Administrator  
Kimberly Wallace, Unit 3 Director  
Kaitlin Parham, Assistant General Counsel  
John W. Tidwell, Health Related Boards Director

Mr. DeCrow called the meeting to order at 9:03A.M. A roll call was conducted and a quorum was present.

Mr. DeCrow welcomed the new Board members LeRhonda Walton-Hill and Jonathan Winnegrad.

**Review/Approve April 24, 2019, Board Meeting Minutes**

Upon review of the April 24, 2019, Board Meeting minutes, Ms. Miller made a motion to accept the minutes as written, seconded by Ms. Perry-Martinez. The motion carried.

**Office of Investigations**

Lori Leonard, Disciplinary Coordinator, stated she is currently monitoring three (3) licensees under a reprimand Board order; Ms. Leonard has sent Ms. Doker to a collection agency. Darrell C. Lassiter and Vickie Woodard are making payments.

Ms. Leonard stated in 2019 investigations received four (4) new complaints; three (3) were for unlicensed practice and one (1) was for failure to supervise. Investigations closed twelve (12) files, one (1) was closed insufficient evidence to discipline, seven (7) of those were closed with no action, three (3) with a letter of concern, one (1) was a letter of warning; Zero (0) open complaints currently pending review and or investigation.

### **Office of General Counsel**

Kaitlin Parham stated the Conflict of Interest policy.

### **Open Meetings Act**

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the Committee's business at any time other than during the open meeting. The prohibition applies to phone calls, emails, and text messages. Committee 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**

Kaitlin Parham stated the rule packet that includes amendments regarding definitions, licensure, fees renewals, application, continuing education, apprenticeship, examinations, and supervision is currently in the internal review process.

Public Chapter 243 was passed this last legislative session that requires any licensure examinations given by a state agency to provide appropriate accommodations in accordance with the Americans with Disabilities Act (ADA). The Health Related Boards Division is working on drafting rule language that will apply to all Health Related Boards under this Act.

### **Disciplinary Activity**

As of August 14, 2019, the Office of General Counsel has no open complaints.

### **Administrative Report**

Yvette Vagle stated there are 471 apprentices and 881 licensed Dispensing Opticians as of August 16, 2019.

Ms. Vagle stated as of April 10, 2019 to August 16, 2019 there were eleven (11) new apprentices, fifteen (15) newly and reinstated licenses; two (2) retired and eleven (11) expired.

Ms. Vagle stated between April 11, 2019 and August 16, 2019, seventy-three (73) licensees have renewed their licenses. Out of the seventy-three (73), sixty-five (65) renewed online for a total of 89%.

### **Board Meeting Dates for 2019:**

October 16, 2019

**Board Meeting Dates for 2020:**

January 29, 2020, April 22, 2020, July 22, 2020 and October 21, 2020

Ms. Vagle informed the Board that the status of the ABO practical examination passing rate for September and November 2018 was 77%.

**Applicant Interviews/File reviews**

**6a – Teddy Linkous**

Teddy Linkous appeared as required by the Board at the April 24, 2019, meeting for an interview.

A discussion was held and Mr. DeCrow stated the apprenticeship program is an educational program and he asked the Board for their concerns about Ms. Linkous entering an apprenticeship. Ms. Perry-Martinez stated her concern was that perhaps Ms. Linkous could be wasting her time becoming an apprentice if, at the end of the three (3) years of the apprenticeship program, whether she could pass all the licensing requirements to become a Dispensing Optician, based on her history. Ms. Linkous stated she brought a letter from the Optometrist that she works for and a results letter from a hair drug test that she paid for out of pocket. Ms. Miller asked Ms. Linkous how she was doing with her issues; Ms. Linkous stated she's been clean for three (3) years.

Ms. Parham stated at the last Board meeting that there were no grounds in the statutes or rules to deny an individual entering an apprenticeship, however, after further research and review her legal advice is revised to note that although the rules and statutes don't directly speak of an apprentice application being able to be denied, Rule 0480-01-.15 Disciplinary Actions and Civil Penalties does mention that apprentices can be disciplined, so it can be interpreted that statute 63-14-104 also applies for apprenticeship applications .

Ms. Wallace stated that if Ms. Linkous completes the apprentice program and applies for full licensure and the administrative office receives all the documents for a Dispensing Optician application for her, the same questions she answered on the apprentice application that prevented Ms. Wallace from administratively approving the file will cause Ms. Linkous to have to re-appear before the Board for review and approval before a Dispensing Optician license could be issued.

Ms. Walton-Hill made a motion to approve Ms. Linkous's apprenticeship application, seconded by Mr. Winnegrad.

The motion carried.

**6b – Melissa Powell**

Ms. Wallace stated that Ms. Powell is requesting her license to be reinstated. She retired her license in April 2009, and per rule 0480-01-.12(5)(a)(1) An Individual whose license has been retired for more than three (3) years shall apply, take and pass the examinations as required by the Board, pursuant to

and Rule 0480-01-.08, prior to being considered for reinstatement. Per rule 0480-01-.08(3) the effectiveness of any examination for purposes of measuring competency to practice and therefore eligibility for licensure is two (2) years from the date on which the examination was successfully completed. This is the date on which the applicant took the exam and not the date on which passing scores were reported to the Board. The Board received a verification letter stating Ms. Powell has taken and passed all three (3) examinations; the practical exam on May 2019, the NCLE on August 2018 and the ABO on August 2017.

Ms. Wallace stated that Ms. Powell sent a waiver letter for her continuing education from April 2009 thru reinstatement. Per rule 0480-01-.11(3)(b) submit evidence of compliance with the continuing education provisions of Rule 0480-01-.12. Each individual is responsible for maintaining continuing education documentation until such time as he applies for reinstatement. Per rule 0480-01-.12(6)(a) the Board may grant a waiver to certify attendance and completion of the required hours of continuing education, if it can be shown to the Board that failure to comply was not attributable to or was beyond the physical capabilities of the individual, i.e., disability, residence abroad, military service, or other instances of undue hardship. Such requests for waiver must be accompanied by written documentation acceptable to the Board. Ms. Powell submitted a personal letter of explanation and a letter from the doctor's office.

Ms. Perry-Martinez made a motion to waive the continuing education hours from 2009 to present and to approve her reinstatement, seconded by Ms. Walton-Hill.

The motion carried.

#### Newly Licensed

Mr. Perry made a motion, seconded by Ms. Miller, to approve the following applicants for licensure:

<b>Kimberly Lynn Bates</b>	<b>Brandie Michelle Leadingham</b>
<b>Amanda Leann Brooks</b>	<b>Joseph H. Martin</b>
<b>Karen Deann Francis</b>	<b>Latoria Stewart</b>
<b>Carrie Elizabeth Kerley</b>	<b>Freddie W. Strong</b>
<b>Edmund Joseph LaHouse</b>	<b>William Williams</b>

The motion carried.

#### Newly Approved Apprentices

Mr. Winnegrad made a motion, seconded by Ms. Perry-Martinez, to approve the following apprentices:

<b>Eric Belgen</b>	<b>Alessio Mauro</b>
<b>Keriann Bratton</b>	<b>Mina Mizoury</b>
<b>Megan Buys</b>	<b>Christina Murray</b>
<b>Danielle Cate</b>	<b>Tiffany Myers</b>

**Amanda Davis  
Kristin French  
Erica Goldstone  
Jennifer Hickman-Bright  
Emily Horak  
Whitney Kistle  
Kensley Tanksley  
Christopher Lee  
Damien Legg**

**Shivam Patel  
Vernon Pettit III  
Jaime Reed  
Rebekah Rowland  
Megan St. Clair  
Lauren Viles  
Kelsey Wheeler  
Teddi Linkous**

The Motion carried.

### **Practical Examination Candidates**

Ms. Perry-Martinez made a motion, seconded by Ms. Miller, to approve the following applicants to sit for the practical examination:

**Brandon Adkisson  
Chad Baker  
Samantha Burgess  
Amber Crisp  
Sarah Hill  
Breanna Keith  
Denise Maclin**

**Zachary McDaniel  
Barclay R. Owens  
Ashley Richards  
Ashley Smith  
Bria Thatcher  
Nicole Williamson**

### **Reinstatement applications**

Ms. Walton-Hill made a motion, seconded by Ms. Miller, to approve the following reinstatement applicants:

**Dixie Sue Armstrong  
Sandra L. Cedola-Madewell  
Jennifer Bryant Dill  
Teri D. Shields  
Kathy G. Young**

### **Review/Approve/Deny Continuing Education courses for 2019**

Upon review, Ms. Miller made a motion, seconded by Ms. Perry-Martinez, to approve the continuing education from **Quantum Optical**:

- Twelve (12) ABO online continuing education in spectacles contained in book one (1) and nine (9) NCLE online continuing education in contact lenses contained in book two (2) for the calendar year 2019.

Mr. DeCrow stated by the Board approving these Quantum Optical online courses they can only receive two (2) online continuing education hours.

The motion carried.

Upon review, Mr. Winnegrad made a motion, seconded by Ms. Walton-Hill, to approve the continuing education from **Costco Wholesale**:

- Optical Manager's Conference at the Doubletree in Oakbrook, IL on October 15-17, 2019.

The motion carried.

Upon review Ms. Walton-Hill made a motion, seconded by Ms. Miller, to approve the continuing education from **TDOA**:

- TDOA Knoxville Chapter Hours August 18, 2019 at UT Medical Center – Wood Auditorium in Knoxville, TN.
- TDOA Nashville Chapter Hours October 27, 2019 at St. Thomas Midtown-GSO Education Center in Nashville, TN.

The motion carried.

Upon review, Ms. Miller made a motion, seconded by Mr. Winnegrad, to approve the continuing education from **International Vision Expo & Conference**:

- International Vision Expo & Conference West 2019 held at the Sands Convention Center in Las Vegas, NV on September 18-21, 2019.

The motion carried.

### **Correspondence**

**Jim Morris, Executive Director with American Board of Opticianry & National Contact Lens Examiners (ABO/NCLE)** – submitted copies of memorandum letters for the ABO and NCLE practical exams they have been recently approved in the states of Kentucky, Florida, and South Carolina for licensing candidates, the exam is now recognized in eleven (11) additional states plus Tennessee making twelve (12) states.

**Martin B. Daniel, Chairman of Government Operations Committee** - Ms. Wallace stated that she received a letter from Mr. Daniel titled Public Comment Policy, a letter was sent out to all agencies and Boards throughout the state Government, the letter is asking the Boards to have a simple procedure in place for allowing public comments at the Board meetings. The letter will be added to the agenda at the next Board meeting.

### **Election of Officers**

Ms. Perry-Martinez made a motion, seconded by Ms. Miller to nominate William DeCrow as Chair; Mr. DeCrow accepted the nomination and the motion passed.

Mr. DeCrow made a motion, seconded by Ms. Miller to nominate Janet Perry-Martinez as Secretary; Ms. Perry-Martinez accepted the nomination and the motion passed.

**Discuss legislation and take action if needed**

Patrick Powell, Legislative Liaison presented the Legislative Update:

- **Public Chapter 61** – Regarding AED use
- **Public Chapter 117** – Regarding “alternative treatments”
- **Public Chapter 124** – Regarding the TN Together opioid initiative
- **Public Chapter 195** – Regarding expedited licensure for military spouses
- **Public Chapter 229** – Regarding bartering for services
- **Public Chapter 243** – Regarding ADA testing accommodations
- **Public Chapter 255** – Regarding armed forces exemptions
- **Public Chapter 264** – Regarding CSMD data access
- **Public Chapter 327** – Regarding naloxone prescribing
- **Public Chapter 447** – Regarding document subpoena for investigations

For the detail of each legislative item interested parties may refer to the “Legislative” link from the Board’s website.

**Discuss and take action if needed regarding rulemaking, hearings, rule amendments and policies**

Ms. Parham discussed a criminal background check for apprenticeship applicants; she stated this would be a rule change. Ms. Parham will draft the rule once she receives the information from the Board. Ms. Parham stated she found a statute on Criminal Background checks on all Health Related Boards 63-1-116(a). This will be added to the agenda for the next Board meeting.

**Adjourn**

With no other Board business to conduct, Ms. Walton-Hill made a motion, seconded by Ms. Perry-Martinez, to adjourn at 10:50 a.m. The motion carried.

  
Name and Title

  
Date Minutes Ratified by Board