

**MEETING MINUTES  
TENNESSEE BOARD OF DISPENSING OPTICIANS**

**DATE:** April 24, 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  
Janet Perry-Martinez, DPO  
Brandy Miller, DPO  
P. Warren Perry, DPO

**BOARD MEMBER**

**ABSENT:**

Les Freeman, DPO – Secretary  
Consumer member (vacant position)

**STAFF**

**PRESENT:**

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

Mr. DeCrow called the meeting to order at 9:01A.M. A roll call was conducted and a quorum was present.

Kimberly Wallace introduced the new Health Related Boards Director, Mr. John W. Tidwell.

**Review/Approve February 27, 2019, Board Meeting Minutes**

Upon review of the February 27, 2019, Board Meeting minutes, Mr. Perry made a motion to accept the minutes as written, seconded by Ms. Miller. The motion carried.

## **Office of Investigations**

Lori Leonard, Disciplinary Coordinator, stated she is currently monitoring three (3) licensees under a reprimand Board order; Cyndie Doker is closed in the Attorney General's Office - they could not contact her for collections - Ms. Leonard has sent Ms. Doker to another collection agency. Darrell C. Lassiter is making payments and Vickie Woodard is making payments. Ms. Leonard stated in 2019 investigations received three (3) new complaints; all three (3) were for unlicensed practice. Investigations closed seven (7) files, six (6) of those were closed with no action and one (1) with a letter of concern, four (4) 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 at the last Board meeting on February 27, 2019, the Board indicated they might want to amend the rule regarding testing providers. Thus, she has held onto the rule packet that includes amendments regarding definitions, licensure, fees, renewals, applications, continuing education, apprenticeship, examinations, and supervision until today's meeting in case new changes need to be included before she re-sends the rule packet through internal review.

## **Disciplinary Activity**

As of April 9, 2019, the Office of General Counsel has no open complaints.

## **Administrative Report**

Yvette Vagle stated there are 468 apprentices and 879 licensed Dispensing Opticians as of April 18, 2019.

Ms. Vagle stated in January 2019 there were zero (0) apprentices, zero (0) newly licensed, eighteen (18) renewals with seventeen (17) renewing online for a total of 94%, one (1) retired and two (2) expired.

Ms. Vagle stated in February 2019 there were zero (0) apprentices, five (5) newly licensed, fourteen (14) renewals with thirteen (13) renewing online for a total of 93%, zero (0) retired and three (3) expired.

Ms. Vagle stated in March 2018 there were zero (0) apprentices, zero (0) newly licensed, twenty-four (24) renewals with twenty-two (22) renewing online for a total of 92%, zero (0) retired and two (2) expired.

**Board Meeting Dates for 2019:**

July 24, 2019 and October 23, 2019

**Board Meeting Dates for 2020:**

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

Ms. Vagle informed the Board of the status of the 2017 & 2018 jurisprudence exam waiver letters that are still outstanding.

Mr. Perry asked Ms. Vagle why the percentage of the online renewals is higher this Board meeting compared to the past being a lower percentage, Ms. Vagle explained last year was the first year of the online renewals were processed online.

**Applicant Interviews/File reviews**

**6a - Edmund LaHouse**

**Edmund LaHouse** appeared before the Board at the last meeting, on February 27, 2019. Mr. LaHouse was licensed as a Dispensing Optician in the state of Georgia in 2006, where he practiced until July of 2018, when he began working at Target Optical in Spring Hill, TN, where he lists his title as “Assistant Manager”.

At the February 27<sup>th</sup> Board meeting, it was determined by the Board that Mr. LaHouse could be administratively approved by the Board Attorney and Director to take the Tennessee practical exam if he could provide to the Administrative Office notarized documentation showing that he had supervised experience in Georgia for a full year prior to the two years’ of experience he would have submitted to receive his Georgia license. Georgia did not have an official apprentice program at the time Mr. LaHouse was licensed in that state. Per Tennessee statute 63-14-103 (a)(1), candidates are required to have 3 years of supervised experience prior to taking the practical exam.

As the Administrative office began receiving letters on behalf of Mr. LaHouse, they were reviewed against the applications Mr. LaHouse submitted and it was discovered that several discrepancies existed in the employment history reported across the documents. A side-by-side comparison was presented showing the information received from the application dated 1/28/19,

the application dated 02/11/19, the letter received from former Lenscrafters supervisor Ray Grimball dated 03/05/19, and the letter from the Lenscrafters Regional Manager dated 03/28/19.

When Mr. LaHouse signed each of his Application forms, he attested to the truth of each statement he made within the document, but the application documents and employer verifications are inconsistent with one another. Therefore, the Board attorney and Director could not administratively approve Mr. LaHouse to sit for the practical exam. Mr. LaHouse was present to clarify his employment history and allow the Board to determine next steps.

Mr. LaHouse explained that he completed the applications without having all of his records in front of him, and provided a corrected version of his employment history with the proper dates.

Ms. Parham stated she reviewed the statutes and rules and her legal advice is Mr. LaHouse does meet all the requirements for an apprenticeship under rule 0480-01-.04(d) and based on Mr. LaHouse meeting those requirements he is eligible to sit for the practical exam. Mr. Perry made a motion to accept his application contingent upon Mr. LaHouse providing corrected documentation to administration office to be placed in his permanent file, at which point, he would be eligible to sit for the exam, seconded by Ms. Miller. The motion carried.

#### **6b - Teddi Linkous**

Ms. Wallace stated the administrative office received an application to begin the Apprentice Program from Ms. Teddi Linkous. We invited her to attend today's meeting, however, she declined, based on her work schedule and the distance of the meeting from her. On her application, Ms. Linkous answered "yes" to questions #7 and #12, regarding staff privileges at a hospital/health care facility and prior license discipline.

Our office obtained a copy of the Consent Order dated 08/21/13 whereby her Nursing license had been suspended, placed on probation, and later revoked, due to a probation violation.

As a Dispensing Opticians Apprentice candidate, she is not required to do a Criminal Background Check, so the Administrative Office is not aware if any criminal charges were filed against her for any of her previous diversion activities.

This file is presented to the Board for review and consideration of whether Ms. Linkous can enter the Apprenticeship Program either based on the information we currently have, or decide if they want any further documentation, action, or information from her before making a decision.

Discussion was held on whether the Board should require Apprentice Program applicants to undergo a Criminal Background Check prior to being allowed to enter the program. Ms. Parham reviewed the statutes and rules and statute 63-1-116 allows for individual Boards to promulgate rules to require criminal background checks for all applicants, she stated that the Board can promulgate rules for apprenticeship applicants and this can go through the rule making process if needed, this will not apply to this applicant but for the future.

Ms. Perry-Martinez made a motion to deny the application; Ms. Wallace stated any motion for denial does require citation of rule or statute for grounds for that denial.

Kimberly Hodge stated based upon the Board's statute on grounds for denial, it only gives the Board an option for revocation or suspension of a license; currently, Ms. Linkous is not applying for licensure, only the apprenticeship. Ms. Hodge recommended that a letter be sent by the Administrative staff to Ms. Linkous include the reasons of concern. Ms. Hodge stated she agrees with Ms. Parham that the Board doesn't have grounds to deny her for the apprenticeship program; the apprenticeship does not speak to grounds of denial to allow someone in the program. Ms. Miller seconded the motion to deny application.

A discussion was held and Mr. Perry stated the apprenticeship program is an education opportunity, not a license. Ms. Perry-Martinez made a motion to withdraw the denial.

A discussion was held and Mr. Perry made a request for legal/administrative staff to research the purpose for including two (2) of the questions on the application #7 and #12, since there's no rule for the Board to consider if there is an affirmative response. Mr. Perry made a motion to table the discussion to the next Board meeting, seconded by Ms. Perry Martinez. The motion carried.

A motion was made by Ms. Perry-Martinez to send a letter to the applicant and require her to be present at the next Board meeting, seconded by Mr. Perry. The motion carried.

### **Newly Licensed**

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

**Patricia Bradley**  
**Michael Alan Graham Jr.**  
**Mary Yvette Kennedy**  
**Kyle Lee Kimple**  
**Katherine Loraine McFadden**

The motion carried.

### **Newly Approved Apprentices**

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

<b>Maura Barton</b>	<b>Stephen Beshears</b>
<b>Sara Broughton</b>	<b>Jessica Edwards</b>
<b>Jennifer Ervin</b>	<b>Thomas Kao</b>
<b>James Malone</b>	<b>Mariam Namr</b>
<b>Nichelle Noll</b>	<b>Raven Rainer</b>
<b>Billie Wei</b>	

The Motion carried.

### **Practical Examination Candidates**

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

**Brandie Leadingham**  
**Gwendolyn Williams**  
**Edmund LaHouse**

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

Upon review, Mr. Perry made a motion, seconded by Ms. Perry-Martinez, to approve the continuing education requests for:

- **Tennessee Dispensing Opticians Association**

TDOA Annual Convention in Pigeon Forge - June 8, 2019 at Courtyard Marriott Hotel, Pigeon Forge, TN.

The motion carried.

### **Correspondence**

Ms. Parham stated Wade Delk with NCSORB spoke with the Board at the last Board meeting on February 27, 2019 and indicated they were interested in administrating an exam that is similar to ABO/NCLE exam, the current rule states the ABO/NCLE is to administer the National Opticianry competency examination and National Contact Lens Registry examination, she stated if the Board approved NCSORB as another vendor there would have to be a rule change.

**Jim Morris, Executive Director with American Board of Opticianry & National Contact Lens Examiners (ABO/NCLE)** – He stated the ABO/NCLE written exam is utilized in every licensing state except for New Jersey, they have their own exam. Mr. Morris stated in order to take their ABO practical exam that was approved by the Tennessee Board has to pass their ABO/NCLE basic exams, in the rules under examinations the rule states the written exams the National Opticianry Competency Examination and the National Contact Lens Registry examination (ABO/NCLE), if the Board changes those examinations the applicants won't be able to take their ABO practical.

Mr. Perry made a motion to eliminate NCSORB as a choice for an educational program and remain with ABO/NCLE and practical exam that is established in the rules, seconded by Ms. Perry-Martinez. The motion carried.

**Cindy Tucker, Director National Academy of Opticianry** - Ms. Vagle stated OCPP is asking to put the Ophthalmic Career Progression Program (OCPP) information on the Dispensing

Opticians Board web site, the Board agreed and instructed the Administrative Office to place the information on the Board web site.

Ms. Parham stated she drafted a Policy Statement for continuing education; Mr. Perry made a motion to accept the policy as written, seconded by Ms. Miller. The motion carried.

A discussion was held and Mr. Perry talked about a rule change for a criminal background check for apprenticeship applicants. Ms. Parham stated she will draft a rule change for a criminal background check for apprenticeship applicants.

Adjourn

With no other Board business to conduct, Mr. Perry made a motion, seconded by Ms. Miller, to adjourn at 11:49 a.m. The motion carried.

William J. DeDrew D.O.  
Name and Title

08/21/2019  
Date Minutes Ratified by Board