

**MEETING MINUTES
TENNESSEE BOARD OF DISPENSING OPTICIANS**

DATE: October 16, 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 - Secretary
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
Darrel Traynor, Board Administrator

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

Kimberly Wallace introduced Darrel Traynor, he has been with Health Related Boards for eight (8) years and has been serving on the Dispensing Opticians Board for the last year. Mr. Traynor has worked as a Licensing Technician and has recently been promoted to a Board Administrator.

Call for Public Comment

Ms. Wallace made the following announcement regarding the public comments sign-in sheet: We would like to make it known that Public Comments will be heard by this Board in regards to any topic that appears in today’s agenda. A copy of the agenda is available on the table by the front door for anyone who would like a copy. For those who would like the opportunity to make a comment, we ask that your remarks are kept brief and respectful in nature. As a reminder, the Board is only at liberty to

take action on items that are on today's agenda, which were previously posted in the Public Notice. Anyone who has a topic they would like the Board to review for possible action that is not on today's agenda is welcome to follow-up with a written request to the Board so that it may be added to the future Public Notice and Agenda.

Review/Approve August 21, 2019, Board Meeting Minutes

Upon review of the August 21, 2019, Board Meeting minutes, Ms. Walton Hill made a motion to accept the minutes as written, seconded by Mr. Winnegrad. 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 Cyndie Doker to a collection agency, Darrell C. Lassiter is making payments and Vickie Woodard is making payments through the Attorney General's office.

Ms. Leonard stated in 2019 investigations received six (6) new complaints; three (3) were for unlicensed practice and one (1) for unprofessional conduct, one (1) for lapsed license and one (1) was for failure to supervise. Investigations closed twelve (12) files, one (1) was closed due to 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; two (2) open complaints are currently pending review and/or investigation.

Office of General Counsel

Ms. 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

Ms. Parham informed the Board that 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 during the last legislative session which 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. The Board will need to vote later in this meeting if they agree for Health Related Boards to draft this language.

Disciplinary Activity

As of October 8, 2019, the Office of General Counsel has one (1) open discipline case.

Administrative Report

Yvette Vagle stated there are 486 apprentices and 888 licensed Dispensing Opticians as of October 14, 2019.

Ms. Vagle stated as of August 17, 2019 to October 14, 2019 there were twenty-three (23) new apprentices, fourteen (14) newly licensed, three (3) retired and four (4) expired.

Ms. Vagle stated between August 17, 2019 and October 14, 2019, seventy-one (71) licensees have renewed their licenses. Out of the seventy-one (71), thirty-eight (38) renewed online for a total of 54%.

Board Meeting Dates for 2020:

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

Newly Licensed

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

Brandon Adkisson	Zachary Alan McDaniel
Chad Anthony Baker	Barclay Ryan Owens
Samantha Crystal Burgess	Ashley Marie Smith
Christina Michelle Copeland	Bria Raye Thatcher
Sarah Hill	Chandra Weathers
Ramona E. Hyder-Ogle	Gwendolyn Renee Williams
Denise Renee Maclin	

The motion carried.

Newly Approved Apprentices

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

Kacey Anderson	Hannah McIn
Simone Anderson	Annette McWilliams
Brittany Brown	Janea Newton
James Cobb	Kristin Petway
Harley Durham	Ana Torres Rivera
Maygan Ford	Erin Russell
Kyle Ingram	Sharrone Vinson
Michael Lankford	

The Motion carried.

Practical Examination Candidates

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

Valerie A. Baer
Sarah Cansler
Meotia Harness
Breanna Hatcher
Laci Kitts
Keala Nabors

Travis Newport
Miranda N. Robey
Sarah White
Gavin Wilson
Gerardo Zavala Jr.

The motion carried.

Closed and Withdrawn Files

Ms. Walton-Hill made a motion to close the following three (3) candidates, seconded by Ms. Perry-Martinez.

Patricia Kimble-Boyd – Closed as of 7/11/19, failure to submit 6 months evaluation form since 10/8/16.

Quoya N. Royston – Closed as of 7/17/19, failure to submit 6 months evaluation form since 7/25/17.

Wesley Allen Yarber – Closed as of 8/9/19, no longer working at East Tennessee Binocular Vision Center as of 8/9/19.

Correspondence

Teddy Linkous email – Ms. Linkous sent an email to the Board in appreciation of their time spent reviewing her file and conducting her applicant interviews and thanked them for her license.

Susan Kistler email and letter – Ms. Wallace read a letter from Ms. Kistler regarding suggestions for changes to continuing education requirements to potentially allow licensees to obtain their credits throughout the 2-year renewal cycle, instead of on the current, calendar-year basis. Ms. Kistler was present and made comments to the Board in regards to her proposed changes for continuing education requirements and discussed the speakers and nature of courses provided, as well as the location of course offerings. Mr. DeCrow stated that with some of the organizations here in Tennessee - such as the TDOA - they do bring in recognized speakers that participate in these hours; Mr. Ferguson puts on his own hours, is well-educated, and has guest speakers in his meetings, including well-known Ophthalmologists from in and around the Nashville area. Mr. DeCrow stated the idea of getting two (2) years of continuing education in one (1) year is an interesting thought and he thanked Ms. Kistler for speaking to the Board this morning.

Ms. Perry-Martinez commented that, as a Licensed Optician in the state of FL, she has attended some twenty (20) hour courses, and it is difficult after making a long drive of 13 to 16 hours each way and that she doesn't see the benefits of a change to the TN requirements to allow acceptance of twenty (20) hours obtained during one event to meet the requirement of our Rules.

James Whittington made a comment, suggesting the Board consider approving surrounding states for continuing education; he said some states have blankets for ABO/NCLE approved continuing education courses.

Ms. Wallace stated she could add an agenda item to the next meeting in January, that includes reviewing and taking action as necessary, in regards to consideration of obtaining continuing education over a two (2) year cycle, as well as the consideration of acceptance of hours that are earned outside of Tennessee in regards to the conversation held today, it will require a Rule making process for changes of the nature of these items. As a reminder to the Board and anyone in attendance, the Rules making process can take a considerable amount of time, as it has to go through the Internal Review process, the Legal Review process, the Rules Making Hearing process, the Government Operations Interview process and Review process. The Rules making process does not provide a quick turnaround time.

Discuss legislation and take action if needed

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

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

Ms. Parham talked about Chapter 243, which requires any agency that administers their own test to make it accessible to anyone with disabilities; the Office of General Counsel has met with the Health Related Boards and determined that the best course of action is for the Health Related Boards to develop an encompassing rule that covers all the Boards to develop Rules for making the jurisprudence exams accessible. Mr. Winnegrad made a motion to let Health Related Boards proceed with the Rule making rather than the Board of Dispensing Opticians writing their own separate Rule, seconded by Ms. Walton-Hill. The motion carried.

Ms. Parham discussed reviewing and taking action as needed regarding potentially implementing the criminal background check process for apprenticeship applicants; she gave the Board a copy of the Veterinary Medical Examiners policy statement on criminal convictions, as an example of language used by another Board. Ms. Parham asked the Board if they want to begin work on a Rule for criminal background checks for apprenticeship, reminding the Board of the 2018 Fresh Start Act.

Ms. Wallace reminded the Board that, in previous meetings, it had been discussed that in the apprenticeship application – as is true in the applications across professions – there are self-reporting questions surrounding any history of criminal convictions. For the current apprenticeship application, an applicant who answers positively to these questions is then required to submit a letter of explanation, but they are not required to submit a criminal background check until such a time as they have completed the apprenticeship and are applying for licensure. At a previous meeting, the Board wanted to add to this agenda a discussion of whether or not a criminal background check should be required by apprenticeship applicants.

Ms. Parham read rule 0480-01-.05(11) which states that an applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check. This makes provision for the Board to require a criminal background check at the apprenticeship application stage if they believe it is warranted. They may also continue to require one at the license application stage as well.

Ms. Parham stated that, at the direction of the Board, she can start the Rule making process for a criminal background check requirement for apprentices, and at the next meeting she will bring a draft. Ms. Walton-Hill made a motion to start the Rule making process for criminal background checks as a requirement for apprentices, seconded by Ms. Perry-Martinez. The motion carried.

Call for Public Comment

Ms. Wallace opened the floor for any additional public comments regarding any item that was included in the discussion on today's agenda, asking for interested individuals to sign-in at the podium when they approach to comment. There were none.

Adjourn

With no other Board business to conduct, Ms. Perry-Martinez made a motion, seconded by Ms. Miller, to adjourn at 10:05 a.m. The motion carried.

William A. Helrow Dp O Chair
Name and Title

June 29, 2020
Date Minutes Ratified by Board