# **TENNESSEE BOARD OF DISPENSING OPTICIANS MEETING MINUTES**

DATE:	October 21, 2020
TIME:	9:00 A.M., CST
LOCATION:	Health Related Boards WebEx-Teleconference 665 Mainstream Drive Nashville, TN 37243
BOARD MEMBERS PRESENT:	William DeCrow, DPO Brandy Miller, DPO Janet Perry-Martinez, DPO LeRhonda Walton-Hill, DPO
BOARD MEMBERS ABSENT:	Jonathan Winnegrad, DPO Consumer Member - VACANT
STAFF PRESENT:	Kimberly Wallace, Unit 3 Director Lyndsey Boone, Board Manager Yvette Vagle, Board Administrator Kaitlin Parham, Associate General Counsel

#### Call to Order

This meeting was convened electronically, via WebEx, due to the gathering restrictions resulting from the COVID-19 pandemic. The meeting was called to order at 9:00AM CST by Board Chairman, Mr. William DeCrow. A roll call of the Board Members and Board staff present was conducted by Kimberly Wallace, Unit 3 Director. A quorum of Board Members was confirmed.

- <sup>₩</sup> Mr.William DeCrow, Board Chairman
- <sup>™</sup> Ms. Brandy Miller, Board Member
- <sup>™</sup> Ms. Janet Perry-Martinez, Board Secretary/Treasurer
- Ms. LeRhonda Hill, Board Member
- <sup>¬</sup> Mr. Jonathan Winnegrad, Board Member ABSENT
- <sup>₩</sup> Board Manager, Lyndsey Boone
- Board Admin, Yvette Vagle
- <sup>₩</sup> Board Attorney, Kaitlin Parham

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 1 of 14

## Purpose of Meeting and Necessity of Teleconference

Ms. Wallace informed all present that prior to proceeding, certain criteria for continuing with an electronic meeting must be met. To ensure the meeting proceeded according to guidelines, Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another. All confirmed.

Next, Ms. Wallace reminded all present that this Board Meeting was being held for the purpose of ratifying licenses - including new licenses and reinstated licenses - ratifying orders received after the Board's last meeting, and to consider other time sensitive matters. Because this Board was unable to convene a physical quorum to consider these matters in light of the COVID-19 pandemic, for which the TN Governor and Mayor of Nashville recommend limiting the number of attendees at meetings at this time, this WebEx remote meeting was necessary.

A motion was made by Mr. DeCrow to proceed with the electronic meeting, with a second made by Ms. Miller.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	□ NO □ RECUSED □ ABSTAIN
Ms. Miller	VES	NO RECUSED ABSTAIN
	VES	└NO └RECUSED └ABSTAIN
	VES	NO RECUSED ABSTAIN
Mr. Winnegrad 🔽 ABSENT	YES	└NO └RECUSED └ABSTAIN
	Summer,	gune
The motion passed.	YES	NO

Further, Ms. Wallace asked each Board Member to acknowledge whether they had received, prior to this meeting, all the materials that were to be discussed at this meeting.

Mr. DeCrow	VES	<sup>⊢</sup> NO
Ms. Miller	VES	NO
Ms. Perry-Martinez	VES	NO
Ms. Walton-Hill	VES	<sup>⊢</sup> NO
Mr. Winnegrad	<sup>⊢</sup> YES	<sup>□</sup> NO

All Board Members present confirmed that they did receive the materials prior to the meeting.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 2 of 14 Finally, Ms. Wallace informed the Board that only certain matters are proper for a teleconference; accordingly, Mr. DeCrow made a motion, with a second by Ms. Walton-Hill, followed by a roll call vote, that matters to be discussed do meet the following requirements:

The subject matter requires timely action;

The physical presence of all members is not possible considering the period of time required for action; and

The participation by some or all of the members of the Committee by electronic is necessary.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	└NO └RECUSED └ABSTAIN
Ms. Miller	VES	NO RECUSED ABSTAIN
Ms. Perry-Martinez	YES	NO RECUSED ABSTAIN
Ms. Walton-Hill	VES	NO RECUSED ABSTAIN
Mr. Winnegrad FABSENT	YES	└NO └RECUSED └ABSTAIN
The motion passed	VES	<sup>└</sup> NO

#### **Public Comments**

Ms. Wallace informed everyone that Public Comments would be heard during today's meeting. She then gave instructions for making a Public Comment via the WebEx virtual meeting system. There were no comments made at this time.

## **Conflict of Interest Statement**

Ms. Parham reviewed the Conflict of Interest statement and Open Meetings Act statement, 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, 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 Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee member should also ensure

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 3 of 14 that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

# Approve Minutes from Board Meeting May 18th, 2020

A motion was made by Ms. Walton-Hill to approve the May 18, 2020, Board Meeting Minutes as written, with a second made by Ms. Miller.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	<sup>⊢</sup> NO	RECUSED	☐ ABSTAIN
Ms. Miller	VES	<sup> </sup> ⊂ NO	RECUSED	<sup>□</sup> ABSTAIN
Ms. Perry-Martinez	VES	<sup>⊢</sup> NO	RECUSED	□ ABSTAIN
Ms. Walton-Hill	VES	<sup>⊢</sup> NO	RECUSED	ABSTAIN
Mr. Winnegrad 🔽 ABSENT	YES	<sup>⊢</sup> NO	RECUSED	ABSTAIN
	Server.	parent		
The motion passed	. VES	NO		

# Approve Minutes from Board Meeting July 22, 2020

A motion was made by Ms. Walton-Hill to approve the July 22, 2020, Board Meeting Minutes as written, with a second made by Ms. Miller.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	└NO └RECUSED └ABSTAIN
Ms. Miller	VES	└NO └RECUSED └ABSTAIN
Ms. Perry-Martinez	VES	NO RECUSED ABSTAIN
Ms. Walton-Hill	VES	NO RECUSED ABSTAIN
Mr. Winnegrad 🔽 ABSENT	YES	└NO └RECUSED └ABSTAIN
The motion passed	. 🔽 YES	<sup>└</sup> NO

## **Receive Reports and/or Requests from the Office of Investigations**

Lori Leonard provided reports to the Board of the currently monitored practitioners report and investigative report.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 4 of 14

# **CURRENTLY MONITORED PRACTITIONERS**

# PERIOD: As of 10/12/2020

Total # Currently Monitored	2
Practitioners	

#### PERIOD: 2020 Calendar Year To-Date through 10/12/2020

#### **COMPLAINTS**

New Complaints	Number of Complaints
Unprofessional Conduct	1
Lapsed License	2
Outside of Investigative Scope	1
Total # New Complaints	4
Total # Closed Complaints	0
Total # Currently Open Complaints	5

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

Ms. Wallace introduced the new Fiscal Director, Ms. Alicia Grice. Ms. Grice presented the FY2020 financial reports. Data presented included:

- FY2020 Total Expenditures \$72,179.42
- FY2020 Total Board Fee Revenue \$150,212.80
- FY2020 Current Year Net \$78,033.38
- Cumulative Carryover Balance \$643,754.62

Ms. Grice does not recommend a change to the fee structure at this time, due to the uncertainties of the pandemic. There were only approximately 3 months since the beginning of the pandemic that show on this report that reflect the impact of the pandemic in FY2020, so the long-term effect is unknown at this time.

## **Discuss legislation and take action if needed**

Ms. Parham provided notice that we are awaiting further guidance of the applicability of Public Chapter 4 to Dispensing Opticians.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 5 of 14

# Administrator's Report

Ms. Wallace brought it to the Board's attention that the Board of Dispensing Opticians is slated for their Sunset Hearing this fiscal year. She noted that this is a regular part of the cycle for all Health Related Boards, and will consist of a review and hearing regarding the operations of the Board. It is currently scheduled for Tuesday, December 8<sup>th</sup>, 2020, beginning at 9:00am CST and will be held before the Education, Health and General Welfare Joint Subcommittee of Government Operations. The Hearing will be held downtown Nashville in the Cordell Hull Building. The current Board Chairman, Mr. Decrow, and Board Attorney, Kaitlin Parham, along with other executive representatives of the Office of Health Related Boards will be present at the hearing to represent the Board and answer any questions the committee may have. We will present a summary of that hearing at the next Board Meeting.

Yvette Vagle stated there are 379 apprentices and 925 licensed Dispensing Opticians as of October 19, 2020.

Ms. Vagle stated from July 22, 2020, to October 19, 2020, there are 26 new apprentices, 20 newly licensed, 3 retired, and 13 expired; there were 116 renewals, with 59 renewed online representing a 51% online renewal rate.

Board meeting dates for 2021:

- January 20, 2021
- April 28, 2021
- July 28, 2021
- October 20, 2021

# **OGC Report and Requests**

Ms. Parham presented the OGC report, stating that the rule packet that includes amendments regarding definitions, licensure, fees, renewals, applications, continuing education, apprenticeship, examinations, supervision, and criminal background checks for apprentices is currently in the internal review process. There were no other legal items to review in this meeting.

# Applicant Interviews/File Reviews/Waiver Requests - Shaina Long CE Waiver Follow-Up

At the previous Board Meeting, the Board heard a waiver request for Shaina Long, for her 2020 continuing education hours. The Board tabled a decision to this meeting, pending notice to Ms. Long of the recently released Executive Order 50 and subsequent Commissioner's Policy regarding 2020 continuing education. The Administrative Office contacted Ms. Long on August 4, 2020, and she confirmed that she would complete her 2020 continuing education hours via online formats under the new policy, thus negating the need for a waiver.

Per Ms. Parham confirmed that, in this light, there is no additional action for the Board to take today and the waiver is considered withdrawn.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 6 of 14

# <u>Ratification List – Newly licensed, Approved to Enter Apprenticeship, Approved for</u> <u>Practical Exam</u>

Ms. Wallace confirmed that all files on the ratification lists have been reviewed and found complete and in good order according to the Rules for licensure, entering the Apprentice program, and taking the Practical Exam.

A motion was made by Ms. Walton-Hill to accept and approve the list of all newly licensed, as well as those approved to enter the apprentice program and those approved to take the Practical Exam, with a second made by Mr. DeCrow.

Discussion: None OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	NO RECUSED ABSTAIN
Ms. Miller	VES	NO RECUSED ABSTAIN
Ms. Perry-Martinez	VES	NO RECUSED ABSTAIN
Ms. Walton-Hill	VES	NO RECUSED ABSTAIN
Mr. Winnegrad 🔽 ABSENT	YES	NO RECUSED ABSTAIN

The motion passed. 🔽 YES

<sup>⊢</sup>NO

# Health Regulatory Boards Newly Licensed Licenses issued 7/22/2020 to 10/19/2020

Prof Code	Rank	License Status Effective Date	Current License Status	Lic.#	Name	License Expiry Date
1313	DPO	9/14/2020	Licensed	3302	Alexander Ashley	9/30/2021
1313	DPO	9/14/2020	Licensed	3156	Boggs Megan Renee	9/30/2022
1313	DPO	10/7/2020	Licensed	3073	Butler Kayla B	7/31/2023
1313	DPO	10/7/2020	Licensed	3062	Hamric Candy Lynn	12/31/2022
1313	DPO	10/12/2020	Licensed	3268	Henson Halee Correia	5/31/2023
1313	DPO	8/5/2020	Licensed	3534	Hood Stephanie	2/28/2022
1313	DPO	8/24/2020	Licensed	3552	Key Kelly Marie	6/30/2023

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 7 of 14

1313	DPO	9/25/2020	Licensed	3213	Mansoor Asif	10/31/2021
1313	DPO	10/7/2020	Licensed	3562	Matthews Victoria Brooke	3/31/2022
1313	DPO	8/5/2020	Licensed	3458	Newport Travis Isaiah	5/31/2023
1313	DPO	10/7/2020	Licensed	3153	Presnell Jason Keith	12/31/2022
1313	DPO	10/7/2020	Licensed	3125	Richards Darrin Austin	8/31/2022
1313	DPO	8/5/2020	Licensed	3533	Stafford Brianna B	4/30/2022
1313	DPO	8/5/2020	Licensed	3542	Strahan Halle Leann	11/30/2021
1313	DPO	8/7/2020	Licensed	3532	Trubshaw Megan	1/31/2022
1313	DPO	10/7/2020	Licensed	3218	Turpen Paul Anthony	10/31/2022
1313	DPO	10/7/2020	Licensed	3529	Valetutti Teresa	2/28/2022
1313	DPO	8/5/2020	Licensed	3545	Weese Jennifer	4/30/2023
1313	DPO	10/7/2020	Licensed	3103	Wilson Jennifer Lynn	3/31/2022
1313	DPO	8/5/2020	Licensed	3535	Wood Alexia Jade	8/31/2022

# Health Regulatory Boards Apprentice's Approval 7/22/2020 to 10/19/2020

Prof Code	Rank	License	Current	Name
		Status	License	
		Effective	Status	
		Date		
1313	DPO	9/30/2020	Apprentice	Bennett
				Summer
1313	DPO	9/30/2020	Apprentice	Brazier
				Gretchen
1313	DPO	9/30/2020	Apprentice	Caswell
				Santana
				Elizabeth

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 8 of 14

1313	DPO	9/30/2020	Apprentice	Cooper Richard Allen
1313	DPO	9/30/2020	Apprentice	Mr. Corbitt Jasmine Leann
1313	DPO	9/2/2020	Apprentice	Donaldson Sandra Nichole
1313	DPO	8/12/2020	Apprentice	Fauscett Joshua Lee
1313	DPO	7/31/2020	Apprentice	Felts Brandi Rochelle
1313	DPO	8/12/2020	Apprentice	Fishpaw Jason Christopher
1313	DPO	9/2/2020	Apprentice	Fugate Thomas Lee
1313	DPO	9/2/2020	Apprentice	Haferman Natasha Elaine
1313	DPO	8/28/2020	Apprentice	Harris Kelley Ruth
1313	DPO	9/30/2020	Apprentice	Huffaker Brook Marie
1313	DPO	8/31/2020	Apprentice	Kepper Nancy Gonzalez
1313	DPO	9/21/2020	Apprentice	Kimbrough Sharon
1313	DPO	9/21/2020	Apprentice	Ledford Ashley Dawn
1313	DPO	8/12/2020	Apprentice	Long Bailey Kay
1313	DPO	8/12/2020	Apprentice	Mahan Ashton Netherton
1313	DPO	9/21/2020	Apprentice	Mathes Jessica
1313 1313	DPO DPO	10/12/2020 9/2/2020	Apprentice Apprentice	Minter Karen Park Amber Renae
1313 1313	DPO DPO	9/30/2020 8/12/2020	Apprentice Apprentice	Rose Alfreda Sanders Lucrecia Govea

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 9 of 14

1313	DPO	9/14/2020	Apprentice	Thompson
				Marsha R.
1313	DPO	9/14/2020	Apprentice	Troutt Katie
1313	DPO	9/2/2020	Apprentice	Walls
				Shannon Rae

# Approved to sit for Practical Examination From July 22, 2020 to October 19, 2020

- 1. Tammy Ruth Deer 7/22/2020
- 2. Teresa Valetutti 7/22/2020
- 3. Ashley Gail Alexander 7/30/2020
- 4. Kelly Reagan-Key 7/31/2020
- 5. Michael R. Calhoun 7/31/2020
- 6. Shaylee M. Natt 7/31/2020
- 7. Dalia Cacheiro-Hamdi 8/12/2020
- 8. Kayla Brooke Butler 8/19/2020
- 9. Victoria Brooke Matthews 8/25/2020
- 10. Darrin Austin Richards 9/02/2020
- 11. Paul Anthony Turpen 9/02/2020
- 12. Cynthia Lynn Snell 9/16/2020
- 13. Kelly Elaine Anderson 9/22/2020
- 14. Jordan Chitwood 9/22/2020
- 15. Halee Correia Henson 9/24/2020
- 16. Charlisa Jean Gilbert 9/24/2020

## **Ratification List – Reinstated Licenses**

There were no reinstated licenses to review at today's meeting.

## **Ratification List – Closed/Withdrawn Files**

There were no closed or withdrawn files to review at today's meeting.

## Taskforce/Committee Reports

There were no Taskforce or Committee reports to review at today's meeting.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 10 of 14

# Discuss and take action as necessary regarding rulemaking, rulemaking hearings, rule amendments, and policies

Ms. Parham informed the Board that one Rule packet currently in internal review is the only rule-related item this Board has in process at this time.

# **Correspondence Review**

# Quantum Optical

Quantum Optical submittion electronically, a series of 34 separate spectacle courses and 19 separate contact lens courses for approval. Typically, Quantum would submit a hard copy binder of their courses but have sent them electronically this time. Quantum also sent an email request that the Board consider approval of these courses for use through December 31, 2021.

A motion was made by Ms. Walton-Hill to approve through 12/31/2021, with a second made by Ms. Perry-Martinez.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	□ NO □ RECUSED □ ABSTAIN
Ms. Miller	VES	「NO 「RECUSED 「ABSTAIN
Ms. Perry-Martinez	VES	「NO 「RECUSED 「ABSTAIN
Ms. Walton-Hill	VES	TNO RECUSED ABSTAIN
Mr. Winnegrad 🔽 ABSENT	YES	NO RECUSED ABSTAIN
The motion passed	. 🔽 YES	<sup>└</sup> NO

# **Conference/Event Reports**

We do not have any conference or event reports to review today.

# <u>Discuss Old & New Board Business – Old Business, ABO/NCLE Remote Proctoring</u> <u>Update</u>

At the last Board Meeting, the Board voted to extend the acceptance of ABO/NCLE exam scores for applicants that take the exam via remote proctored methods through October 31, 2020. Notice was received from James Morris that the ABO/NCLE are still offering the opportunity for applicants to take the ABO/NCLE exam via remote proctoring and will continue to do so for TN applicants as long as the Board is agreeable to that option. The Board considered whether or not to extend the acceptance of this exam method.

Ms. Parham noted that her legal opinion would be to extend this approval from board meeting to the next, and continue to review the applicability at each subsequent meeting.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 11 of 14 A motion was made by Ms. Walton-Hill to extend the acceptance of ABO/NCLE exams scores via remote proctoring until the next board meeting, with a second made by Ms. Perry-Martinez.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow♥ YESMs. Miller♥ YESMs. Perry-Martinez♥ YESMs. Walton-Hill♥ YESMr. Winnegrad♥ ABSENT♥ YES	NORECUSEDABSTAINNORECUSEDABSTAINNORECUSEDABSTAINNORECUSEDABSTAINNORECUSEDABSTAINNORECUSEDABSTAIN
The motion passed. VES	└─NO

# **Board Election of Officers**

The Board conducted the annual election of Board Officers. The individuals elected will take their roles as of the January 20, 2021, meeting. The offices to be voted on included that of Board Chair, which is currently filled by Mr. DeCrow, and Secretary-Treasurer, currently filled by Ms. Perry-Martinez.

Ms. Walton-Hill was nominated for Board Chair by Mr. DeCrow, with a second by Ms. Perry Martinez. Ms. Walton-Hill accepted the nomination.

A second call for further nominations was given, and with none being heard, a motion was made by Mr. DeCrow to accept the nomination of Ms. Walton-Hill for Board Chair, with a second made by Ms. Miller.

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	└NO └RECUSED └ABSTAIN
Ms. Miller	VES	NO RECUSED ABSTAIN
Ms. Perry-Martinez	VES	NO RECUSED ABSTAIN
Ms. Walton-Hill	VES	└NO └RECUSED └ABSTAIN
Mr. Winnegrad 🔽 ABSENT	<b>YES</b>	└NO └RECUSED └ABSTAIN
	Shanning.	how
The motion passed.	VES	NO

Ms. Miller was nominated for Board Secretary-Treasurer by Ms. Perry-Martinez, with a second by Mr. DeCrow. Ms. Miller accepted the nomination.

A second call for further nomination was given, and with none being heard, a motion was made by Mr. DeCrow to accept the nomination of Ms. Miller for Secretary-Treasurer, with a second made by Ms. Perry-Martinez.

> TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 12 of 14

Discussion: Vone OR As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	└NO └RECUSED └ABSTAIN
Ms. Miller	VES	└NO └RECUSED └ABSTAIN
Ms. Perry-Martinez	VES	NO RECUSED ABSTAIN
Ms. Walton-Hill	VES	NO RECUSED ABSTAIN
Mr. Winnegrad F ABSENT	<b>YES</b>	└NO └RECUSED └ABSTAIN
The motion passed	. 🔽 YES	<sup>└─</sup> NO

Ms. Wallace and Mr. DeCrow offered congratulations to the 2021 officers and thanked them for their willingness to serve in these roles.

# **Call for Public Comment**

Ms. Wallace stated that the meeting would be opened one final time for Public Comments and reminded all participants of the instructions for making a comment via the WebEx virtual meeting platform. She reminded all participants that the Board may only take action on items that were listed on today's agenda.

No Public Comments were made.

## Adjourn

A motion was made by Ms. Perry-Martinez to adjourn, with a second made by Ms. Walton-Hill.

Discussion: <sup>IV</sup> None OR <sup>IV</sup> As Follows

A roll call vote was conducted:

Mr. DeCrow	VES	└NO └RECUSED └ABSTAIN
Ms. Miller	VES	TNO RECUSED ABSTAIN
Ms. Perry-Martinez	VES	NO RECUSED ABSTAIN
Ms. Walton-Hill	VES	NO RECUSED ABSTAIN
Mr. Winnegrad 🔽 ABSENT	YES	NO RECUSED ABSTAIN
	Second.	and a second

The motion passed. VES NO

The meeting of the Dispensing Opticians Board was adjourned at 9:50 am CST.

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 13 of 14

These Minutes were Ratified by the Board on January 21, 2020.

Lekhonda Board Chair

<u>5/14/202</u> Date

TN Board of Dispensing Opticians Meeting Minutes 10/21/2020 Page 14 of 14