

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: July 28, 2021

TIME: 9:00 A.M. CT

LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

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

BOARD MEMBER(S)

ABSENT: Consumer Member - Vacant

STAFF PRESENT: Kimberly Wallace, Unit 3 Director
Maria Johnston, Board Administrator
Eric Winters, Associate General Counsel

Call to Order

Ms. Walton-Hill called the meeting to order at 9:03 AM CST. A roll call was conducted, and a quorum was present.

Public Comment

Ms. Wallace announced that Public Comments would be heard in this meeting and directed interested individuals to sign in at the register located at the front door and they would be called upon at the appropriate time in the meeting. She also gave a reminder that Public Comments can also be submitted in writing and sent by mail to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243 or submitted via email to Unit3HRB.Health@tn.gov.

Conflict of Interest

Mr. Winters 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, 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.

Approve Minutes from April 28, 2021 Board Meeting

Upon review of the April 28, 2021, Board Meeting Minutes, Mr. DeCrow made a motion with a second by Mr. Winnegrad, to approve the minutes as written. There was no discussion on the motion. The motion passed unanimously.

Brenda Ramos – File Review

Ms. Wallace then requested the Board to hear an item out of order on the agenda, as an interpreter was present to assist with a request. Prospective applicant, Ms. Brenda Ramos, requested a translator be present for a review of her educational experience. In the best interest of the Interpreter's time and expense to the Board for the Interpreter's services, it was requested that the Board hear this item early in the meeting. The Interpreter, Mr. David Salazar was present, however, Ms. Brenda Ramos was not present at this time. The Board stated they would hold the item and hear it when Ms. Ramos arrived.

Receive Reports and /or Requests from the Office of Investigations

Courtney Lily provided the investigative reports to the Board. The currently monitored practitioners report and investigative reports were presented.

CURRENTLY MONITORED PRACTITIONERS PERIOD: As of 07/19/2021

Total # Currently Monitored Practitioners	2
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PERIOD: 4/19/2021 – 07/19/2021 COMPLAINTS

New Complaints	Number of Complaints
Unlicensed Practice	1
Lapsed License	1
CE Violation	2
Total # New Complaints	4
Closed Complaints	

Closed BIV, EMS, HCF, AW	0
Closed – No Action	3
Closed – Warning Letter	1
Sent to the Office of General Counsel for Formal Discipline	4
Total # Closed Complaints	8
Total # Currently Open Complaints	1

Ms. Lily reminded the Board and the public that the letters of warning and the letters of concern are not reportable to the National Practitioner Data Bank (NPDB) and therefore, they are not considered formal discipline.

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

There was no new financial report to be presented in this meeting. The Finance Director, Ms. Alicia Grice, has informed Ms. Wallace that they anticipate presenting the FY21 reports to the Board at the October 20, 2021 meeting.

Legislation

Legislation pertinent to the Board was addressed by the Department’s Legislative Liaison, Ms. Olivia Spears, as follows:

**Board of Dispensing Opticians
Legislative Update – 2021**

These are general summaries of legislation. For more detailed information and all specifics/requirements, please review the links to each public chapter.

Public Chapter 6

This act extends the board of dispensing opticians to June 30, 2026.

The act took effect March 23, 2021.

Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.

This act took effect March 23, 2021.

Public Chapter 153

This act creates a new definition of “store-and-forward telemedicine services” to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnoses, consultation, or treatment of a patient at a distant site where there may be no in-person exchange.

This act took effect April 13, 2021.

Public Chapter 179

This act authorizes unlicensed graduates of certain medical training programs to provide telehealth services, provided they maintain the same existing standards for telehealth that licensed providers must meet.

This act took effect April 20, 2021.

Public Chapter 242

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court injunction would not be able to make public requests at the agency for up to one (1) year.

This chapter took effect April 28th, 2021 and will sunset July 1, 2025.

Public Chapter 291

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

This act took effect July 1, 2021.

Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department’s operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department’s rulemaking authority for any reasonable period of time.

This act took effect July 1, 2021.

Public Chapter 453

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

This act took effect July 1, 2021.

Public Chapter 513

This act prohibits the Governor from issuing an executive order and a state agency, department or political subdivision from promulgating, adopting, or enforcing an ordinance or resolution that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus. It also deletes the previous override during an epidemic or immediate threat of an epidemic of an objection against vaccination that was made on the basis of religious tenets. The law prohibits requiring the COVID-19 vaccine to attend k-12 schools. The prohibition against requiring vaccines does not apply to governmental entities subject to federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object on religious grounds or right of conscience. The law also does not apply to students of a public institution of higher education delivering healthcare services when the student is participating in/fulfilling requirements of a program in medicine, dentistry, pharmacy, or another healthcare profession.

This act took effect May 25, 2021.

Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

This act took effect July 1, 2021.

Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

This act took effect May 25, 2021.

Administrator's Report

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

PERIOD: As of 07/21/2021

Total # Currently Licensed Dispensing Opticians	931
Total # Current Apprentices	408

LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: April 20, 2021 – July 21, 2021

New Dispensing Opticians Licenses	9
New Apprentice Approvals	29
Renewed Licenses – Total	111
Paper Renewals	54
Online Renewals	57
Licenses Renewed Online as % of Total Renewals	51.5%
Reinstated License	3
Approved for Practical Exam	12
Retired Licenses	3
Expired Licenses	8
Expired Apprenticeship	48
Closed/Withdrawn	4

Ms. Johnston also presented the dates upcoming Board Meetings, as follows:

- October 20, 2021
- January 19, 2022
- April 20, 2022
- July 27, 2022
- October 26, 2022

Ms. Wallace reminded the Apprentices enrolled in the program of the requirement to submit semi-annual evaluations forms within 30 days of the conclusion of each 6-month period that they are in the program. In accordance with the rules, failure to continue submitted these forms is cause for being rescinded from the Apprenticeship Program. This can cause the Apprentice to have to restart the Apprenticeship Program, requiring them to re-apply.

In addition, Ms. Wallace also gave a reminder for those that are in the Apprenticeship Program who have reached the 3-year and total hour requirement that they are to continue submitting the semi-annual evaluation forms until such time that they have been approved for licensure as a Dispensing Optician; even if they have submitted an application for licensure, the semi-annual evaluation forms must continue to be submitted until a license has been issued.

OGC Report and Requests

Mr. Winters presented the OGC report. The rule packet that includes amendments regarding definitions, fees, continuing education and criminal background checks for apprentices is currently in the internal review process. The packet was revised to include the Board's latest fee reductions approved at the April Board meeting. There are currently four (4) open cases in OGC. Legislation pertinent to the Board was addressed by the Department's legislative liaison earlier in this meeting.

Contested Cases

There were no contested cases for the Board to review in this meeting.

Consent Orders

Steven Adams

Steven Adams Dispensing Optician License expired on October 31, 2019. Mr. Adams worked as a DPO from November 1, 2019 until or about January 2021 on a lapsed license. Mr. Adams is assessed eleven (11) Type B Civil Penalties in accordance with TENN. COMP. R. & REGS. 0480-01-.15(4).

Mr. DeCrow made a motion to approve the Consent Order for Stephen Adams as presented, with a second made by Ms. Miller. There was no discussion on the motion. The motion passed unanimously.

Mr. Winters provided a note of correction that there were associated costs and asked the Board to re-vote since he didn't mention that in his summary.

Mr. DeCrow confirmed the motion with the additional information from Mr. Winters, and Ms. Miller confirmed the second, with no discussion, the motion passed unanimously.

Ranee King

Ranee King's Dispensing Optician license expired on January 31, 2019. Ms. King worked as a DPO from February 1, 2019 until in or about January 2020. Ms. King is assessed eight (8) Type B Civil Penalties in accordance with TENN. COMP. R. & REGS. 0480-01-.15(4).

Mr. Winnegrad made a motion to approve the Consent Order for Ranee King as presented, with a second made by Mr. DeCrow. There was no discussion on the motion. The motion passed unanimously.

Angelia Stegall

On December 26, 2019, Angelia Stegall signed a Renewal Application Form for the renewal of her Dispensing Optician license. The Renewal Application Form states, "I have complied with all renewal requirements as set forth in the Tennessee Code Annotated and the Official Compilation of Rules and

Regulations of the State of Tennessee regulating the practice of my profession.” On February 24, 2020, and May 22, 2020, the Health Related Boards Compliance Audit Unit sent Ms. Stegall a Notice of Audit requiring her to provide proof of attendance and completion of continuing competence and/or education activities for 2018 and 2019. As of June 2021, Ms. Stegall failed to provide proof of completion of the required continuing education hours for 2018 and 2019.

Ms. Stegall is assessed one (1) Type B Civil Penalty in accordance with TENN. COMP. R. & REGS. 0480-01-.15(4). Ms. Stegall must provide proof of completion of the continuing education hours for 2018 and 2019.

Mr. DeCrow made a motion to approve the Consent Order for Angelia Stegall as presented, with a second made by Mr. Winnegrad. 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.

Agreed Citations

Cynthia Morrison, CE Deficiency

Ms. Cynthia Morrison, Dispensing Optician License #655 has failed to maintain sufficient continuing education credits in violation of TCA 63-14-106 and Rule 0480-01-.12. She was deficient two (2) credit hours as discovered during the CE Audit process. She has been issued an Agreed Citation in this matter. Ms. Morrison has acknowledged and understands that by signing the Agreed Citation, paying a civil penalty in the amount of \$100.00, and providing proof of completion of the required number of continuing education credits, that she waives the right to a hearing as described in the Agreed Citation. Ms. Morrison signed and returned the Agreed Citation.

Mr. DeCrow made a motion to approve the Agreed Citation for Cynthia Morrison as presented, with a second made by Mr. Winnegrad. There was no discussion on the motion. The motion passed unanimously.

Timothy Wears, CE Deficiency

Mr. Timothy Wears, Dispensing Optician License #1803 has failed to maintain sufficient continuing education credits in violation of TCA 63-14-106 and Rule 0480-01-.12. He was deficient one (1) credit hour as discovered during the CE Audit process. He has been issued an Agreed Citation in this matter. Mr. Wears has acknowledged and understands that by his signing the Agreed Citation, paying a civil penalty in the amount of \$100.00, and providing proof of completion of the required number of continuing education credits, that he waives the right to a hearing as described in the Agreed Citation. Mr. Wears has signed and returned the Agreed Citation.

Mr. DeCrow made a motion to approve the Agreed Citation for Timothy Wears as presented, with a second made by Ms. Miller. There was no discussion on the motion. The motion passed unanimously.

Orders of Compliance

There were no Orders of Compliance for the Board to review in this meeting.

Requests for Order Modification

There were no requests for Order Modification for the Board to review in this meeting.

Final Orders

There were no Final Orders for the Board to review in this meeting.

File Review – Brenda Ramos

Ms. Wallace presented the file review for Ms. Ramos that was previously on the Agenda to be heard at the April meeting. Ms. Ramos was informed of that meeting's details, and the presence of an interpreter, but did not appear. The Board then voted to table review of her agenda item for today's meeting.

At Ms. Ramos' requests, the Board provided the services of an interpreter, Mr. David Salazar to assist with this discussion. Ms. Ramos was not yet present at the meeting and the Board asked to proceed with reviewing this request.

Ms. Ramos has not yet applied for licensure, and would like the Board to review her education and experience to provide guidance on whether or not it would be acceptable under the Board's Rules for her to apply to take the Practical Exam and pursue licensure based on education, or if she will be required to apply for apprenticeship and complete a 3-year apprenticeship in TN; she would like clarity before applying for a license.

Ms. Ramos has indicated that she possesses an active dispensing optician's license in Puerto Rico, where she has practiced for 17 years, although a copy of that license has not yet been presented to the Administrative Office.

Ms. Ramos has submitted an unofficial copy of her student grade report and a copy of her diploma from the Puerto Rico Tech Junior College with an Associate Degree in Opticianry.

The Board referenced Rule 0480-01-.04(3)(b) Qualifications for Licensure which reads that regarding education, an applicant must:

(b) Have satisfactorily completed a two-year course of study in opticianry in a college level program recognized and approved by the Board; or

(c) Have had practical experience and training (apprenticeship) of a grade and character satisfactory to the board for not less than three years under the supervision of a licensed dispensing optician, a licensed optometrist, or a licensed ophthalmologist.

(d) 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.

The Board conducted a discussion to provide guidance to Ms. Ramos as to whether or not the Puerto Rico Tech Junior College would be considered a Board approved optometric education. The Board's

guidance on this issue was not a licensing decision, as Ms. Ramos has not yet applied for a TN license. This is an educational review only, so as to assist Ms. Ramos in whether it would be most appropriate for her to apply for approval to take the Practical in conjunction with a licensure application, or if she would be directed to apply to begin an apprenticeship. Regardless of whatever decision the Board would make, Ms. Ramos would then be subject to providing all other requirements as outlined by the rules when applying either for an apprenticeship or a license.

Ms. Ramos arrived at this point in the discussion. Ms. Wallace reintroduced the topic since Ms. Ramos was not present initially. Mr. Salazar confirmed that Ms. Ramos understands English, but requested the interpreter to assist her in expressing herself clearly.

Ms. Ramos presented a license verification translated in English from the Government of Puerto Rico, Department of Health. Ms. Wallace commented the license verification is an unofficial copy. If Ms. Ramos decides to apply for licensure, per Board Rules, an official license verification must be sent directly from Puerto Rico to the Board of Dispensing Opticians. The license verification was presented to the Board Members for review.

Ms. Walton-Hill commented that in the United States, ABO/NCLE certification is required and asked Ms. Ramos if she has obtained ABO/NCLE certification. Ms. Ramos stated that she has not applied for ABO/NCLE certification in the United States. Ms. Walton-Hill commented that before Ms. Ramos can apply to take the Practical Exam she will need to obtain her ABO/NCLE certification.

Ms. Wallace confirmed that it is a requirement, and if the Board approves the education for licensure, Ms. Ramos will be required to submit ABO/NCLE certification with an application and other documents.

Mr. Salazar confirmed that Ms. Ramos understands that ABO/NCLE certification will be required to apply for licensure.

After review of Ms. Ramos's transcript, Mr. Winnegrad pointed out that the courses taken at the school mirror the course requirements at Roane State.

Ms. Ramos mentioned her license is still good and she can still practice in Puerto Rico and continues to take on-line classes.

Mr. DeCrow made a motion to recognize Puerto Rico Tech Junior College as a Board-approved educational opportunity, with a second made by Mr. Winnegrad. There was no discussion. The motion passed unanimously.

At 10:11 a.m. CST the Interpreter. Mr. Salazar completed his duties.

File Update – Amy Schroeder

Ms. Wallace presented a follow-up report to the Board regarding the file the Board reviewed in the April 2021 meeting regarding Ms. Amy Schroeder. Ms. Schroeder had initially applied for licensure, and approval to take the TN Practical Exam. After review, the Board voted to table a licensing decision until today's meeting, to allow Ms. Schroeder the opportunity to obtain her license in GA, which by the TN rules, would then allow her to use all of the hours of previous apprenticeship she had completed towards the TN requirements. Since that time, the Administrative Office has received notice from Ms. Schroeder that she has not yet been able to obtain licensure in GA. Ms. Schroeder has chosen to withdraw her TN licensure application, which has been administratively closed. Ms. Schroeder then submitted a new

application to begin an apprenticeship in TN, which having met all the requirements, has been administratively approved.

There is no further action for the Board to take regarding Ms. Schroeder's application today.

Ratification List – Newly licensed, Approved for Apprenticeship, Approved for Practical Exam, Reinstatements, and Closed/Withdrawn 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. There are no closed or withdrawn files for the Board's consideration in this meeting.

Dispensing Opticians - Newly Licensed - 04/20/2021 to 07/21/2021

License#	Name
3687	Alexander, Latina Maria
3217	Bowman, Hali Jane
3663	Gann, Brittany Nicole
3630	Goldsmith, Julie Marie
3270	Jarrell, Angela May
2232	Kilzer, Elesha L
3264	Magill, Tia Elaine
2763	Peters, Jason
3664	Roames, Brett Joseph

Dispensing Opticians – Reinstatement - 04/20/2021 to 07/21/2021

License#	Name
2496	Carroll, Bradley Keith
2931	Hickey, Charleen Ruth
261	Pellington, Steven C

Dispensing Opticians - Apprentices Approval - 04/20/2021 to 07/21/2021

Approval Date	Status	Name
6/18/2021	Apprentice	Alvis, Amber Dawn
6/28/2021	Apprentice	Austin, Lindsay A.
7/7/2021	Apprentice	Bennett, Julie Ann
6/7/2021	Apprentice	Bennett, Macie Christian
7/20/2021	Apprentice	Booker, Carrie
7/20/2021	Apprentice	Braden, Wyatt Arthur
6/18/2021	Apprentice	Claybrooks, Jordan Lamar
6/18/2021	Apprentice	Cunningham, Amy Marie
6/7/2021	Apprentice	Denton, Avery Lynn
5/7/2021	Apprentice	Dunn, Nadine Lorene
7/13/2021	Apprentice	Emme, Laura Kathleen
7/7/2021	Apprentice	Eustache, Zina Lazell
5/7/2021	Apprentice	Folles, Tiffani Dawn MRS

5/3/2021	Apprentice	Foxall, Dennis
6/18/2021	Apprentice	Glenn, Latoya Catrice
5/3/2021	Apprentice	Gordon, Nicole Ms
7/13/2021	Apprentice	Grayson, Jacob
7/6/2021	Apprentice	Josephs, Jordan
6/28/2021	Apprentice	Juma, Nazifa Ali
7/20/2021	Apprentice	Mcmackin, Nicole Ellen
6/28/2021	Apprentice	Parish, Hudson Gray
6/11/2021	Apprentice	Pendergrass, Abigail Lashea
5/21/2021	Apprentice	Phillips, Jennifer Dea
7/20/2021	Apprentice	Powell, Ramona
7/7/2021	Apprentice	Schroeder, Amy Smith
6/30/2021	Apprentice	Smith, Casey Joseph
5/14/2021	Apprentice	Smith, Melynda Knoll
5/5/2021	Apprentice	Sweeney, Edith M.
7/20/2021	Apprentice	Webb, Collin

Approved to sit for Practical Examination - April 20, 2021 to July 21, 2021

<u>Name</u>	<u>Date Approved to sit for Practical Exam</u>
Adams, Katherine	05/10/2021
Barnes, Marlisha	06/03/2021
Berry, Monica	04/28/2021
Cooper, Toyi	06/09/2021
Laboy, Anthony	06/15/2021
Montesino, Suney	06/15/2021
Seal, Rachel	06/03/2021
Sherman, Kasie	06/03/2021
Widener, Alisa	07/02/2021
Wiggins, Megan	05/07/2021
Woody, Savannah	06/03/2021
Wormsley, Allison	06/22/2021

Mr. Winnegrad made a motion to approve the ratification list as presented, with a second made by Mr. DeCrow. There was no discussion. The motion passed unanimously.

Taskforce/Committee Reports

There were no Taskforce or Committee reports for the Board to review in this meeting.

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

Apprentice Education Training Program Policy

Ms. Wallace commented that in the April meeting the Board had voted to implement a new policy statement regarding Apprentice Educational Training Programs. with a subsequent vote to approve the NAO OCPP program as a Board-Approved program. Ms. Wallace presented to the Board Members the

full policy, with the language approved by the Board and asked that they review the policy and consider it for either amendment or approval and final adoption. The policy reads as follows:

TN Board of Dispensing Opticians Policy Statement

Apprentice Educational Training Program

Three (3) year training or apprenticeship, as referenced in TCA § 63-14-103, Rule 0480-01-.04(3)(c) and Rule 0480-01-.14(4), the Board interprets the term “three (3) years” to mean three (3) calendar years including a total of 5,250 hours of apprentice training. However, completion of a Board approved apprentice educational training program (AETP) shall be accepted as equivalent to one (1) calendar year/1,750 hours of apprentice training.

Upon rescission from the apprenticeship program and beginning another apprenticeship program, pursuant to Rule 0480-01-.14(d)(3), an individual shall restart any Board approved AETP in which they previously participated relating to the apprenticeship program.

Ms. Miller made a motion to approve the Apprentice Educational Policy as presented, with a second made by Mr. Winnegrad. There was no discussion. The motion passed unanimously.

Board Approved Educational Programs Policy

Ms. Wallace commented that, as has been experienced in several of the recent Board Meetings, there has been an increase in the number of occasions where an individual has applied for license by education, however, their school has not been one that the board has previously reviewed and approved. When this occurs, the individual is currently required to wait until the next regularly scheduled board meeting for the board to review and approve their school. Depending on the date the individual applies, this could cause them to have to wait up to three months until the next meeting.

In an effort to provide clarification to Rule 0480-01-.04(3)(b), under Education Requirements, which states that an applicant must “have satisfactorily completed a two-year course of study in opticianry in a college-level program recognized and approved by the Board” which was promulgated in accordance with TCA 63-14-103(a)(1), Mr. Winters has drafted language for a policy for the Board Members consideration. The purpose of this policy would be to define what the Board deems to be an “approved opticianry school” to allow this application requirement to be approved administratively, rather than having to require the board to review every individual school in its meetings.

The draft language for the policy reads as follows:

TN Board of Dispensing Opticians Policy Statement

Board Approved Opticianry Schools

The State of Tennessee has delegated the duty and responsibility of licensing dispensing opticians to the Board of Dispensing Opticians. The Board takes this responsibility seriously and must function in a manner as to promote and protect the public’s health, safety, and welfare. Accordingly, the Board has a responsibility to promulgate rules, regulations, and policies clarifying requirements for licensure and to interpret its practice act found at Tennessee Code Annotated Section (Tenn. Code Ann. §) 63-14-101, et seq.

Pursuant to Tenn. Code Ann. § 63-14-103(a)(1), an applicant for licensure must either be a graduate of a two (2) year Board approved opticianry school or complete the three (3) year Tennessee Apprenticeship Training Program.

The Board hereby accepts all dispensing optician programs provided by accredited colleges and universities as Board approved opticianry schools.

Mr. Winters reviewed surrounding states, and most talk about board approved or nationally accredited schools, while some note specific organizations as accredited which are approved by the Board.

Ms. Wallace suggested one or two Board Members to be assigned to make a review and go over the lists of previous approved schools and what the accrediting bodies were and report at the next meeting in conjunction with the guidance that Mr. Winters has provided.

Mr. Winnegrad commented that there is a Federation of opticianry schools that all fall under the umbrella would be a great ideal. Roane State falls under the same group of optician schools.

Mr. DeCrow agreed with Ms. Wallace's suggestion to review the accreditation of schools already approved by the Board and what criteria is used as a guide to determine adding to this particular document.

Mr. DeCrow suggested that all four Board Members take some time to research and come up with information to share at the next Board Meeting to see if there is more wording or any changes in wording for this document.

Ms. Wallace commented in a follow-up to this meeting she will send an email of the previously approved schools. As a reminder Board Members cannot discuss among themselves any board business that is done outside the Board Meeting. Each Board Member can summarize the information and email it to Ms. Wallace and Mr. Winters. Both of them can review the information and compile all of it in one document to present to the Board Members at the next Board Meeting to draft language into the Policy.

CE Course Review

Tennessee Dispensing Opticians Association (TDOA) presented Zoom CE Hours for August 29, 2021, for eight (8) continuing education hours.

Mr. DeCrow made a motion to approve the TDOA August 2021 CE Course Offerings as presented, with a second made by Ms. Miller. There was no discussion. The motion passed unanimously.

Correspondence Review

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

Conference/Event Report and Upcoming Events Review

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

Discuss Old/New Board Business

Old Business – ABO/NCLE Remote Proctoring Update

At the last several Board Meetings, the Board voted to extend the acceptance of ABO/NCLE exams scores for applicants that take the exam via remote proctored methods. When this item was first

presented, several meetings ago, the attorney at the time, Ms. Parham noted that her legal opinion would be to extend this approval from one board meeting to the next and continue to review the applicability at each subsequent meeting.

Ms. Wallace tried to make an attempt to reach out to representatives from the ABO/NCLE, asking them to provide an update to the current status of their remote proctoring offerings, but they have not provided any response.

Therefore, the Board was asked to once again consider if they wish to continue this acceptance over until the next meeting.

Mr. DeCrow made a motion to extend the acceptance of ABO/NCLE score reports that are obtained from remote proctored exams until the next meeting, with a second made by Ms. Miller. There was no discussion. The motion passed unanimously.

Call for Public Comment

A reminder was given that the Board would hear public comments in this meeting. Instructions were given for interested individuals to sign-in and approach the podium. As always, public comments may also be submitted in writing and sent by mail ahead of any meeting to The TN Board of Dispensing Opticians, 665 Mainstream Drive, Nashville, TN 37243 or sent via email to Unit3HRB.Health@tn.gov.

There were no requests for public comment made via the sign-in register or submitted to the Administrative Office in writing ahead of this meeting.

Adjourn

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

There being no further business to be heard today, this meeting of the Dispensing Opticians Board was hereby adjourned at 10:42 a.m. CST.

These Minutes were Ratified by the Board on January 19, 2022.


Board Chair

1/19/22
Date