

**TENNESSEE BOARD OF DISPENSING OPTICIANS  
MINUTES**

**DATE:** October 15, 2008

**TIME:** 9:00 a.m., CST

**LOCATION:** Health Related Boards Conference Center  
Poplar Board Room  
Heritage Place Metro Center  
227 French Landing, Suite 150  
Nashville, TN

**BOARD MEMBERS**

**PRESENT:** Kathy Hawkins, DPO, Chair  
Shane Partain, DPO, Secretary  
Kimberly Jackson, DPO  
Stacey Chitwood, DPO  
Donald Wells, DPO  
Dr. Edward Risby, Consumer Member

**STAFF**

**PRESENT:** Melody Spitznas, Board Administrator  
Libby Miller, Director of Health Related Boards  
Barbara Maxwell, Administrative Director  
Lexie Whittemore, Advisory Attorney  
Juanita Stone, Disciplinary Coordinator

**GENERAL PUBLIC**

**ATTENDEES:** Roy R. Ferguson, Ph.D.  
Mellissa Misiak, TDOA  
Robbie Bell  
Marlene Crawford  
Martha Gentry  
Marianna Tanner

Ms. Hawkins, Chair, called the meeting to order at 9:10 a.m. A sufficient number of members were present to constitute a quorum. Ms. Hawkins welcomed back former Board member, Mr. Donald Wells.

**Ratify June 17, 2008 Board Meeting Minutes**

Upon review of the June 17, 2008 Board meeting minutes, Ms. Chitwood made a motion, seconded by Ms. Jackson, to approve the minutes as written. The motion carried.

### **Office of General Counsel**

Ms. Whittemore introduced Alison Cleaves, Deputy General Counsel, who was present to address the Board regarding the Board's policies concerning licensees who practice on a lapsed license and licensees who fail to obtain their continuing education requirement. Ms. Cleaves discussed assessing the discipline by means of an Agreed Citation. Ms. Cleaves explained that the licensee's name will not be sent to the National Practitioner Data Bank, but will be reported on the Tennessee Department of Health's website. Should the licensee reject the Agreed Citation, the matter would go to the Office of General Counsel for prosecution. Mr. Partain made a motion, seconded by Dr. Risby, to keep the Board's current policy the same, which is that licensees working on an expired license will pay one hundred dollars (\$100) a month for each month that they work on a lapsed license in excess of three (3) months and the discipline will be assessed through the Agreed Citation. The motion carried.

Ms. Cleaves addressed the Board regarding the Board's Policy concerning licensees who fail to obtain continuing education. Ms. Chitwood made a motion, seconded by Mr. Partain, to accept the Agreed Citation to assess the licensee a one hundred dollar (\$100.00) penalty and require the licensee to make up the hours that they are deficient by the end of the next calendar year. The motion carried.

### **Conflict of Interest Policy Statement**

Ms. Whittemore reviewed the Conflict of Interest Policy Statement with the Board, which requires all Board members to disclose any conflict of interest they may have, whether existing or potential, which could affect the performance of their duties as Board members. Ms. Whittemore stated that if a Board member has a conflict of interest he or she must recuse himself/herself from the proceedings and leave the room during the hearing.

### **Office of General Counsel Report**

Ms. Whittemore stated the Office of General Counsel currently has four (4) cases pending litigation that should be ready to come before the Board of Dispensing Opticians at their next meeting.

Ms. Whittemore discussed the sunset hearing before the Government Operations Committee, the decision from which will go before the House and Senate during the next legislative session.

### **Investigative and Disciplinary Reports**

Denise Moran and Juanita Stone were present from the Office of Investigations. Ms. Stone stated that there are eight (8) open complaints in the Office of Investigations for 2008. Ms. Stone explained that most of the complaints are regarding unlicensed practice. Ms. Moran stated that their office currently has five (5) frozen positions and only thirteen (13) investigators throughout the state for all Health Related Boards.

Ms. Stone reviewed the Disciplinary Report, which lists disciplined licensees currently being monitored. Ms. Stone stated that if the licensees did not comply with the terms of their discipline, they would be pursued as being in violation of the Board's Order and their names sent to the Office of General Counsel for possible prosecution. Ms. Stone stated that once a disciplined licensee has complied with the Board's Order, the name is removed from the list of monitored licensees.

### **Financial Report**

Ms. Spitznas reviewed the Financial Report stating the Board has a projected cumulative carryover as of June 30, 2008, of \$167,805.98. Ms. Miller stated the Board should have a new report by the next Board meeting.

### **Administrative Report**

Ms. Spitznas reviewed the Administrative Report stating that since the last Board meeting, seventeen (17) new applications for dispensing optician and thirteen (13) apprentice applications have been received. Ms. Spitznas informed the Board that since the last Board meeting, two (2) licensees retired their license, five (5) failed to renew their license and two (2) are deceased.

Ms. Spitznas stated all requests for travel must be submitted to the Board's administrative office at least sixty (60) days prior to travel.

Ms. Miller updated the Board regarding the Continuing Education Audit with the following information:

- Jan.** - audited two (2) licensees, in compliance
- Feb.** - audited one (1) licensee, in compliance
- March**-audited one (1) licensee, in compliance
- April**- audited twenty-three (23) licensees, all were in compliance
- May** - audited two (2) licensees, in compliance
- June** - audited two (2) licensees, in compliance
- July** - audited one (1) licensee, in compliance

Ms. Spitznas informed the Board that the following issue(s) are to be addressed at the Board meeting: 1) Review/discuss DeKalb Technical College's Opticianry Program – Atlanta, GA and 2) Discuss practical examination dates

### **Ratify Newly Licensed**

There are no new licensees for ratification at this meeting.

### **Ratify Reinstatements**

Upon review, Ms. Chitwood made a motion, seconded by Ms. Jackson, to approve the following applicants for reinstatement of their licenses:

**Patricia Lampkins  
Darrell Lassiter  
Jean Meyer**

The motion carried.

**Review and Ratify Initial Determinations made by Board Member/Consultant**

Upon review, Ms. Chitwood made a motion, seconded by Ms. Jackson, to approve the following applicants, initially approved by the consultant, to sit for the practical examination:

**Paula Austin  
Teresa Griffin  
Leslee Hall  
Emmitt Hayes  
Susan Hoyt  
Nancy Jarin  
Connie Karrick  
Theresa Mills  
Curtis Phillips  
Pamela Sharpe  
Jacqueline Smallwood  
Korina Stanley  
Charles Tilley  
Nathan Vance  
Heather Vardell  
Melissa Vermillion  
Tammy Weatherly**

The motion carried.

Upon review, Ms. Chitwood made a motion, seconded by Ms. Jackson, to approve the following applicants, initially approved by the consultant, to retake the practical examination:

**Amanda Barnes  
Jeremy Brown  
Lisa Davis  
Mary-Ann Graybeal  
Amanda Hale  
Elizabeth Marsteller  
Brandy Miller  
Dennis Morphis  
Kimberly Wasilko**

Upon review, Ms. Chitwood made a motion, seconded by Mr. Risby, to approve the following apprenticeship applicants, initially approved by the consultant:

**Linda Bello**  
**Tiffany Blevins**  
**Lance Butterfield**  
**Dann Dunham**  
**Eric Goduco**  
**Kimberly Haun**  
**Tracy Larson**  
**Kayla Little**  
**Amanda Perkins**  
**Patrick Putnam**  
**Jama Reagan**  
**Angela Warden**  
**Katie Young**

The motion carried.

### **Discuss Practical Exam**

Dr. Risby asked Dr. Ferguson about the pass/fail ratio concerning the practical examination. Dr. Ferguson stated that 52% first time takers are apprentices and 49% are Roane State students. Dr. Ferguson stated he had been giving the practical examination for about four (4) years. Mr. Wells stated that someone is “missing the boat” with regard to Roane State students taking the examination. Dr. Ferguson stated that applicants testing are given four (4) pairs of glasses to neutralize and the content of the examination has not changed in the four (4) years he has been administering the exam. Ms. Hawkins asked Ms. Whittemore if the Board could require an applicant to take a review course if he/she failed the exam. Ms. Whittemore stated that the applicant cannot be required to take a review course by the Board. Ms. Hawkins asked Dr. Ferguson to obtain pass rate figures for Roane State. Ms. Hawkins stated that some of the chain stores offer review courses to their employees. Dr. Ferguson stated that he gives the outline of test and a summary of the questions missed to applicants that fail the exam. Dr. Ferguson stated that a list of resources is available to those who fail the exam, as well as the areas that they need to work on.

### **Practical Exam Results**

Upon review of the exam scores from the practical examination given on July 11, 2008, Ms. Chitwood made a motion, seconded by Mr. Partain, to accept the practical examination scores for the following applicants:

**Jeremy Brown**  
**Adam Burns**  
**Benjamin Cyllus**  
**Thomas Danko**

**Jamie Davis**  
**Lisa Davis**  
**Mary-Ann Graybeal**  
**Amanda Hale**  
**Kevin Hershman**  
**April Lyles**  
**Elizabeth Marsteller**  
**Brandy Miller**  
**Dennis Morphis**  
**Kimberly Wasilko**  
**Johanna Wolford**

The motion carried.

### **Review Continuing Education Requests**

**Regina Downing**, licensed in Tennessee and Florida, where she resides submitted a request to take continuing education courses provided by **Costco**. The Board had voted at the March 26, 2008 Board meeting not to approve these courses, except on an individual basis. Mr. Risby made a motion, seconded by Ms. Chitwood, to approve Ms. Downing to attend the Costco courses in Orlando, FL. The motion carried.

### **Tennessee Dispensing Opticians Association**

November 2, 2008 – Nashville Chapter of the TDOA, Nashville, TN

Speaker: Michael Gzik

*“Fitting the Presbyope, Case Histories”*

*“Adverse Responses to Contact Lenses”*

Speaker: Diane Drake

*“Anatomy and Physiology of the Eye”*

*“Absorption, Transmission, Tints and Coatings”*

Ms. Chitwood made a motion, seconded by Ms. Jackson, to approve the hours. The motion carried.

**Steve Fekete**, licensed in Tennessee and Ohio, where he resides, submitted hours that he took in Ohio in September 2008 for Tennessee Board approval. Upon review, Mr. Wells made a motion, seconded by Ms. Chitwood, to deny approval of the hours, as the hours were not submitted 30 days prior to the meeting of the Board. The motion carried.

### **Ratify Closed Files**

Upon review, Ms. Chitwood made a motion, seconded by Mr. Partain, to close the files of the following applications for licensure and/or apprenticeship:

<b>Carol Edwards</b>	<b>Failure to submit semi-annual evaluation reports</b>
<b>Amy French</b>	<b>Incomplete application</b>
<b>Eva Jennings</b>	<b>Failure to submit semi-annual evaluation reports and a change of supervisor form</b>
<b>Martha Kirkpatrick</b>	<b>Failure to show for 4 scheduled practical examinations</b>
<b>Nimon Macid</b>	<b>Failure to submit semi-annual evaluation reports and a change of supervisor form</b>
<b>Melinda McClure</b>	<b>Incomplete application</b>
<b>Katrina Potts</b>	<b>Failure to submit semi-annual evaluation reports</b>
<b>Jeanette Richmond</b>	<b>Failure to submit semi-annual evaluation reports</b>
<b>Susan Rose</b>	<b>Failure to submit semi-annual evaluation reports</b>
<b>Jay Shelby</b>	<b>Failure to show for 2 scheduled practical examinations</b>
<b>Dorothy True</b>	<b>Failure to submit semi-annual evaluation reports and a change of supervisor form</b>
<b>Emily Walkup</b>	<b>Failure to show for 2 scheduled practical examinations</b>
<b>Ruth Willey</b>	<b>Failure to show for 3 scheduled practical examinations</b>

The motion carried

### **Correspondence**

The Board reviewed a letter from **Alex Oduro-Kusi** requesting approval of, in lieu of the three (3) year apprenticeship program, his BS degree in Biological Sciences and a postgraduate diploma in Optometry from Ghana. Mr. Partain made a motion, seconded by Ms. Chitwood, to accept Mr. Oduro-Kusi's education from Ghana and have him complete one (1) year in the Board's apprenticeship program in order to be eligible to sit for the practical examination. The motion carried.

The Board reviewed a letter and transcripts submitted from **J. Stephen Tanner** requesting approval of, in lieu of the three (3) year apprenticeship program, his Associate of Science degree from the Southern College of Optometry in dispensing opticianry, which he received in 1979. Mr. Tanner also received a bachelor's degree from Louisiana State University and worked as an optician from 1979 through 1982. Ms. Chitwood made a motion, seconded by Mr. Partain, to

accept Mr. Tanner's degree and allow him apply to sit for the practical exam. The motion carried.

The Board reviewed a letter from **Mike Goggin**, Director of the Opticianry Program at Roane State Community College to the American Board of Opticianry and National Contact Lens Examiners (ABO/NCLE) regarding the location of the ABO/NCLE examinations. Mr. Goggin stated in his letter that he feels it would be beneficial to the students from Roane State to take the examination in Harriman, TN rather than Nashville, TN. After review of the letter, the Board asked Ms. Spitznas to respond to Mr. Goggin's letter to inform him that the Board has no jurisdiction over the ABO/NCLE and he should contact ABO/NCLE to voice his concerns.

The Board reviewed a letter from **Sarah McCroskey** requesting a waiver of the continuing education hours for 2008. Ms. McCroskey states in her letter that she had a baby in April 2008 the weekend that continuing education hours were offered and is unable to take the baby to continuing education hours with her. After review of the letter, the Board asked Ms. Spitznas to respond to Ms. McCroskey's letter and inform her that unless that she has a doctor's statement, she must complete the required continuing education hours.

The Board reviewed material submitted from **DeKalb Community Technical College** regarding their Opticianry Program. After review of the materials, Mr. Wells made a motion, seconded by Ms. Chitwood, to approve DeKalb Community College as a recognized teaching institution for the Tennessee Board of Dispensing Opticians. The motion carried.

The Board reviewed the reinstatement application of **Cheri Walasinski**, who retired her Tennessee dispensing optician's license and moved to Indiana. Ms. Walasinski asked if she has to retake the ABO/NCLE examinations in order to reinstate her license. After review, the Board asked Ms. Spitznas to send Ms. Walasinski a letter informing her that she will only have to retake the practical examination.

Ms. Hawkins stated that she, Ms. Spitznas and Ms. Whittemore are working on an FYI letter to be sent to dispensing opticians and apprentices, along with the annual continuing education requirement letter that is sent every year. The letter will be sent out in January or February 2009.

### **Practical Examination Dates**

Ms. Hawkins asked Dr. Ferguson when the 2009 practical examinations would be given. Dr. Ferguson stated that the exam is required to be given three (3) times per year March, July and November, which allows four (4) months between exams. Dr. Ferguson stated that the ABO/NCLE exams are given in May and November. Ms. Hawkins stated she would like the applicants to receive the testing dates when the administrator sends out the eligibility letters.

### **Other Board Business**

The Board discussed allowing students who have graduated from opticianry school a grace period to be able to work while waiting to sit for the examinations. Mr. Risby made a motion, seconded by Mr. Partain, to allow students a one (1) year grace period after graduation to work

under temporary authorization and direct supervision of a licensed dispensing optician with the stipulation that they must send in semi-annual evaluation forms every six (6) months. If they do not take and pass the examinations within one (1) year, they must appear before the Board. The motion carried.

The Board discussed the issue of applicants waiting until a Board meeting in order to ratify the passing of their practical exam and be issued a license. Ms. Hawkins made the suggestion that Ms. Spitznas issue a “go to work” letter in the interim. Ms. Chitwood made a motion, seconded by Mr. Partain, to delegate the authority to issue “go to work” letters to Ms. Spitznas for those applicants who have met all requirements and had their file reviewed by a member of the Board or consultant. The motion carried.

With no other Board business to conduct, Ms. Chitwood made a motion, seconded by Dr. Risby, to adjourn the meeting at 1:20 p.m. The motion carried.

**Ratified by the Tennessee Board of Dispensing Opticians on January 14, 2009.**