

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MINUTES**

DATE: January 14, 2009

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
Donald Wells, DPO
Dr. Edward Risby, Consumer Member

BOARD MEMBERS

ABSENT: Stacey Chitwood, DPO

STAFF

PRESENT: Melody Spitznas, Board Administrator
Lexie Whittemore, Advisory Attorney
Libby Miller, Director of Health Related Boards
Allison Cleaves, Office of General Counsel
Sandra Tullos, Comptroller's Office
Juanita Stone, Disciplinary Coordinator
Barbara Maxwell, Administrative Director

GENERAL PUBLIC

ATTENDEES: Roy R. Ferguson, Ph.D.
Mellissa Misiak, TDOA
Martha Gentry
Brian Burton
Tish Craven
Bob Mason

Ms. Hawkins, Chair, called the meeting to order at 9:15 a.m. A quorum was present. Ms. Hawkins welcomed the members and guests.

October 15, 2008 Board Meeting Minutes

Upon review of the October 15, 2008 Board meeting minutes, Mr. Risby made a motion, seconded by Ms. Jackson, to approve the minutes as written. The motion carried.

Conflict of Interest

Ms. Whittemore reviewed the conflict of interest policy 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 him or herself from the proceedings and leave the room during the hearing.

Office of General Counsel

Ms. Whittemore stated the Office of General Counsel currently has four (4) cases pending litigation.

Ms. Whittemore informed the Board that rules regarding direct supervision, use of titles, abandonment of application, the jurisprudence examination, apprenticeship-training program, supervision, and petitions for reconsideration are ready to be submitted to the Secretary of State's office for publication. Ms. Whittemore stated that once the rules are published in the Tennessee Administrative Register (TAR), they become effective in seventy-five (75) days. Copies of the amended rules were made available for the Board's review.

Ms. Hawkins asked Ms. Whittemore about the rule pertaining to apprentices having an alternate supervisor should the apprentice not be able to work with the primary supervisor. Ms. Whittemore stated that the Board could consider amending the rule at the Board's next meeting in April 2009.

Investigative and Disciplinary Reports

Ms. Stone stated that there are eleven (11) open complaints in the Office of Investigations for 2008. Three (3) are pending first review, four (4) are in the investigative field and four (4) are pending a second review. Ms. Stone explained that seven (7) of the complaints are regarding unlicensed practice. Ms. Stone stated that all 2007 cases have been closed or resolved. Ms. Stone stated that four (4) cases are in litigation at this time.

Financial Report

Ms. Hawkins explained that the Board's surplus balance was partly transferred to the state's general fund. Ms. Miller explained the breakdown to the Board regarding expenditures and stated the Board had been operating in the red for the past two (2) fiscal years. Ms. Miller said the Board needed consider a fee increase and asked Ms. Spitznas to place the issue on the agenda for the April 2009 meeting.

Administrative Report

Ms. Spitznas said as of the last Board meeting, four (4) new applications for dispensing optician and twelve (12) new applications for apprentice have been received. Ms. Spitznas informed the Board that as of the last Board meeting, two (2) licensees retired their licenses, eleven (11) failed to renew their licenses and three (3) 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. Spitznas stated that in January 2008 the Audit Unit audited two (2) licensees and both were compliant. In February 2008 the Audit Unit audited one (1) licensee who was compliant. In March 2008, one (1) licensee was audited who was in compliance. In April 2008 twenty-three (23) licensees were audited and all were compliant. In May 2008 two (2) licensees were audited and both were compliant. In June 2008 two (2) licensees were audited and both were compliant. In July 2008 one (1) licensee was audited and was compliant. In August 2008 (2) dispensing opticians were audited and both were compliant.

Ms. Spitznas informed the Board that the following issues are to be addressed at this Board meeting: 1) J. Sargeant Reynolds Community College's Opticianry Program; 2) the National Academy of Opticianry's Ophthalmic Career Progression Program (OCP); 3) continuing education requirements for 2009; 4) the practical examination; and 5) proposed rules.

Newly Licensed

Upon review of the newly licensed dispensing opticians, Mr. Partain made a motion, seconded by Dr. Risby, to approve the following new licensees:

Amanda Sue Barnes
Jeremy John Brown
Adam Michael Burns
Benjamin James Cyllus
Thomas Edward Danko
Jamie Marie Davis
Mary-Ann Graybeal
Kevin E. Hershman
Susan Barringer Hoyt
Nancy Angel Jarin
Laura Rose Keith
Sheri Nicole Lindsay
April Dawn Lyles
Elizabeth F. Marsteller
Dennis Keith Morphis
Curtis Maxwell Phillips, Jr.
Pamela Jean Sharpe
Charles E. Tilley

**Jonathan Andrew Trentham
Nathan Samuel Vance
Steve Michael Ward
Johanna Lea Wolford**

The motion carried.

Ratify Reinstatements

Upon review, Mr. Wells made a motion, seconded by Mr. Partain, to approve the following applicant for reinstatement of her license:

Cheri S. Walasinski

The motion carried.

Board Member/Consultant File Review

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

**Samantha Alderson
Paula Bishop
Jena Brannon
Brandi Hawn
Lenora Moore
Jessica Randolph
Steven Swain
Belinda Wall**

The motion carried.

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

**Paula Austin
Lisa Davis
Teresa Griffin
Amanda Hale
Leslee Hall
Emmitt Hayes
Connie Karrick
Brandy Miller
Theresa Richardson
Jacqueline Smallwood
Korina Stanley**

**Heather Vardell
Melissa Vermillion
Kimberly Wasilko
Tammy Weatherly**

The motion carried.

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

**Kathy Blake
Inga Brittingham
James Doherty
Coreane Farmer
Eileen Farrow
Kayla Hardin
Tammy Kangiser
Wilfred Laroche
Tina Lowery
Jerri Martin
Charissa Mullins-Williams
Harry Rowe
Teresa Sullivan**

The motion carried.

Practical Exam Results

Upon review of the exam scores from the practical examination given on November 14, 2008, Dr. Risby made a motion, seconded by Mr. Partain, to accept the practical examination scores for the following applicants:

**Amanda Barnes
Jeremy Brown
Mary-Ann Graybeal
Susan Hoyt
Nancy Jarin
Laura Keith
Mary-Ann Graybeal
Sheri Lindsey
Elizabeth Marsteller
Dennis Morphis
Curtis Phillips
Pamela Sharpe
Charles Tilley
Jonathan Trentham**

**Nathan Vance
Cheri Walisinski
Steve Ward**

Review Continuing Education Requests

International Vision Expo & Conference East 2009, New York NY – March 26 – 29, 2009

Upon review, Mr. Wells made a motion, seconded by Dr. Risby, to approve only ABO/NCLE approved courses regarding the continuing education hours submitted by International Vision Expo. The motion carried.

SECO International – Atlanta, GA – March 4 – 8, 2009

Upon review of the continuing education courses submitted, Mr. Partain made a motion, seconded by Mr. Wells, to approve only ABO/NCLE approved courses regarding the continuing education hours submitted by SECO International. The motion carried.

The Learning Curve

Upon review of the continuing education courses submitted, Ms. Jackson made a motion, seconded by Dr. Risby, to approve the hours submitted by the Learning Curve for the following dates and locations:

**March 15, 2009 – Nashville TN – Palmer Plaza
September 13, 2009 – Nashville TN – Palmer Plaza
February 15, 2009 – Johnson City, TN
March 22, 2009 – Chattanooga, TN
March 29, 2009 – Cookeville, TN
April 19, 2009 – Knoxville, TN
September 20, 2009 – Knoxville, TN
November 15, 2009 – Cookeville, TN**

The motion carried.

Due to it not being in an optician's scope of practice to refract, Ms. Hawkins stated that the Board is cautious concerning opticians obtaining refraction hours for continuing education. Ms. Hawkins highly encourages continuing education providers to inform opticians who are taking refracting courses that refracting is not in an optician's scope of practice.

McDonald & Associates, LLC

Upon review of the continuing education courses submitted, Mr. Wells made a motion, seconded by Dr. Risby to approve the continuing education hours submitted by McDonald & Associates, LLC to be held March 1, 2009 at the Hamilton Eye Institute in Memphis, TN. The motion carried.

Closed Files

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

Christina Booker	Failure to submit semi-annual evaluation reports
Caysie Duey	Failure to submit semi-annual evaluation reports
Laura Hawkins	Failure to submit semi-annual evaluation
Sandra Haworth	Failure to submit semi-annual evaluation reports
Jason Jones	Failure to submit semi-annual evaluation reports and change of supervisor form
Kevin Luckadoo	Failure to submit semi-annual evaluation reports
Beverly Maule	Failure to submit change of supervisor form
Michael McDonald	Failure to submit change of supervisor form
Angela Medlen	Failure to submit semi-annual evaluation reports
Sara Serati	Failure to submit semi-annual evaluation reports
Neil Shaver	Incomplete application
Kelly Short	Withdrew application from the apprenticeship program
Brenda Stone	Failure to submit semi-annual evaluation reports
Kathy Taylor	Withdrew application from the apprenticeship program
Robbie Weinberg	Withdrew application from the apprenticeship program
James Wooten	Failure to submit semi-annual evaluation reports

The motion carried.

Correspondence

The Board reviewed a letter from **Ivie Johnson** requesting approval to make up two (2) hours of continuing education for the year 2008 due to medical reasons. Mr. Partain made a motion, seconded by Ms. Jackson, to allow Ms. Johnson to make up two (2) hours of continuing education. The motion carried.

The Board reviewed a letter from **James Yates** requesting approval to make up eight (8) hours of continuing education for the year 2008 due to medical reasons. Ms. Jackson made a motion, seconded by Dr. Risby, to allow Mr. Yates to make up eight (8) hours of continuing education. The motion carried.

The Board reviewed a letter from **Elizabeth Bryhn** requesting approval to make up one (1) NCLE hour of continuing education for the year 2008 due to medical reasons. Ms. Jackson made a motion, seconded by Dr. Risby, to allow Ms. Bryhn to make up one (1) NCLE hour of continuing education. The motion carried.

The Board reviewed information regarding **J. Sargeant Reynolds Community College's Opticianry Program**. Upon review, Dr. Risby made a motion, seconded by Ms. Jackson to

table this issue until more information is received concerning how students are supervised while performing on the job training. The motion carried.

The Board reviewed a letter from **Matthew Townsend**, Wal-Mart Vision Center manager, regarding the National Academy of Opticianry's (NAO) Ophthalmic Career Progression Program (OCP) requesting the Board's acceptance of the program. After review of the materials concerning the OCP, Ms. Jackson made a motion, seconded by Dr. Risby to deny acceptance of this program due to it not meeting the educational or apprenticeship requirements in Tennessee. The Board directed Ms. Spitznas to send Mr. Townsend a letter informing him of its decision. The motion carried.

Practical Examination

Ms. Hawkins recognized Dr. Roy Ferguson, vendor for administering the Board's practical examination. Ms. Hawkins asked Dr. Ferguson about the content of the exam. Dr. Ferguson stated that it is a practical exam, as well as a written examination. Dr. Ferguson stated that it is an objective examination and requires the applicant to bring his or her own lensclock, thickness gauge and millimeter ruler. Dr. Ferguson stated that he furnishes the lensometer and offered to bring demonstration units for the Board to review at the next meeting in April.

The Board reviewed a letter from **Brandy Miller, ABOC, NCLC** who has taken and failed the practical examination three (3) times and questioned concerns about the vendor writing, administering and scoring the practical examination. Dr. Risby stated that he felt that the integrity of the overall examination process is not the problem, but student and apprentice qualifications. Upon discussion, the Board instructed Ms. Spitznas to send Brandy Miller a letter stating that the Board reviewed the practical examination process and found it to be in order.

Application Review

The Board reviewed the reinstatement application of **Desiree Coffman**. Upon review, it was determined that Ms. Coffman must submit proof of continuing education hours for the year 2008. Upon receipt of this documentation, the Board will reconsider Ms. Coffman's reinstatement application. The Board instructed Ms. Spitznas to send Ms. Coffman a letter asking for this information.

Other Board Business

2009 Continuing Education Requirement

The Board discussed establishing the continuing education requirement for 2009. Upon discussion, Mr. Partain made a motion, seconded by Ms. Jackson to require all licensees to obtain at least four (4) hours of continuing education pertaining to spectacles, at least two (2) hours pertaining to contact lens, two (2) hours pertaining to either spectacle or contact lens and one (1) hour of jurisprudence, which is the jurisprudence exam for the year 2009. The Board instructed Ms. Spitznas to mail all licensees a letter informing them of the 2009 continuing education requirements and the jurisprudence exam. The letter is also to advise the licensees that

the jurisprudence exam must be submitted to the Board's administrative office no later than December 31, 2009. The motion carried.

With no other Board business to conduct, Dr. Risby made a motion, seconded by Ms. Jackson to adjourn the meeting at 1:10 p.m. The motion carried.

Ratified by the Tennessee Board of Dispensing Opticians on April 15, 2009