

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MINUTES**

DATE: April 15, 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 37243

BOARD MEMBERS

PRESENT: Kathy Hawkins, DPO, Chair
Shane Partain, DPO, Secretary
Kimberly Jackson, DPO
Donald Wells, DPO
Edward Risby, Consumer Member

STAFF

PRESENT: Lakita Taylor, Board Administrator
Lucy Bond, Advisory Attorney
Libby Miller, Director of Health Related Boards
Juanita Stone, Disciplinary Coordinator
Barbara Maxwell, Administrative Director

Ms. Hawkins, Chair, called the meeting to order at 9:12 a.m. A quorum was present. Ms. Hawkins recognized Lakita Taylor as the new Board Administrator and Lucy Bond as the Board's new attorney.

Discuss Practical Examination

Roy Ferguson, Ph.D. appeared before the Board to address changes suggested by the Board at the last meeting. The Board reviewed copies of the exam supplied by Dr. Ferguson. Dr. Ferguson stated the first 40 questions remained the same, while questions 41-65 reflected the changes suggested. Dr. Ferguson said the time to complete the examination will be increased from one and one half (1 ½) hours to two (2) hours and the option for candidates to bring their own lensometer is now available. Dr. Ferguson stated he felt the changes would improve the quality of the exam. Mr. Partain made a motion, seconded by Mr. Wells, to approve the changes to the practical examination. The motion carried.

January 14, 2009 Board Meeting Minutes

Upon review of the January 14, 2009 Board meeting minutes, Dr. Risby made a motion, seconded by Mr. Wells, to approve the minutes as amended. The motion carried.

Conflict of Interest

Ms. Bond said the conflict of interest policy 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. Bond 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

The Office of General Counsel currently has five (5) disciplinary cases pending.

The Chancery Court on February 13, 2009, heard a motion regarding the appeal filed by the National Association of Optometrists and Opticians, Inc., of the Declaratory Order of this Board in October 2007. The Chancellor took the matter under advisement and has not yet ruled.

The amendments to rules 0480-1-.01, .03, .07, .08, .14, and .19 will become effective on June 10, 2009.

Investigative and Disciplinary Reports

There are sixteen (16) complaints in the Office of Investigations for Dispensing Opticians. Two (2) were referred to OGC, two (2) were closed, three (3) are being investigated from 2008. Five (5) cases are pending at OGC.

Financial Report

The Board discussed the surplus balance and expenditures. Ms. Maxwell presented the Board with a chart illustrating the Board's funding options with regards to increasing revenues.

Ms. Bond explained to the Board that increasing fees would require a discussion, rule amendment and vote by the Board. Mr. Partain made a motion, seconded by Ms. Jackson, to increase fees as follows:

Dispensing Optician application - \$150
Dispensing Optician renewal - \$300
Apprentice application - \$100
Apprentice renewal - \$100/yr

The motion carried.

Administrative Report

There are currently 799 active dispensing opticians and 259 active apprentices. Three (3) licensees retired their licenses, one (1) failed to renew their licenses and three (3) are deceased since the last meeting.

Newly Licensed

There were no new licensees to approve at this meeting.

Ratify Reinstatements

There were no reinstatements to approve at this meeting.

Board Member/Consultant File Review

Dr. Risby made a motion, seconded by Ms. Jackson, to approve the following applicants, initially approved by the consultant, to sit for and/or retake the practical examination:

Randall Bennett

Paula Austin

Lisa Davis

Amanda Hale

Emmitt Hayes

Lenora Moore Herndon

Brandy Miller

Theresa Richardson

Jacqueline Smallwood

Korina Stanley

Steven Swain

Tammy Weatherly

The motion carried.

Ms. Jackson made a motion, seconded by Mr. Partain, to approve the following apprenticeship applicants initially approved by the consultant:

Paige Buchmeier

Kevin Hicks

Jon Highland

David Manues

Rachel Wallin

Michael Wright

The motion carried.

Practical Exam Results

Mr. Partain made a motion, seconded by Ms. Jackson, to accept the practical examination scores of March 2, 2009 for the following applicants:

Samantha Alderson
Paula Bishop
Jena Brannon
Leslee Hall
Brandi Hawn
Connie Karrick
Jessica Randolph
Heather Vardell
Melissa Vermillion
Belinda Wall

The motion carried.

Review Continuing Education Requests

Dr. Risby made a motion, seconded by Ms. Jackson, to approve the following continuing education courses submitted by TDOA:

April 26, 2009 – Memphis Chapter

Speaker: B.W. Phillips

“Hybrid Contact Lenses”

“HIV, AIDS and the Ocular Profession”

“Presbyopic Options – Eyeglasses for Contacts”

“Analysis of Corneal Topography”

Speaker: Diane Drake

“Basic Refractive Status of the Eye”

“Ten Proven Techniques for Eliminating Progressive Lens Fitting Errors”

April 26, 2009 – Johnson City Chapter

Speaker: Edward DeGennaro

“The Truth about Optical Myths, Half-Truths and Falsehoods”

“What’s the Latest Technology?”

Speaker: Michael Ward

“Basic Corneal Topography”

“Toric Soft Lens Fitting”

“Contact Lens Grand Rounds”

The motion carried.

Closed Files

Upon review, Mr. Partain made a motion, seconded by Dr. Risby, to close the following applications for licensure and/or apprenticeship:

Katie Austin	Withdrew application
Lois Ailsworth	Failure to submit semi-annual evaluation reports
Andrew Bodenheimer	Failure to submit semi-annual evaluation reports
Cristy Brady	Failure to submit semi-annual evaluation reports
Bruce Cole	Failure to submit semi-annual evaluation reports and change of supervisor form
Jennifer Darnell	Failure to submit semi-annual evaluation reports
Kristin Davis	Failure to submit change of supervisor form
Jamie Kowalski	Failure to submit change of supervisor form
Stacey Morris	Failure to submit semi-annual evaluation reports
Christopher Padgett	Failure to submit semi-annual evaluation reports
Eric Peters	Incomplete application
Katie Slachciak	Failure to submit semi-annual evaluation reports
John Szaban	Failure to submit semi-annual evaluation reports
Allison Vaughn	Failure to submit semi-annual evaluation reports

The motion carried.

Application Review

Mr. Wells made a motion, seconded by Mr. Partain, to approve **Brandy Buckley's** application for apprenticeship. The motion carried.

Dr. Risby made a motion, seconded by Mr. Wells, to delay **James Creel's** application for apprenticeship and further discuss the issue of managers apprenticing under licensed opticians at the next Board meeting. The motion carried.

Ms. Jackson made a motion, seconded by Dr. Risby, to delay **Willie Jean Person's** application for apprenticeship and further discuss the issue of managers apprenticing under licensed opticians at the next Board meeting. The motion carried.

The Board reviewed the following apprentice applications indicating no on-site lab at place of employment:

Nuro Alas
Linda Holladay
Vanessa Luttrell
Julia Raybuck
Timothy Reeves
Timothy Seaton

Mr. Wells made a motion, seconded by Ms. Jackson, to invite the applicants to the next Board meeting to address the laboratory requirement for apprenticeship. The motion carried.

Mr. Wells made a motion, seconded by Ms. Jackson, to approve **Dawn Beatty-Enderle** to sit for the practical examination. The motion carried.

Mr. Partain made a motion, seconded by Dr. Risby, to approve **Nicholas Ellis** to sit for the practical examination. The motion carried.

Ms. Jackson made a motion, seconded by Dr. Risby, to approve **Tusha Gilbert** to sit for the practical examination. The motion carried.

Upon review, Dr. Risby made a motion, seconded by Ms. Jackson, to approve **Misty Lee** to sit for the practical examination. The motion carried.

Mr. Partain made a motion, seconded by Dr. Risby, to approve **Kimberly Wasilko** to sit for the practical examination. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Partain, to approve **Robert Mayo's** reinstatement application upon making up the required continuing education hours for 2007. The motion carried.

Correspondence

The Board reviewed a letter from **Jacqueline Smallwood**, dated March 24, 2009, requesting additional time to complete the practical examination. The Board asked Ms. Taylor to send a letter to Ms. Smallwood explaining the changes made to the practical examination.

The Board reviewed a letter from **Steven Fekete**, dated February 2, 2009, requesting approval to make up the required continuing education for the year 2008 in 2009. The Board approved Mr. Fekete's request and asked Ms. Taylor to send a letter to Mr. Fekete outlining the CE requirements and giving him the option to submit Ohio CE courses for approval pursuant to the rules.

The Board reviewed a letter from **Vicki Bowers**, dated February 12, 2009, requesting a waiver of the apprenticeship requirement for licensure. Ms. Jackson made a motion, seconded by Dr. Risby, to deny Ms. Bowers' request due to not meeting the requirements of rule 0480-1-.04(3) subparts (b) and (c). The motion carried.

The Board reviewed a letter from **Brian Burton**, dated January 27, 2009, requesting consideration to sit for the practical examination. The Board instructed Mr. Burton to submit an application to the Board's administrative office.

The Board reviewed a letter from **Sharon Cyphers**, dated April 8, 2009 requesting a waiver of continuing education for 2009. Dr. Risby made a motion, seconded by Ms. Jackson, to delay a

decision pending receipt of a statement from Ms. Cypher's physician or other health care provider. The motion carried.

The Board reviewed a letter from **W. Joe Anderson, OD**, dated April 14, 2009, requesting a waiver of continuing education for 2009 on behalf of **Gena Stallings**, who was called to active duty with the National Guard. Mr. Wells made a motion, seconded by Dr. Risby, to approve the waiver request for Ms. Stallings. The motion carried.

Discuss issue regarding Apprentice Supervisors

The Board discussed the new rule (0480-1-.14(1)(a)) regarding how many apprentices a licensed dispensing optician may supervise. Mr. Partain made a motion, seconded by Ms. Jackson, to interpret this rule to permit unlimited temporary supervision of apprentices. The motion carried.

Set Board Meeting Dates for 2010

The Board set the following Board meeting dates for 2010:

January 6, 2010
April 21, 2010
July 28, 2010
October 20, 2010

With no other Board business to conduct, Dr. Risby made a motion, seconded by Mr. Partain, to adjourn the meeting at 4:05 p.m. The motion carried.

Approved by the Tennessee Board of Dispensing Opticians on June 9, 2009