

**TENNESSEE BOARD OF DISPENSING OPTICIANS  
MINUTES**

**DATE:** October 21, 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  
Donald Wells, DPO  
Kimberly Jackson, DPO  
Larry Christopher, DPO  
Edward Risby, PhD, Consumer Member

**STAFF**

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

Ms. Hawkins, Chair, called the meeting to order at 9:30 a.m. A quorum was present. The Board welcomed new Board member, Larry Christopher, DPO from Memphis, TN.

**Board Orientation**

Mr. Mezer addressed certain issues regarding the relationship of the Office of General Counsel and his role as the Board's attorney.

**Conflict of Interest**

Mr. Mezer advised the Board to disclose any conflict of interest they may have, whether existing or potential, which could affect the performance of their duties as Board members. Mr. Mezer reminded the Board of the Tennessee Open Meetings Act which requires any discussion of Board business between two (2) or more Board members to be on the record.

## **June 9, 2009 Board Meeting Minutes**

The Board reviewed the June 9, 2009 Board meeting minutes. Mr. Wells made a motion, seconded by Dr. Risby, to approve the minutes. The motion carried.

### **Office of General Counsel**

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

An order of compliance for Peggy Coleman, DPO was presented to the Board. Dr. Risby made a motion, seconded by Ms. Jackson, to accept the order of compliance. The motion carried.

The National Association of Optometrists and Opticians' appeal of the Declaratory Order from October 2007, to the Chancery Court of Davidson County, was heard on February 13, 2009. The Chancellor took the matter under advisement and has not yet ruled.

### **Investigative and Disciplinary Reports**

There are fifteen (15) complaints in the Office of Investigations for Dispensing Opticians. Two (2) licensees are currently being monitored, and two (2) licenses were revoked.

### **Financial Report**

No Report at this time.

### **Administrative Report**

There are currently 808 active dispensing opticians and 241 active apprentices. Four (4) licensees retired their licenses and nine (9) failed to renew since the last meeting.

Agreed citations were mailed to licensees who were not compliant with the one (1) hour jurisprudence requirement for 2008. Of the one hundred twenty-two (122) agreed citations mailed, ninety-nine (99) were received with the assessed civil penalty of one hundred dollars (\$100) and a completed copy of the jurisprudence examination.

For the period of January 2009 through June 2009, ten (10) Dispensing Opticians were audited for continuing education and all were compliant.

### **Newly Licensed**

Ms. Jackson made a motion, seconded by Mr. Wells, to approve the following newly licensed Dispensing Opticians:

**Randall Bennett**  
**Nicholas Ellis**  
**Tiffany Gallina**

**Tya Gallina**  
**Misty Lee**  
**Samantha Norris**  
**Leslie Robinson**  
**Anthony Schlemmer**  
**Kim Sears**  
**Timothy Seay**  
**Jacqueline Smallwood**  
**Kimberly Wasilko**

The motion carried.

### **Ratify Reinstatements**

Ms. Jackson made a motion, seconded by Dr. Risby, to approve the following reinstated Dispensing Optician(s):

**Cheri Guymon**  
**Melissa Porter**

The motion carried.

### **Practical Exam Results**

The Board reviewed the results of the July 13, 2009 practical exam. Questions regarding the pass/fail rate were addressed. Roy Ferguson stated he would include the number of times each candidate has taken the exam in future reports.

### **Review Continuing Education Requests**

Mr. Christopher made a motion, seconded by Dr. Risby, to approve the following continuing education courses submitted by the **Learning Curve**:

**November 8, 2009 – Courtyard Marriott Nashville Airport, Nashville, TN**

Speaker: Roy R. Ferguson, PhD

*“Introduction to Lens Function”*

*“Application of Lens Function”*

*“Lens Functions at Oblique Meridians”*

*“Anisometropia”*

*“Applied Prism”*

*“Vertex Distance and Effective Power”*

*“Ranges of Accommodation”*

*“Advanced Progressive Lens Fitting”*

The motion carried.

Mr. Wells made a motion, seconded by Ms. Jackson, to approve the following continuing education courses, submitted by Steve Ward, DPO, for the **National Academy of Opticianry** with the exception of the course titled "*Prevention of Medical Errors*":

**October 17-18, 2009 – Educational Seminar, Orlando, FL**

Speaker: William B. Underwood, MA, ABOM, FNAO, FCLSA  
"*Prevention of Medical Errors*"

Speaker: James Slightom, ABO, FNAO  
"*Principles of Optics*"  
"*Finding Uncommon Solutions for Uncommon Rx's*"  
"*Corneal Reshaping*"  
"*Astigmatism – Why Choose a GP Lens to Correct It?*"  
"*GP Multifocal Contacts, Which Design?*"

The motion carried.

Ms. Jackson made a motion, seconded by Dr. Risby, to approve the following continuing education courses, submitted by Jessica McNeil, DPO, for the **National Academy of Opticianry** with the exception of the course titled "*Refraction*":

**October 17-18, 2009 – Educational Seminar, Orlando, FL**

Speaker: James Slightom, ABO, FNAO  
"*Principles of Optics*"  
"*Finding Uncommon Solutions for Uncommon Rx's*"

Speaker: William B. Underwood, MA, ABOM, FNAO, FCLSA  
"*Refraction*"  
"*Professional Optical Salesmanship*"  
"*Aspheric and Aterior Lenses for 21<sup>st</sup> Century*"

Speaker: Billie Taylor, FNAO and Lynn Lawrence, CPOT  
"*Dispensing*"  
"*Front Office Procedures*"  
"*Dealing with Difficult Patients*"

The motion carried.

**Closed Files**

Ms. Jackson made a motion, seconded by Mr. Wells, to close the following applications for licensure and/or apprenticeship:

<b>David Allen</b>	<b>Failure to submit semi-annual evaluation reports</b>
<b>Lance Butterfield</b>	<b>Failure to submit semi-annual evaluation reports</b>
<b>James Creel</b>	<b>Withdrew apprentice application</b>

**Amanda Ferrell  
Holly Gore  
Herbert Lewis  
Andrea Lillard  
Dewey Miller  
Amanda Perkins  
Kellie Richardson  
Melissa Swenson  
Katie Young**

**Failure to submit semi-annual evaluation reports  
Failure to submit semi-annual evaluation reports  
Failure to submit semi-annual evaluation reports  
Incomplete apprentice application  
Failure to submit semi-annual evaluation reports  
Failure to submit semi-annual evaluation reports  
Failure to submit semi-annual evaluation reports  
Failure to submit supervisor form & evaluation reports  
Failure to submit semi-annual evaluation reports**

The motion carried.

**Application Review**

Attorney Bill West presented information to the Board regarding Wal-Mart apprentices and the issue of laboratory requirement training. Mr. West provided a chart outlining an inventory of laboratory equipment available at vision center locations across the state. Mr. West stated Wal-Mart has developed a formal program which will accommodate apprentices and apprentice supervisors to travel to locations to fulfill the laboratory requirement for apprenticeship training. Upon discussion, Mr. Wells made a motion, seconded by Ms. Jackson, to approve the following apprentice applicants pending receipt of a letter explaining where laboratory training will take place:

**Nuro Alas  
Cristy Brady  
Jannie Gregory  
Linda Holladay  
Michael Jones  
Vanessa Luttrell  
Ruth Osborne  
Chatika Price  
Julia Raybuck  
Timothy Reaves  
Jennie Townsend  
Matthew Townsend  
Brandi Wendt  
Allison Wolfe  
Trisha Wright**

The motion carried.

**Apprentice Applicants**

Dr. Risby made a motion, seconded by Ms. Jackson, to approve **Sabrina Carroll** for apprenticeship training. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Wells, to approve **Renee Cearing** for apprenticeship training. The motion carried.

Mr. Christopher made a motion, seconded by Dr. Risby, to approve **Aaron Reagan** for apprenticeship training. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Christopher, to approve **Rachael Ridge** for apprenticeship training. The motion carried.

Mr. Wells made a motion, seconded by Dr. Risby, to approve **Timothy Seaton** for apprenticeship training. The motion carried.

Dr. Risby made a motion, seconded by Mr. Christopher, to approve **Mary Ann Smith** for apprenticeship training. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Christopher, to approve **Matthew Smith** for apprenticeship training. The motion carried.

#### Reinstatements

Mr. Wells made a motion, seconded by Mr. Christopher, to approve **Nancy Burnette** for reinstatement. The motion carried.

Mr. Christopher made a motion, seconded by Mr. Wells, to approve **Robert Mayo** for reinstatement. The motion carried.

Mr. Christopher made a motion, seconded by Mr. Wells, to approve **Charles Owens** to sit for the practical examination before reinstating. The motion carried.

#### DPO Applicants

Ms. Jackson made a motion, seconded by Mr. Christopher, to approve the following applicants to sit for the practical examination:

**Eman Kiswani**  
**Lindsey Morris**  
**Cynthia Perry**  
**Ashley Walden**  
**Winter Walker**

The motion carried.

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

Dr. Risby made a motion, seconded by Mr. Wells, to approve **Chrissy Bledsoe** to sit for the practical examination. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Christopher, to approve **Jessica Daugherty** to sit for the practical examination. The motion carried.

Ms. Jackson made a motion, seconded by Mr. Christopher, to defer a decision on the following applicants and request additional information regarding laboratory experience:

**Kristy Flatford**  
**Sarah Fox**  
**Hali Gibson**  
**Marietta Greene**  
**Karen Pratt**  
**Jessica Villamizar**  
**Sue Walker**

The motion carried.

### **Correspondence**

The Board reviewed a letter from **Roy Ferguson**, dated September 18, 2009, requesting consideration of a process which would allow applicants from unlicensed states to obtain licensure through a form of reciprocity. The Board deferred action on the matter until the next meeting.

The Board reviewed a letter from **Dennis Osiak**, dated June 25, 2009, requesting a waiver of the required practical examination. Ms. Jackson made a motion, seconded by Mr. Wells, to deny Mr. Osiak's waiver request. The motion carried.

The Board reviewed letters from **Emmit Hayes** and **Paula Austin**, dated August 1 and August 5, 2009, requesting review of the practical examination. The Board deferred action on the matters until the next meeting.

The Board reviewed a letter from **Dolores Wilson**, dated September 28, 2009, requesting a waiver of the one hundred dollar (\$100) civil penalty assessed for the deficient one (1) hour jurisprudence continuing education for 2008. Ms. Jackson made a motion, seconded by Mr. Christopher, to grant Ms. Wilson an extension of six (6) weeks to pay the civil penalty. The motion carried.

The Board reviewed a letter from **W. Joe Anderson, OD**, dated August 31, 2009, requesting a waiver of the one hundred dollar (\$100) civil penalty and the one (1) hour jurisprudence continuing education requirement for 2008 on behalf of **Gena Stallings**, who was called to active duty with the National Guard. Dr. Risby made a motion, seconded by Mr. Wells, to approve the waiver request for Ms. Stallings. The motion carried.

The Board reviewed a letter from **Jennifer Sweitzer**, dated August 1, 2009, requesting a waiver of the one hundred dollar (\$100) civil penalty and the one (1) hour jurisprudence continuing education requirement for 2008. Ms. Jackson made a motion, seconded by Mr. Christopher, to deny Ms. Sweitzer's waiver request. The motion carried.

#### **Discuss contract for practical examination**

The Board discussed the contract for the practical examination. The Board requested that the practical examination be administered in the conference rooms at the Board's administrative office location. Mr. Ferguson agreed to the request.

#### **Discuss laboratory requirement for apprenticeship training**

The Board discussed the laboratory requirement for apprenticeship training.

#### **Discuss and consider revising application for apprenticeship**

The Board approved the proposed changes to the application for apprenticeship. Changes included additional questions to page three (3), four (4), and five (5) of the application which require information regarding supervision during apprenticeship, duties to be performed, equipment available at the facility, and methods of obtaining the one thousand (1,000) hours of required laboratory training.

#### **Election of officers**

Dr. Risby made a motion, seconded by Ms. Jackson, to re-elect Ms. Hawkins as Board Chair. The motion carried.

Mr. Wells made a motion, seconded by Ms. Jackson, to elect Mr. Christopher as Board Secretary. The motion carried.

#### **Discuss new Board business**

No new business was discussed.

With no other Board business to conduct, Dr. Risby made a motion, seconded by Ms. Jackson, to adjourn the meeting at 4:37 p.m. The motion carried.