

**TENNESSEE STATE BOARD OF DISPENSING OPTICIANS
MEETING**

DATE: January 17, 2007

TIME: 9:00 a.m., CST

LOCATION: Heritage Place, Metro Center
Suite 300 Conference Room
222 French Landing
Nashville, TN

BOARD MEMBERS

PRESENT: Kelly Godsey, Dispensing Optician, Chair
Kathy Hawkins, Dispensing Optician
Felda Stacey, Dispensing Optician
Dr. Edward Risby

BOARD MEMBERS

ABSENT: Stacey Chitwood, Dispensing Optician
Peggy Hannah, Dispensing Optician

STAFF PRESENT: Lakita Taylor, AARB1, Acting Board Administrator
Barbara S. Maxwell, Administrative Director
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Regulations Manager

STAFF ABSENT: Stacy Lannan, Board Administrator

GENERAL PUBLIC

ATTENDEES: Tonya Rice, D.P.O.
Rusty Martin
Angie Muldoon
Martha Gentry, NAOO
Tish Craven
Roy Ferguson, Ph.D.
Brandy Murray, D.P.O.
Mark Partain, D.P.O.
Randy Dishmon, D.P.O.

Mr. Godsey, chair, called the meeting to order at 9:45 a.m. A sufficient number of board members were present to constitute a quorum.

Mr. Godsey asked everyone in the meeting room to turn off their cell phones and stated that although this was a public meeting, it is not a public forum, and the audience cannot speak unless recognized to do so by the board.

Mr. Godsey welcomed Lakita Taylor to the meeting and thanked her for taking over the board administrator duties in the absence of Stacy Lannan who is on maternity leave.

Review/Ratify October 11, 2006 Board Meeting Minutes

Upon review of the October 11, 2006 Board Meeting minutes, Ms. Hawkins made a motion, seconded by Dr. Risby, to ratify the minutes as written. The motion carried.

Conflict of Interest Policy Statement

Ms. Armstrong stated she must review the conflict of interest policy statement at all board meetings and asked the 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.

Office of General Counsel (OGC) Report

Ms. Armstrong said the rule amendment regarding titles, advertising, screening panels, pre 1996 apprenticeship experience and other state licensing requirements were adopted by the Board January 11, 2006 and sent to the Attorney General January 26, 2006 where they remain.

Ms. Armstrong said the rule amendment regarding apprenticeship program requirements, jurisprudence examination, petitions for stay and reconsideration will be presented to the Board today for adoption.

Ms. Armstrong said there is one open case pertaining to the Board of Dispensing Opticians in OGC.

Report from Jerry Kosten, Regulations Manager

Mr. Kosten discussed the rule amendments regarding direct supervision, application review, approval, denial, interviews, examinations, apprenticeship training program requirements and authorizing the board member who chaired the board for a contested case to be the agency member to make the decision regarding petitions for reconsiderations and stays in that case.

Mr. Kosten stated he received a response from Franklin D. Rozak, National Association of Optometrists and Opticians (NAOO) regarding the amendments to the apprenticeship training program and direct supervision. Mr. Kosten said Ms. Gentry of the NAOO is present to discuss any portion of the letter.

Mr. Godsey asked how the Board can communicate with Mr. Rozak as there is no address on the letter; Ms. Gentry stated that she would provide an address for Mr. Rozak.

The Board discussed the concerns/questions detailed in the NAOO letter, and Ms. Armstrong advised the Board regarding the requirement in their law/rules that apprentices practice only under direct, on-site supervision (including the requirement that a licensed D.P.O. inspect the finished glasses and fit them to the patient's face). Upon discussion, the Board decided to table the rules to allow for amendments allowing for two apprenticeship training supervisors; Mr. Kosten will present the new rulemaking hearing notice at the March 26, 2007, Board meeting.

Upon discussion of rescinding approval of apprenticeship programs for failure to submit the semi-annual evaluation reports within thirty (30) days after the end of the applicable training period, the Board decided to keep the number of days at thirty (30) and emphasized that it is the apprentice's responsibility to ensure their submission.

Investigative Report

Ms. Phelps reviewed the Investigative Report stating of the nine (9) complaints received against Dispensing Opticians six (6) have been closed; two (2) with no action; one (1) with a letter of concern; and, three (3) referred to OGC.

Disciplinary Report

Ms. Phelps stated the Disciplinary Report is a list of practitioners currently being monitored.

Mr. Godsey asked if the board would be notified if a practitioner failed to comply with the discipline.

Ms. Phelps said if a practitioner failed to comply with the discipline it would come before the board as a new complaint. Ms. Phelps said Investigations is working with the Attorney General to garnish wages for those not complying with the civil penalties and cost of the case.

Financial Report

Ms. Taylor reviewed the Financial Report with the board stating there is a cumulative carryover of \$173,286.49 as of June 30, 2006.

Administrative Report

Ms. Taylor said as of October 2006, eight (8) dispensing opticians were licensed, four (4) retired their licenses and five (5) failed to renew their license.

Ms. Taylor said there are 800 active, 186 retired and 393 failed to renew licensees.

Ms. Taylor said the standard mileage rate for travel has increased to \$.46 a mile and in-state lodging has increased to \$60 per night.

Ratify Newly Licensed Dispensing Opticians

Upon review, Ms. Hawkins made a motion, seconded by Ms. Stacey, to ratify the following newly licensed dispensing opticians:

William Abrams, D.P.O.
William Barnett, D.P.O.
Tina Bear, D.P.O.
Debbie Draper, D.P.O.
Berry Jackson, D.P.O.
Jeremy Lloyd, D.P.O.
James Michalski, D.P.O.
Jeffrey Reames, D.P.O.
William Thompson, D.P.O.

The motion carried.

Ratify New Apprentice Applicants

Upon review, Ms. Stacey made a motion, seconded by Dr. Risby, to ratify the following new apprentice applicants:

Leigh Barnett, File #2245
Amanda Barton, File #2228
Judy Bingham, File #1690
Sue Campbell, File #2226
Barbara Carter, File #1853
Donna Church, File #2225
Sandra Crawley, File #2233
Curtis Dedman, File #2206
Carolyn Dickerson, File #2210
Cathy Dunavin, File #2235
Kristy Flatford, File #2195
Shelley Fournier, File #2217
Denise Fuston, File #2252
Elesha Goodwin, File #2232
Ryan Hardison, File #2218
Renee Hobdy, File #2229
Pamela Howard, File #2243
Candice Jackson, File #2212
Kasey Jones, File #2199
Nicole Jones, File #2238

Connie Karrick, File #2242
Scott Kenkel, File #2203
Judy Kirk, File #2219
Rickie Lindsey, File #1882
Kevin Luckadoo, File #2251
Russell Manier, File #2239
Phoebe McGraw, File#2223
Teresa Miller, File #2230
Lardell Montgomery, File #2155
Wednesday Morelock, File #2198
Brandy Pulliam-Gravitt, File #2247
Jeanette Richmond, File #2200
Candace Stone, File #2236
Betty Stout, File #2211
Kathy Taylor, File #2246
Robin Thompson, File #2205
Brenda Tittsworth, File #1720
Brenda Travis, File #2215
Richard Valentine, File #2204
Patrick Wade, File #2208
Linda White, File #2227
David Williams, File #2231
Gwendolyn Williams, File #2241
Kellie Workings, File #2207

The motion carried.

Upon review, Ms. Hawkins made a motion, seconded by Ms. Stacey, to ratify the following reinstatement applications:

Kimberly A. Patten, D.O.
Dorothy E. Verkler, D.O.

The motion carried.

Ratify Closed Applications

Upon review, Ms. Hawkins made a motion, seconded by Dr. Risby, to ratify the following closed applications:

Barbara Akers
Andrew Bodenheimer
Samuel Cotner
Melissa Cox
David Doss
Davis Hollis

**Alfred Hassett
Terri Popejoy
Patrick Putnam
Alice Randolph
Jeremy Wright
Diane Ashley
Vicki Bowers**

The motion carried.

Review/Approve Continuing Education

1. C.E.D.O., Inc.:

March 24, 2007 – Hilton Garden Inn, Knoxville, TN
March 25, 2007 – Embassy Suites, Nashville, TN

2. International Vision Expo:

March 22-25, 2007 – Jacob Javits Convention Center, New York, NY

3. The Learning Curve:

February 11, 2007 – Palmer Plaza, Nashville, TN
February 25, 2007 – Southwest Tennessee Community College, Memphis, TN
March 11, 2007 – Palmer Plaza, Nashville, TN
March 18, 2007 – Holiday Inn, Knoxville, TN
April 15, 2007 – Holiday Inn, Chattanooga, TN
April 22, 2007 – Holiday Inn, Johnson City, TN
May 20, 2007 – Cookeville Regional Hospital, Cookeville, TN
September 9, 2007 – Holiday Inn, Knoxville, TN
November 11, 2007 – Cookeville Regional Hospital, Cookeville, TN

4. Tennessee Dispensing Opticians Association:

February 11, 2007 – Erlanger Medical Center, Chattanooga, TN
February 25, 2007 – Baptist Hospital, Nashville, TN
March 11, 2007 – UT Hospital (Wood Auditorium), Knoxville, TN

Review/Discuss Correspondence

Upon review of the letter from **Jerry Knoch, D.P.O.**, requesting that the board allow him to make up four (4) hours of continuing education he failed to complete in 2006, the board requested that Mr. Knoch submit more information.

Upon review of the letter and doctor's note from **Ivie Johnson, D.P.O.**, requesting that the board allow her to make up two (2) hours of continuing education she failed to complete in 2006 due to illness, Ms. Hawkins made a motion, seconded by Ms. Stacey, to grant Ms. Johnson's request. The motion carried.

Upon review of the letter from **Tammy L. Faulk, D.O.**, request that the board allow her to make up continuing education hours she failed to complete in 2006 due to illness, the board requested that Ms. Faulk submit more information.

Review/Approve new and failed applicants to sit for the practical examination

Upon review, Ms. Hawkins made a motion, seconded by Ms. Stacey, to approve the following applicants to sit for the practical examination:

Amy Baragona
Alan Borders
Christopher Davidson
William Maurice

The motion carried.

Upon review, Dr. Risby made a motion, seconded by Ms. Stacey, to allow the following applicants to retake the practical examination:

Russell Bridges
Amanda DeFreece
Denise Hix
Mica Kidd
Martha Kirkpatrick
Amanda Kline
Sharon Kurtz
Britney Riddle
Emily Walkup

The motion carried.

Apprenticeship Program Applications

Upon review of the apprenticeship application of **Sherisa Johnson**, Ms. Hawkins made a motion, seconded by Ms. Stacey, to have administration send Ms. Johnson a letter asking for clarification of the dates listed as supervision. The motion carried.

Upon review of the apprenticeship application of **Lance Perry** to complete an additional apprenticeship in order to meet the 5,250 hour requirement under the supervision of an approved supervisor, Ms. Hawkins made a motion, seconded by Ms. Stacey, to approve Mr. Perry's application and supervisor. The motion carried.

Upon review of the apprenticeship application for **Dorothy True**, Ms. Hawkins made a motion, seconded by Dr. Risby, to have Ms. True submit only the hours she worked under her designated supervisor (emphasizing that the Board's laws/rules state that an apprentice can only practice under the supervision of the approved supervisor). The motion carried.

Ms. Stacey said she received a call from Wal-Mart and told them to contact Ms. Armstrong. Ms. Armstrong said she is the board's advisory attorney and cannot give legal opinions to anyone but the Board. Ms. Armstrong said all callers to the Board's administrative office with questions are directed toward the applicable Board law and rules. If they wish to contact the Board, they are asked to submit their questions in writing and, if the Board can respond it will; otherwise, staff, recommends that people seeking legal guidance contact an attorney of their own choosing.

Ms. Armstrong said administration received correspondence from Wal-Mart which was removed from the board books at her direction as it could potentially involve an allegation of a violation the Board's law or rules. Ms. Armstrong said that the administrative staff could not comment on the existence or status of an investigation/complaint, and said that if the Board were to have prior knowledge of the circumstances of a complaint or investigation, the entire Board would have to be recused and a new board appointed to hear a contested case.

Schedule Continuing Education Requirements for 2007

Upon discussion, Ms. Hawkins made a motion, seconded by Dr. Risby, to require a minimum of four (4) continuing education hours in spectacles and two (2) continuing education hours, with a maximum of four (4), in contact lens. The motion carried.

Discuss No-Cost Contract for the Learning Curve

Mr. Godsey stated he spoke with Brenda Newson, contract administrator for the Bureau of Health Licensure and Regulation, and the Learning Curve's contract doesn't expire until July 2007 and requested the discussion of its renewal to be tabled to the March 2007 meeting. All board members concurred. The Board and the TDOA also wish to discuss amending the contract to allow for applicants to appeal failing exam scores to the Board; Ms. Armstrong said that her office was inclined to advise against such an amendment, and suggested that the topic be discussed with HRB Director Robbie Bell at the next meeting.

With no other board business to conduct, Dr. Risby made a motion, seconded by Ms. Stacey, to adjourn the board meeting at 12:07 p.m. The motion carried.

Ratified by the Board of Dispensing Opticians at the March26, 2007 board meeting.

