

**TENNESSEE BOARD OF DISPENSING OPTICIANS  
MINUTES**

**DATE:** March 26, 2007

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

**LOCATION:** Health Related Boards  
Iris Board Room  
227 French Landing, Suite 150  
Heritage Place MetroCenter  
Nashville, TN

**BOARD MEMBERS**

**PRESENT:** Kelly Godsey, DPO, Chair  
Kathy Hawkins, DPO  
Felda Stacy, DPO  
Stacy Chitwood, DPO  
Dr. Edward Risby, Consumer Member

**BOARD MEMBERS**

**ABSENT:** Peggy Hannah, DPO

**STAFF**

**PRESENT:** Stacy Lannan, Board Administrator  
Barbara Maxwell, Administrative Director  
Nicole Armstrong, Advisory Attorney  
Jerry Kosten, Rules Coordinator  
Lakita Taylor, AARBI

**GENERAL PUBLIC**

**ATTENDEES:** Roy Ferguson, Ph.D.  
Shane Partain, DPO  
Martha Gentry, NAOO  
Tish Craven

Mr. Godsey called the meeting to order at 9:06a.m. A sufficient number of board members were present to constitute a quorum.

**Ratify January 17, 2007 Board Meeting Minutes**

Upon review of the January 17, 2007 board meeting minutes, Ms. Chitwood made a motion, seconded by Ms. Hawkins to ratify the minutes as written. The motion carried.

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

Ms. Armstrong 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. Armstrong stated that if a Board member has a conflict of interest they must recuse him/herself from the proceedings and leave the room during the hearing

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

Ms. Armstrong said the rule amendment regarding use of titles, advertising, screening panels, pre-1996 apprenticeship experience and other state licensing requirements were adopted by the Board on January 11, 2006 and sent to the Attorney General January 25, 2006 where they remain.

Ms. Armstrong said there are currently three (3) open cases pertaining to the Board of Dispensing Opticians in OGC.

### **Report from Jerry Kosten, Regulations Manager**

Mr. Kosten discussed the amendment to Rule 0480-1-.01 which requires the supervising licensed dispensing optician, optometrist, or ophthalmologist direct, coordinate, review, inspect, and approve each act or service performed by an apprentice who is training to prepare, fit and dispense ophthalmic materials.

Mr. Kosten discussed the amendment to Rule 0460-1-.03 which requires any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the title "Licensed Dispensing Optician" and to engage in the practice of dispensing opticians. Mr. Kosten stated the rule also requires any person licensed by the Board to whom this rule applies must use the title authorized by this rule in every "advertisement" he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the dispensing optician to disciplinary action.

Mr. Kosten discussed the amendment to Rule 0480-1-.07 regarding application review, approval, denial, and interviews stating upon completion of the apprenticeship program, an applicant must apply and/or register for applicable examinations within six (6) months after being notified of eligibility.

Mr. Kosten discussed the amendment to Rule 0480-1-.08 regarding the jurisprudence examination stating the examination shall be "open book", included with the Board's application materials and made accessible at the Board's Internet web page or upon request from the Board's administrative office., completed and returned to the Board's administrative office and taken/retaken until successfully completed.

Mr. Kosten discussed the amendment to Rule 0480-1-.14 which requires apprenticeship training be supervised by a dispensing optician, optometrist, or ophthalmologist who has been licensed for at least three (3) years and is currently licensed in good standing by the State of Tennessee; apprentice supervisors to supervise no more than two (2) apprentices concurrently; and semi-annual evaluation reports be received at the Board's administrative office no later than thirty (30) days after the six (6) month training period has ended.

Mr. Kosten discussed the amendment to Rule 0480-1-.19 regarding the Board authorizing the member who chaired the Board for a contested case to be the agency member to make the decisions for reconsiderations and stays for that case.

Mr. Kosten discussed Executive Order #38 which states the Board must consider the economic impact on small businesses regarding rulemaking.

Upon discussion, Ms. Hawkins made a motion, seconded by Dr. Risby, to approve the amendments as written and send to rulemaking hearing. The motion carried.

Mr. Kosten discussed adoption of a policy statement regarding comprehensive advertising. Upon discussion Ms. Chitwood made a motion, seconded by Ms. Stacey, to adopt the policy statement. The motion carried.

#### **Consent Order for Peggy Coleman, DPO**

Ms. Hodge, Assistant General Counsel, presented a consent order for Peggy Coleman, DPO to the board. Ms. Hodge stated Ms. Coleman admits to acting as supervisor to an apprentice in the apprenticeship program, changing work locations and leaving the apprentice without her supervision, and continuing to sign and submit the apprentice's training evaluations reflecting one hundred percent (100%) of supervised skills performed.

Ms. Hodge stated Ms. Coleman's license is to be placed on probation for a period of two (2) years; if at any time during the probationary period Ms. Coleman acts as direct supervisor to any individual in the apprenticeship program, she must submit quarterly reports to the Board regarding her supervision of the apprentice; assessed civil penalties in the amount of \$1200 and court costs.

Upon discussion, Ms. Stacey made motion, seconded by Ms. Chitwood, to accept the consent order for Ms. Coleman. The motion carried.

#### **Consent order for Lance Perry**

Ms. Hodge, Assistant General Counsel, presented a consent order for Lance Perry to the board. Ms. Hodge stated Mr. Perry admits to being in the apprenticeship program, going unsupervised because his direct supervisor was working in a different store location, and submitting training evaluations reflecting one hundred percent (100%) of supervised skills performed.

Ms. Hodge stated Mr. Perry is assessed civil penalties in the amount of \$2400 and court costs. Upon discussion, Ms. Chitwood made a motion, seconded by Ms. Stacey, to accept the consent order for Mr. Perry. The motion carried.

### **Investigative Report**

Mr. Sobowale reviewed the Investigative Report stating there are three (3) complaints year to date against dispensing opticians.

### **Disciplinary Report**

Mr. Sobowale reviewed the disciplinary report which gives the name of the disciplined practitioners, their license number, date of action, expiration date, civil penalty costs, continuing education requirements, reporting, peer assistance, and comments. Mr. Sobowale stated all of the information in the disciplinary report is public information.

Mr. Sobowale stated there are currently four (4) practitioners being monitored.

### **Financial Report**

Ms. Lannan stated the board has a cumulative carryover as of June 30, 2006 of \$173,286.49.

### **Administrative Report**

Ms. Lannan reviewed the Administrative Report stating as of January 2007, eleven (11) dispensing opticians were licensed, one (1) retired and seven (7) failed to renew. Ms. Lannan stated as of January 2007 there are currently twenty-two (22) active apprentices, eight (8) applications in process and one (1) deceased.

Ms. Lannan stated there are currently 803 licensed dispensing opticians, 186 retired and 398 failed to renew. Ms. Lannan stated there are currently 229 active apprentices, 30 revoked, 66 applications in process and 105 deceased.

Ms. Lannan stated the benchmark for renewal processing is 10 days with the board averging 2.6. Ms. Lannan stated the benchmark for application processing is 100 days with the board averging 200.5.

Ms. Lannan stated between January 8, 2007 and March 15, 2007, seventy-five (75) licensees have renewed their license and of that total, sixteen (16) renewed their license online.

Ms. Lannan stated all travel request must be submitted 120 days prior to the event.

Ms. Lannan stated four (4) letters were issued from administration to those persons eligible to take the practical exam.

### **Ratify Newly Licensed**

Upon review, Ms. Chitwood made a motion, seconded by Dr. Risby, to approve the following newly licensed dispensing opticians:

**Amy Baragona, File #2190**  
**Alan Borders, File #2183**  
**William Maurice, File #2194**  
**Russell Bridges, File #1862**  
**Amanda DeFreece, File #1858**  
**Denise Hix, File #1909**

The motion carried.

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

**Stacey Bell, File #2185**  
**Thomas Danko, File #1920**  
**Charles Roberts, File #1944**  
**Amanda Rose, File #2254**

The motion carried.

### **Ratify New Apprentices**

Upon review, Ms. Stacey made a motion, seconded by Ms. Hawkins, to approve the following new apprenticeship applicants:

**Bre'Shay Baker, File #2237**  
**Bonnie Barr, File #2234**  
**Kelli Graham, File #2250**  
**Patricia Hart, File #2216**  
**Eman Kiswani, File #2260**  
**Victoria McMinn, File #2256**  
**Misty Moore, File #2264**  
**Dustin Orrick, File #2270**  
**Jomi Pike, File #2202**  
**Susan Rose, File #2213**  
**Wesley Sager, File #2267**  
**Heather Simpson, File #2255**  
**Cheryl Taylor, File #2257**  
**Rachel Walden, File #2189**  
**Michele Weitzel, File #2268**  
**Juanita Wingfield, File #2222**

The motion carried.

**Ratify Reinstatements**

Upon review, Ms. Stacey made a motion, seconded by Dr. Risby, to approve the following reinstated dispensing opticians:

**John Harrison, License #686**  
**Pamela Basler, License #1826**

The motion carried.

**Ratify Closed Applications**

Upon review, Ms. Chitwood made a motion, seconded by Dr. Risby, to close the following dispensing optician applications:

**Joseph Lindley**  
**Amanda Kline**  
**Russell Wyatt**  
**Brittney Riddle**  
**Sharon Kurtz**  
**Afton Baxter**  
**Nicholas Ellis**  
**Tammy Russ**

The motion carried.

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

**Tiffany Bonds**  
**Jean Bosse**  
**Jennifer Cooper**  
**Charcee Day**  
**Martella Herron**  
**Joshua McAlpin**  
**Claire Pomeroy**  
**Kimberly Seager**  
**Wesley Stepp**  
**Cary Ward**  
**Steve Young**

The motion carried.

## **Review/Approve Continuing Education**

Upon review, Dr. Risby made a motion, seconded by Ms. Chitwood, to approve the following continuing education:

### **TDOA**

***April 15, 2007 – South West Tennessee Community College, Memphis, TN***

Speaker: Pete Hanlin

1. “Perception of Value & The Ophthalmic Consumer” 1 hour
2. “Advanced PAL Designs” 1 hour
3. “Contrast Sensitivity & Visual Perception” 1 hour
4. “Merchandising Ophthalmic Products & Services” 1 hour

***April 15, 2007 – South West Tennessee Community College, Memphis, TN***

Speaker: Ledonna Buckner

1. “Patient Histories: What You Need to Know!” 1 hour
2. “Managing Pediatric Contact Lens Patient” 1 hour
3. “Getting Started with GP Lenses, Part 1” 1 hour
4. “Getting Started with GP Lenses, Part 2” 1 hour

The motion carried.

**TDOA** made a request for approval of an unexpected change, due to the speaker’s loss of his wife, for the following courses:

***March 11, 2007***

Speaker: Jeff Hester

1. “Making Sense Out of Home Safety”
2. “What You Need to Know About the New ANSI Standards”

Upon discussion, Ms. Hawkins made a motion, seconded by Ms. Stacey, to approve TDOA’s request for the CE courses.

## **Correspondence**

Upon review of the letter from **Tammy L. Faulk, DPO**, who requested and submitted proof of obtaining continuing education hours for 2006, Ms. Stacey made motion, seconded by Ms. Chitwood, to accept Ms. Faulk’s continuing education hours. The motion carried.

Upon review of the letter from **Jerry Knoch, DPO**, who requested and submitted proof of mother’s illness, Ms. Hawkins made a motion, seconded by Ms. Stacey, to accept Mr. Knoch’s continuing education extension. The motion carried.

Upon review of the letter from **Judy Hendrickson, DPO**, requesting approval of a continuing education course without submitting the course outline for approval, the board asked Ms. Lannan to respond to Ms. Hendrickson, by letter, stating she is required to submit course approval prior to the next board meeting.

Upon review of the email from **Shane Partain, DPO**, requesting a declaratory statement or interpretation of board rules, the board decided to take the advice of board Advisory Attorney, Nicole Armstrong, and not become involved in interpreting the law and advised Mr. Partain to seek formal interpretation by obtaining legal representation.

Mr. Godsey stated discussion of a window of completion for apprentice program and temporary licensure will be discussed at the next board meeting.

### **Review/Approve Application Files**

Upon review of the application of **Julie Pace**, requesting licensure as a dispensing optician without completion of a two (2) year optician college or apprenticeship program, Ms. Chitwood made a motion, seconded by Ms. Hawkins to deny Ms. Pace for licensure. The motion carried.

Upon review of the application of Jon Lawrence, requesting licensure as a dispensing optician without completion of a two (2) year optician college or apprenticeship program, Ms. Hawkins made a motion, seconded by Ms. Chitwood, to deny Mr. Lawrence for licensure. The motion carried.

### **Discuss renewal of no cost contract for the Learning Curve to administer the jurisprudence examination**

Upon discussion, Ms. Hawkins made a motion, seconded by Ms. Stacey, to renew the contract for the Learning Curve to administer the jurisprudence examination for one (1) year. The motion carried.

With no other board business to conduct, Ms. Stacey made a motion, seconded by Ms. Chitwood, to adjourn the meeting at 11:44 p.m. The motion carried.

**Ratified by the Board of Dispensing Opticians at the June 20, 2007 board meeting.**