

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MINUTES**

DATE: February 4, 2014
TIME: 9:00 a.m., CST
LOCATION: Health Related Boards Conference Center
Poplar Board Room
665 Mainstream DR
Nashville, TN 37243

**BOARD MEMBERS
PRESENT:**

Donald Wells, DPO, Chairman
LeRhonda Walton-Hill, DPO, Secretary
Kathy Hawkins, DPO
Kimberly Jackson, DPO
Felda Stacy, DPO
Edward Risby, PhD, Consumer Member

STAFF

PRESENT:
Sheri Patterson, Board Administrator
Teddy Wilkins, Unit Director
Stefan Cange, Office of General Counsel
John Smith, Office of General Counsel

Mr. Wells, Board Chair, called the meeting to order at 9:08 a.m. A quorum was present.

Minutes

Ms. Walton-Hill made a motion, seconded by Dr. Risby, to approve the November 20, 2013 minutes as written. The motion carried.

Rule Making Hearing

The Rulemaking portion of the meeting was called to order at 9:12 a.m. by OGC Counsel Cange. Mr. Cange conducted the meeting that amended the General Rules Governing Dispensing Opticians.

Tennessee Code Annotated Chapter Number 0480-01. Specifically sections 0480-01.01-Definitions, .02-Scope of Practice, .12- Continuing Education and, 14-Apprenticeship Training Program.

The changes are being made in an effort to clarify roles and scope of practice of Dispensing Opticians and Apprentices.

Mr. John Williams, Attorney for TAOP and Ms. Martha Gentry shared their concerns with the changes and how to make the amendment more clear.

The vote to move forward on the changes passed. All licensees will be contacted once the changes go in effect.

Office of General Counsel Report

Mr. Smith stated there are seven (7) open cases for discipline in the Office of General Counsel.

There is currently no legislation for this Board at this time.

Mr. Smith stated that rules have been signed and are being prepared for the Rulemaking hearing at the Board's next meeting. Ms. Wilkins gave the details on the routing that the rules must make prior to becoming official. She anticipated that should be sometime this summer.

Office of Investigative Report

Ms. Denise Moran presented the report. Ms. Moran will continue to assist the Board until a replacement for Ms. Juanita Stone has been hired. There are four (4) open cases. Two (2) cases are for first review and two (2) cases are being investigated.

Monitored Practitioner Report

There are currently seven (7) individuals being monitored. Four licensees are under Board order, one on current probation and two licensees revoked.

Ms. Moran stated that once licensees are being monitored or on probation for anytime licensees remain on the OIR list indefinitely unless the licensee presents before the Board that they have an order of compliance.

Administrative Report

There are 851 active licensed dispensing opticians and 396 active apprentices. From July 1, 2013 to October 14, 2013, one (1) dispensing optician was reinstated, six (6) licenses were retired, six (6) licensee failed to renew, and no newly reported licensees are deceased.

New applications received totaled twenty-two (22). There were four (4) DPO and eighteen (18) Apprentices applications.

Ms. Patterson also discussed conversations between herself and Ms. Susan Larson of NCORB, the practical testing vendor. Ms. Patterson relayed the concerns of the Board and practical candidates of the exam for clarification.

1. Some candidates are confused about the sheet they are given at the end of the exam that states they have “Passed” then later some receive a letter from our offices stating they have “Failed” the practical exam. Candidates expressed the feeling of being “blindsided” by the final result that has a much different outcome.
**Ms. Larson clarified that the initial sheet is given to verify the results of multiple choice portion of the exam not the full exam. NCORB has eliminated giving this sheet to all Tennessee candidates.
2. Could the Board see or receive screenshots of what the candidates see during the exam? The specific concern was to view or show the instructions that are given to proceed to the second pair of spectacles that candidates are to measure/test. The issue is that some have misunderstood that by pressing the “End” button they would be returned to the second set of spectacle to test but the candidate actually is exiting the exam entirely.
** Ms. Larson stated that there are no screenshots of the exam and that everything on the exam is outlined in the candidate handbook, checklist and tutorial that is provided to each candidate prior to the exam. She has offered to set up a webinar to review the tutorial of the exam when the Board has time available.

Mr. Cange informed the Board that any issues/problems with the testing vendor does not bear any legal responsibility on the Board. The State would bear that responsibility.

Dr. Wells inquired about the passing rate with the new vendor. Ms. Patterson stated that the current passing rate is about 75%. There has been a leveling off since the initial tests were given and the variations are between initial candidates (first-time test takers), retakes who had taken Mr. Roy Ferguson’s tests and candidates from other jurisdictions.

Ms. Hawkins gave some background information on the methods and reasons that NCSORB was selected. Some former Board members were able to review a similar test and a committee researched the type of questions that would be covered on the exam as it pertains to Tennessee Rules and Statues. The Board did not make the final selection a State department process was used. The Board will monitor the process in the future to determine if any adjustments need to be made.

Distance learning from a currently approved school was discussed. Dr. Rigsby expressed that if the school has been approved, then distance learning should be allowed. Ms. Hawkins stated that J. Sargeant Reynolds in VA allows the completion of and passing of its opticianary program. Ms. Stacey felt that the amount of courses offered that are considered as distance learning would be up to that particular school not the Board. If the student meets all the requirements of the approved school that would also meet the Board’s approval.

Jurisprudence Continuing Education

Ms. Walton-Hill made a motion that was seconded by Ms. Hawkins concerning the Board setting the parameters for licensees who attend a Board meeting. It was decided that any licensee who attends the morning session of a meeting will receive one (1) hour towards their Continuing Education requirement. This hour may be used instead of the one (1) currently required by

submitting the rules examination. The rules examination will continue to be accepted for one (1) Continuing Education hour for licensees who may not desire or be able to physically attend a Board meeting.

Mr. Cange will create a Continuing Education form to change the rules. The rule change will be approved by the Board at an upcoming Board meeting.

Continuing Education

The Board approved the following Continuing Education requests:

Vision-Ease Lens Worldwide- courses **will be approved** once the following conditions are met: 1) to receive two (2) CE hours one (1) hour and forty (40) minutes of instruction is required 2) the dates and locations of the session must be finalized 3) the mode that the session will be offered for example via computer and 4) they must notify **all** opticians that the courses are available.

The Learning Curve- all courses submitted and offered at the five locations during the 2014 period.

Tennessee Dispensing Opticians Association (TDOA) - all courses offered 23 March 14 for the Memphis chapter hours.

New Licensees

Ms. Hawkins made a motion, seconded by Ms. Jackson to approve the following new licensee:

Bradley Carroll
Rita Mullins
Jeremy Taylor

The motion carried.

Reinstatement Licensees

Ms. Hawkins made a motion, seconded by Ms. Walton-Hill to reinstate the licensee below after they were successful on their ABO & NCLE:

Jane Kirk
Ester Evans

Apprentice Program Requests

Ms. Hawkins made a motion, seconded by Ms. Jackson to approve the following applicants to enter the dispensing optician apprentice training program:

Randa Agaib
Ethan Cannon
Paige Crowder
Brienne Derr
Martin Waller
Sharon Tosh

The motion carried.

Requests to Sit for the Practical Exam

Ms. Hawkins made a motion, seconded by Ms. Jackson to approve the following dispensing optician applicants to sit for the practical examination:

David Blasutti
Tammy Clemson
Sara Donnan
Yelena Gurskaya
Elizabeth Karlsven
Kaitlyn McCarter
Angela Rush
Mariah Stone

The motion carried.

Review Correspondence

Teresa Sullivan requested that the Board accept her apprentice evaluation forms. Ms. Sullivan's direct supervisor had been ill since August 2013 and worked a limited schedule until her passing. The forms were from two different supervisors. A motion was made by Ms. Hill and seconded by Ms. Jackson to approve the request.

Cynthia Hayden requested an extension on her Continuing Education requirement due to an illness. Ms. Hawkins made the motion that was seconded by Ms. Walton-Hill to approve the request.

Other Board Business

Ms. Wilkins discussed a recent discovery that TCA 63-14-109(A)(2) entitles the current Secretary of the Board a small salary (not to exceed \$500 annually) while holding that position. It was determined that when Mr. Wells was elected he was not given that salary as it continued to be paid to his predecessor Mr. Christopher. Ms. Hawkins stated that a similar incident happened to her when she changed positions on the Board. There were a few months of overlap and once contacted by the finance department she refunded the State.

A motion was made by Ms. Hawkins and seconded by Dr. Risby to retroactively have the salary paid to Mr. Wells and any excess funds received by Mr. Christopher should be refunded to the State.

Mr. Cange stated that Ms. Stacey had been incorrectly informed that as a Board member she could no longer review cases for the Investigations Department. No vote was needed as this is not a true fact. She and any current sitting Board member must recuse themselves from and leave the room, during a case that they are familiar with or might have a conflict of interest with. There was a motion by Dr. Risby which was seconded by Ms. Walton-Hill. The motion carried.

Board Meeting Adjournment

Dr. Risby made a motion, seconded by Ms. Walton-Hill to adjourn the meeting. The motion carried. Meeting adjourned at 1:03 p.m.