

**TENNESSEE BOARD OF DISPENSING OPTICIANS
MEETING MINUTES**

DATE: July 25, 2018
TIME: 9:00 A.M., CDT
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN

BOARD MEMBERS

PRESENT: William DeCrow, DPO - Chair
Janet Perry-Martinez, DPO
P. Warren Perry, DPO
Brandy Miller, DPO
Les Freeman, DPO – Secretary

BOARD MEMBER

ABSENT: Consumer member (vacant position)

STAFF

PRESENT: Yvette Hernandez, Board Administrator
Teddy Wilkins, Unit Director
Kaitlin Parham, Assistant General Counsel

Mr. DeCrow called the meeting to order at 9:01 a.m. A roll call was conducted and a quorum was present.

Review/Approve Aril 25, 2018 Board Meeting Minutes

Upon review of the April 25, 2018 Board Meeting minutes, Mr. Perry made a motion, seconded by Mr. Freeman, to approve the minutes as written. The motion carried.

Office of Investigations

Lori Leonard, Disciplinary Coordinator, stated that she is currently monitoring three (3) licensees under Board Order and one (1) TSAC suspension. She stated that two (2) of the Board orders went to the AG's office for collection for non-payment on their civil penalties. Currently BIV has received two (2) new complaints. One (1) of the complaints was for false billing and the

second compliant was for unlicensed practice. Currently there are eight (8) open complaints that are pending review in the Office of Investigations.

Office of General Counsel

Kaitlin Parham, Assistant General Counsel, stated the Conflict of Interest policy.

Rule Activity

Kaitlin Parham, Assistant General Counsel, read the Conflict of Interest statement reminding the Board to disclose any conflicts of interest that may arise.

Open Meetings Act

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

Rule Activity

Some issues arose during the internal review process regarding the rule amendments approved during the October 25, 2017 meeting. Ms. Parham stated that the rules would be discussed later in the agenda.

Disciplinary Activity

As of July 18, 2018 the Office of General Counsel had no open complaints.

Administrative Report

Yvette Hernandez stated there are 422 apprentices and 872 licensed Dispensing Opticians as of July 24, 2018.

Ms. Hernandez stated in April 2018 there were twelve (12) apprentices, two (2) newly licensed, fifteen (15) renewals, one (1) retired license, and one (1) license that expired.

Ms. Hernandez stated in May 2018 there were zero (0) apprentices, zero (0) newly licensed, fifteen (15) renewals, zero (0) retired license, and four (4) license that expired.

Ms. Hernandez stated in June 2018 there were zero (0) apprentices, two (2) newly licensed, fifteen (15) renewals, zero (0) retired license, and one (1) license that expired.

Board meeting dates for 2018:

October 24, 2018

Board meeting dates for 2019:

January 20, 2019, April 24, 2019, July 24, 2019 & October 23, 2019

Teddy Wilkins stated that the practical contract was awarded to ABO/NCLE with a five (5) year contract.

Newly Licensed

Mr. Perry made a motion, seconded by Ms. Miller, to approve the following applicants for licensure:

**Amanda Lynn Alderman
Ambriel Taylor Long
Andrea Meier
Matthew Caylan Stamey
Ashley Swinger**

The motion carried.

Newly Approved Apprentices

Mr. Perry made a motion, seconded by Mr. Freeman, to approve the following apprentices:

Christine Alcantara	Robyne Ray
Susan Begley	Wesley Sanders
Robin Buschmann	Garrett Seekamp
Jamie Carter	Megan Smallen
Angela Fisher	Laparis Stevens
Nancy Kemp	Precious Styles
Ashlyn Logue	Andrea Tate
Lindsay Miller	Casey Woodard
Krista Rainwater	

The motion carried.

Practical Examination Candidates

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

McKensey Cody	Johnna Pope
Kristen Davis	Sarah Posey
Jessica Dunavant	Jami Soard
Ashley Harris	Abbigail Stilts

**Kandy Hutchison
Kacee Loggins
Hannah McDaniel**

**Williams Kang
Charlene Hickey**

The motion carried.

Review/approve/deny Continuing Education courses for 2018

Upon review, Mr. Perry made a motion, seconded by Mr. Freeman, to accept the Vision Expo & Conference West 2018 in Las Vegas, NV from September 26 – 29, 2018 for continuing education courses.

The motion carried.

Correspondence

The Board reviewed a letter from **Sara Counce**. She requested that the Board allow her to retain her 15,908 apprentice hours that were evaluated on March 10, 2017 and continue her apprenticeship program due to her illness. The Board approved her request, and stated that they wanted her to complete her ABO and NCLE within six (6) months and to complete the practical exam within twelve (12) months. Mr. Perry made a motion, seconded by Ms. Perry-Martinez, to approve Ms. Counce’s request.

The motion carried.

Discuss legislation and take action if needed

Lacy Blair, Legislative Liaison, presented the public chapters that were passed in the 2018 Legislative session that pertain and affect the Board of Dispensing Opticians.

Dispensing Opticians Board Legislative Update – 2018

[Public Chapter 611](#)

This law requires an agency holding a public hearing as part of its rulemaking process, to make copies of the rule available in “redline form” to people attending the hearing.

This takes effect July 1, 2018.

[Public Chapter 675](#)

This act requires the department of health to accept allegations of opioid abuse or diversion and for the department to publicize a means of reporting allegations.

Any entity that prescribes, dispenses, OR handles opioids is required to provide information to employees about reporting suspected opioid abuse/diversion. That notice is to either be provided individually to the employee in writing and documented by the employer OR by posting a sign in

a conspicuous, non-public area of minimum height and width stating: “NOTICE: PLEASE REPORT ANY SUSPECTED ABUSE OR DIVERSION OF OPIOIDS, OR ANY OTHER IMPROPER BEHAVIOR WITH RESPECT TO OPIOIDS, TO THE DEPARTMENT OF HEALTH'S COMPLAINT INTAKE LINE: 800-852-2187.”

Whistleblower protections are also established. An individual who makes a report in good faith may not be terminated or suffer adverse licensure action solely based on the report. The individual also is immune from any civil liability related to a good faith report.

This act takes effect January 1, 2019.

Public Chapter 744

This statute allows a licensing entity the discretion to not suspend/deny/revoke a license in cases where the licensee has defaulted or become delinquent on student loans IF a medical hardship significantly contributed to the default or delinquency.

This act took effect January 1, 2019.

Public Chapter 745 and Public Chapter 793

These public chapters work together to create and implement the “Fresh Start Act.” Licensing authorities are prohibited from denying an application or renewal for a license/certificate/registration due to a prior criminal conviction that does not directly relate to the applicable occupation. Lays out the requirements on the licensing authorities as well as the exceptions to the law (ex: rebuttable presumption regarding A and B level felonies).

These acts take effect July 1, 2018.

Public Chapter 754

This chapter prevents any board, commission, committee, etc. created by statute from promulgating rules, issuing statements, or issuing intra-agency memoranda that infringe on an entity member’s freedom of speech.

Freedom of speech includes, but is not limited to, a member’s freedom to express an opinion concerning any matter relating to that governmental entity, excluding matters deemed to be confidential under TCA 10-7-504.

Violations as determined by a joint evaluation committee may result in recommendations to the general assembly concerning the entity’s sunset status, rulemaking authority and funding.

This act took effect April 18, 2018.

[Public Chapter 929](#)

This act redefines policy and rule and requires each agency to submit a list of all policies, with certain exceptions, that have been adopted or changed in the previous year to the chairs of the government operations committees on July 1 of each year. The submission shall include a summary of the policy and the justification for adopting a policy instead of a rule.

This act also prohibits any policy or rule by any agency that infringes upon an agency member's freedom of speech.

Finally, this act establishes that an agency's appointing authority shall have the sole power to remove a member from a board, committee, etc.

This act takes effect July 1, 2018 and applies to policies adopted on or after that date.

[Public Chapter 954](#)

This legislation requires the initial licensure fee for low-income persons to be waived. Low income individuals per the statute are defined as persons who are enrolled in a state or federal public assistance program including but not limited to TANF, Medicaid, and SNAP. All licensing authorities are required to promulgate rules to effectuate the purposes of this act.

This act takes effect January 1, 2019.

[Public Chapter 1021](#)

This act allows for appeals of contested case hearings to be in the chancery court nearest the residence of the person contesting the agency action or at that person's discretion, in the chancery court nearest the place the action arose, or in the chancery Court of Davidson County. Petitions seeking review must be filed within 60 days after entry of the agency's final order.

This act takes effect July 1, 2018.

Discuss and take action if needed regarding rulemaking, hearings, rule amendments and policies

Ms. Parham stated that the rule amendments that the Board voted to approve at the October 25, 2017 Board meeting went through the internal review process and was returned with a concern regarding the word "sponsored". The Board's statute requires that apprentice dispensing opticians or students are under direct supervision. Therefore, the Board voted to change the wording to sponsoring supervisor and sponsoring supervision.

Teddy Wilkins explained the next step in the process of the rule changes and stated it would be around a year before the rules became final.

Ms. Parham stated that during the rule making hearing there will be a chance for public to make comments.

Ms. Parham reviewed the redline rules with the Board regarding all amendments and corrections to the current rules. Mr. Perry made a motion, seconded by Mr. Freeman, to accept the rule changes that were presented, and to send the changes to internal review.

The motion carried.

New Business

Yvette Vagle discussed with the Board placing the 2018 Jurisprudence examination for continuing education online, and the exam not being graded for the year of 2018. After a brief discussion, Mr. Freeman made a motion, seconded by Ms. Perry-Martinez, to waive grading for the 2018 Jurisprudence examination. The Board agreed that moving forward; the 2019 Jurisprudence exam would be graded per the Board's policy. Mr. Freeman requested that a discussion regarding the Jurisprudence exam be added to the October 2018 Board agenda.

The motion carried.

Charlene Hickey addressed the Board and inquired about a mobile setting. Mr. DeCrow requested that Ms. Hickey send all her questions in writing to the Board attorney, Ms. Parham, to review. Upon review of Ms. Hickey's correspondence and the rules and statutes, Mr. DeCrow requested that Ms. Parham provide a response the Board regarding Ms. Hickey's questions at the following October 2018 Board meeting.

Adjourn

With no other Board business to conduct Ms. Miller made a motion, seconded by Mr. Freeman to adjourn at 11:01 a.m.

The motion carried.