

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: July 13, 2022

TIME: 9:00 A.M. CST

LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Linda Tharp, O.D.
Tonya Reynoldson, O.D.
Kurt Steele, O.D.
James Venable, O.D.

BOARD MEMBERS

ABSENT: Kenneth Young, O.D.
Consumer Member – Vacant

STAFF

PRESENT: Kimberly Wallace, Regulatory Board Administrative Director
Maria Johnston, Regulatory Board Administrative Assistant
Eric Winters, Senior Associate General Counsel

Call to Order

Dr. Reynoldson chaired the meeting in Dr. Young's absence. Dr. Reynoldson called the meeting to order at 9:04 a.m. CST. A roll call was conducted, and a quorum was present.

Call for Public Comment

Ms. Wallace made it known that Public Comments would be heard in this meeting and directed interested individuals to sign-in on the register provided by the front door and the individual would be called upon at the appropriate time in the meeting. The Board is only at liberty to take action on items that are listed on today's agenda.

As a reminder, Public Comments can also be submitted in writing and sent by mail to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN, 37243 or submitted via email to Unit3hrb.health@tn.gov.

Discuss and Consider Approval of Meeting Minutes

Minutes from the April 6, 2022, Board Meeting

A motion was made by Dr. Tharp to approve the Minutes from the April 6, 2022, Board Meeting, as written. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

Receive Reports and/or Request from the Office of Investigations

Report of Complaints & Currently Monitored Practitioners

Jaime Byerly, Director of the Office of Investigations, was present to provide the investigative reports to the Board.

PERIOD: 2022 Calendar Year Complaints

New Complaints	Number of Complaints
Total # New Complaints	8
CE Violations	3
Outside Investigative Scope	3
Unprofessional Conduct	1
Violation of Order	1
Closed Complaints	15
Closed – No Findings	8
Closed BIV, EMS, HCF, AW	6
Closed - Warning Letter	1

Receive Reports and/or Requests from the Division of Health Licensure and Regulation

There was no finance report for the Board to review.

Discuss and take action as necessary regarding Legislation

Olivia Spears, Legislative Liaison with the Department of Health was present to give the 2022 annual legislative summary to the Board.

**Office of Legislative Affairs
2022 Legislative Update**

Legislative Activity of Note

- Legislative and Congressional redistricting.
- “Truth in Sentencing” Act to make mandatory sentences for certain criminal offenses.
- “Tennessee Investment in Student Achievement (TISA) Act” to reform the school funding approach.

Highlights and Noteworthy Health-Related Legislation

- The Department had two successful legislative initiatives that became law relating to local county health departments and the Controlled Substance Monitoring Database, respectively.

- Healthcare Facilities will move to the Health Services and Development Agency (HSDA)/Health Facility Commission on July 1, 2022
- Healthcare providers can continue to utilize telehealth and receive reimbursement for telehealth services.
- The Board of Pharmacy and the Board of Nursing will now hire and fire the Executive Director of the Board.
- A registry within the Tennessee Commission on Aging and Disability was created to combat the operation of unlicensed facilities.

Pertinent Public Chapters

All Public Chapters are Hyperlinked to the Document on the Secretary of State's Website

Public Chapter 644—SB1823/HB1867—Johnson/Zachary

Re: Covid-19 Vaccine Exemptions. This public chapter requires that an employer grant certain exemptions to requirements of proof/receipt of vaccinations if the request for exemption is either (1) supported by signed/date statement by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption or (2) the staff member attests in writing (including electronic means) that the staff member has a sincerely held religious believe that prevents the staff member from complying the requirement in accordance with guidance from Medicare and Medicaid services. This public chapter creates a civil penalty of \$10,000 for violation of this statute.

Effective as of March 11, 2022.

Public Chapter 680—SB1909/HB1904—Johnson/Faison

Re Autoclave Requirements. This public chapter exempts autoclaves from the clearance requirements of the Board of Boilers Rules if the autoclave sterilizes reusable medical or dental equipment used by an individual licensed under title 68 or 63, is installed in accordance with the manufacturer's recommendations, contains a boiler, and is regulated by the FDA.

Effective as of March 28, 2022. The Governor did not sign this public chapter.

Public Chapter 749—SB2572/HB2465—Crowe/Leatherwood

Re Naloxone Standing Order. This public chapter allows licensed healthcare workers to prescribe, directly or through standing order, naloxone or other similarly acting and equally safe drugs approved by the FDA to an organization or municipal or county entity, including but not limited to a recovery organization, hospital, school, or county jail. This public chapter also allows an individual or entity under a standing order to receive and store an opioid antagonist and provide an opioid antagonist directly or indirectly to an individual. Additionally, this public chapter authorizes a first responder acting under a standing order to receive and store an opioid antagonist and to provide an opioid antagonist to an individual at risk of experiencing a drug-related overdose or to a family member friend or other individual in a position to assist an at-risk individual. This public chapter includes "unresponsiveness, decreased level of consciousness, and respiratory depression" to be included within the definition of drug related overdose.

Effective on July 1, 2022.

Public Chapter 756—SB1789/HB2858—Briggs/Kumar

Re Conditions of Participation. This public chapter removes the requirement that a healthcare provider enrolled in Medicare or Medicaid be subject to conditions of participation to be exempt from the definition of “private business” or “governmental entity” for purposes of the Title 14/Covid-19 state laws.

Effective as of March 31, 2022.

Public Chapter 766—SB2453/HB2655—Yager/Hawk

Re Telehealth. This public chapter extends the ability for healthcare providers to receive reimbursement for healthcare services provided during a telehealth encounter. This public chapter also clarifies that a healthcare provider acting within the scope of a valid license is not prohibited from delivering services through telehealth. Lastly, this public chapter adds that the requirement of an in-person encounter between the healthcare services provider, the provider’s practice group, or the healthcare system and patient within sixteen months prior to the interactive visit is tolled for the duration of a state of emergency declared by the Governor provided that healthcare services provider or patient, or both, are located in the geographical area covered by the state of emergency.

Effective as of April 1, 2022 and applies to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

Public Chapter 769—SB568/HB702—Johnson/Lamberth

Re Anatomical Gifts. This public chapter prohibits a healthcare provider, a hospital, an ambulatory surgical treatment center, a home care organization or any other entity responsible for matching anatomical gifts or organ donors to potential recipients from, solely on the basis of whether an individual has received or will receive a Covid-19 vaccine, (1) consider an individual ineligible for transplant or receipt of an anatomical gift, (2) deny medical or other services related to transplantation, (3) refuse to refer an individual to a transplant center or specialist, (4) refuse to place an individual on an organ or tissue waiting list, or (5) place an individual at a position on an organ or tissue waiting list lower than the position the person at which the individual would have been placed if not for the individual’s vaccine status.

Effective as of April 8, 2022.

Public Chapter 833—HB1997/SB1936—Cochran/Jackson

Re UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state’s office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the hearing. Requires that a final orders be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order.

Effective as of April 19, 2022.

Public Chapter 856—HB2864/SB2889—Rudd/Gardenhire

Re Public Meetings. Permits boards or agencies of state government to have electronic meetings. If an electronic meeting is being held, requires that members of the public be allowed to view and/or listen to the meeting in real time. There must also be a method of members of the public to participate in the meeting electronically, if they would otherwise be permitted to participate in person. Instructions for participate are to be included in the notice of the meeting. An electronic meeting shall be recorded and that recording must be posted on the website of the organization within 3 days. The governing body

shall maintain that electronic record of the meeting for at least 3 years.
Effective on July 1, 2022.

Public Chapter 883—SB2285/HB1749—Bell/Ragan

Re UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statute or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency.

Effective as of April 14, 2022.

Public Chapter 896—SB896/HB1960—Bowling/Hulsey

Re Title 14. Eliminates the sunset provisions in Title 14 for the definitions section and for the section that prohibits government entities from mandating vaccinations. Deletes a variety of definitions from the Title.

For the deletion of definitions, effective July 1, 2022 at 12:01 AM. For all other purposes, effective as of April 19, 2022.

Public Chapter 911—HB2309/SB2464—Freeman/Reeves

Re Professional License Requirements. Mandates that a person seeking a professional license have US citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license).

Effective July 1, 2022.

Public Chapter 930—HB1871/SB1982—Hulsey/Hensley

Re Covid Vaccinations and Acquired Immunity. Amends Title 14 to mandate that acquired immunity from a previous Covid-19 infection be treated the same as a Covid-19 vaccination by a governmental entity, school, or local education authority. Mandates that private businesses who require vaccinations also include recognition for acquired immunity for Covid-19.

Effective as of April 11, 2022—This was not signed by Governor.

Public Chapter 1024—SB1748/HB1827—Roberts/Ragan

Re UAPA and Rules. Makes permanent all rules that were filed with the Secretary of State between January 1, 2021 and in effect upon passage of the act, unless they conflict with legislation passed during this session.

Effective as of May 11, 2022.

Public Chapter 1061—HB2228/S2465—Ramsey/Reeves

Re Opioid Antagonists. Requires that a prescriber offer a prescription for an opioid antagonist when issuing a prescription for an opioid if the prescription is for longer than 3 days and there is a history of or suspicion of abuse. This does not apply in palliative care or veterinarian settings. Penalties are included for failure to comply.

Effective on July 1, 2022 and applies to opioid prescriptions issued after that date.

Public Chapter 1073—HB2665/SB2449—Sexton, McNally

Re Covid Visitation Policies and Limitations on Covid Treatment Exemptions. Clarifies that a prescriber can be disciplined for prescribing controlled substances and/or narcotics for treatment of Covid, if appropriate. In addition, creates a patient advocate process that hospitals must follow during times of

covid concern. Allows that person to enter a facility if they agree to follow procedures but provides certain exceptions to access to locations within the hospital.
Effective as of May 25, 2022.

Public Chapter 1094—SB1891/HB1905—Hulsey/Doggett
Re Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses.
Effective July 1, 2022.

Public Chapter 1117—SB2448/HB2671—White/Farmer
Re: Extended Liability Protection Against Covid Claims. Extends the liability protection against claims based on Covid exposure until July 1, 2023.
Effective as of June 1, 2022.

Public Chapter 1135—SB1997/HB2043—Bell/Cochran
Re Tianeptine as Controlled Substance. Classifies Tianeptine and all derivatives thereof as Schedule II controlled substances.
Effective July 1, 2022.

Receive Reports and/or Requests from the Board Administrative Office

Administrative Report

Ms. Johnston presented the Administrator’s report to the Board, as follows:

PERIOD: As of 7/6/2022

Total # Currently Licensed Optometrists	1,362
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LICENSE STATUS SINCE PREVIOUS MEETING PERIOD:

March 30, 2022 to July 6, 2022

New Licenses	27
Reinstatement	2
Retired Licenses	5
Closed Licenses	1
Expired Licenses	9
Paper Renewals	42
Online Renewals	119

Ms. Johnston also presented the Travel and Lodging rates, as follow:

- The current mileage rate is \$0.625 cents per mile
- The current meals and incidentals rate is \$59.25 per day for an overnight stay
- The current maximum reimbursement rate for hotel lodging in Nashville for upcoming

meetings dates is as follows (rate re-sets each October)

- July \$207

Upcoming dates for the 2022 Board Meetings, as follow:

- October 12, 2022
- January 12, 2023
- April 5, 2023
- July 12, 2023
- October 11, 2023

Director's Report

Student Outreach Report

Ms. Wallace facilitated a student outreach event on April 28, 2022, for upcoming graduates and new residents at Southern College of Optometry. The presentation lasted about an hour and provided an overview of the application and licensing process as well as information about license maintenance items, such as continuing education and renewals. We look forward to providing this service to SCO on an annual basis.

Dr. Venable commented that it was extremely well received by the students and residents alike and relieves a great deal of burden from the staff at the college to try and provide these answers. He thanked Ms. Wallace for doing the event.

New Rules Effective 6/21/2022

Ms. Wallace gave a reminder that the Board's new rules that include the Scope of Practice went into effect on June 21, 2022. A copy of the rules change can be found on the Board's website "Statutes and Rules" page.

Removal of CPT Code List from the Website

Ms. Wallace provided information to the Scope of Practice rule change. The CPT Code list will be taken down from the Board's website. In the Board's work in revising the Scope of Practice rules, their intent was to have the CPT Code list removed once the new rules were put into effect.

Dr. Venable confirmed that the purpose of the revisions to the Scope of Practice rules was to make it exclusionary, rather than inclusionary with the intent of removing the CPT Code list from the website once the new Scope of Practice Rules went into effect. Dr. Steele concurred.

A motion was made by Dr. Steele to approve the removal of the CPT Code list from the Board's website. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously.

Receive Reports and/or Requests from the Office of General Counsel

Conflict of Interest

Mr. Winters reviewed the Conflict of Interest and Open Meetings Act statements with the Board, as follows:

If you have a personal or financial interest in the outcome of any issue or matter before this Board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this Board to protect the health, safety and welfare of the citizens of Tennessee and that the

administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Pursuant to the Open Meetings Act, Board business may only be discussed by the Board members during the meeting. Members should not discuss the Board's business at any time other than during the open Board meeting. The prohibition applies to phone calls, e-mails, and text messages. Board 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.

Mr. Winters also noted that as Ms. Wallace stated the Board's new rules that include the Scope of Practice went into effect on June 21, 2022. The application and renewal process revisions from the April 2021 meeting are in internal review.

Office of General Counsel Report

Mr. Winters provided the OGC report to the Board, as follows:

There are currently no licensee's being monitored by the Disciplinary Coordinator. There are four (4) cases in the Office of General Counsel and the Legislative report has already been addressed by the Liaison.

Contested Cases

There were no Contested Cases for the Board to review at this meeting.

Consent Orders

Mr. Winters presented the following two (2) Consent Order cases for ratification:

Consent Order – CE – Nicholson II, Larry #2544

Dr. Nicholson II was in violation for continuing education of T.C.A. 63-8-120 and Rule 1045-02-.05. His CE cycle for June 01, 2018, through May 31, 2020, he is deficient twenty-four (24) continuing education hours. He will be required to pay a Type B Civil Penalty in the amount of five hundred dollars (\$500.00), complete all twenty-six (26) continuing education hours, plus an additional six (6) penalty continuing education hours within six (6) months of the Consent Order.

A motion was made by Dr. Tharp to approve the Consent Order for Larry Nicholson, II, O.D. #2544 as written. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously.

Consent Order – CE – Quirand, Erwin #961

Dr. Quirand was in violation for continuing education of T.C.A. 63-8-120 and Rule 1045-02-.05. His CE cycle for September 1, 2019, through August 31, 2021, he is deficient twenty-five (25) continuing education hours and current CPR certification. He will be required to pay a Type B Civil Penalty in the amount of five hundred dollars (\$500.00), complete all twenty-six (25) continuing education hours, plus an additional six (6) penalty continuing education hours within six (6) months and provide proof of current CPR certification within three (3) months of ratification of the Consent Order.

A motion was made by Dr. Steele to approve the Consent Order for Erwin Quirand, O.D. #961 as written. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously.

Mr. Winters provided a brief overview of the disciplinary process, including Agreed Citations, Consent Orders, and Contested Case Hearings.

Declaratory Orders

There were no Declaratory Orders for the Board to review at this meeting.

Agreed Orders

There were no Agreed Order for the Board to review at this meeting.

Agreed Citations

Ms. Wallace presented each of the following Agreed Citations that were issued as the result of a violation of TCA 63-8-119 and Rule 1045-02-.05 for continuing education. The Agreed Citations were issued by the Administrative Office in accordance with the Board's Policy Statement for CE Violations. The resulting discipline will be reported on the Board's website and may be reported to the National Practitioner Data Bank.

Agreed Citation – CE – Bohrman, Matthew #3029

Dr. Bohrman was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. He is deficient ten (10) continuing education hours, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete ten (10) continuing education hours, plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Steele to approve the Agreed Citation, as written, for Matthew Bohrman #3029. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously.

Agreed Citation – CE – Bowen, Jacob #3361

Dr. Bowen was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. He is deficient two (2) continuing education hours, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete two (2) continuing education hours, plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Tharp to approve the Agreed Citation, as written, for Jacob Bowen #3361. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

Agreed Citation – CE – Clark, Christopher #1178

Dr. Clark was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. He is deficient sixteen point seventy-five (16.75) continuing education hours, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete sixteen point seventy-five (16.75) continuing education hours, plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Venable to approve the Agreed Citation, as written, for Christopher Clark #1178. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously.

Agreed Citation – CE - O’Hara, Katherine #3308

Dr. O’Hara was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. She is deficient eleven (11) continuing education hours, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete eleven (11) continuing education hours, plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Venable to approve the Agreed Citation, as written, for Katherine O’Hara #3308. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

Agreed Citation – CE – Pressman, Alan #397

Dr. Pressman was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. He is deficient fifteen (15) continuing education hours, plus current CPR Certification, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete fifteen (15) continuing education hours, plus current CPR certification, plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Tharp to approve the Agreed Citation, as written, for Alan Pressman #397. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

Agreed Citation – CE – Hohn, Robert #2632

Dr. Hohn was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. He is deficient thirty-six (36) continuing education hours, plus current CPR Certification, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete thirty-six (36) continuing education hours, plus current CPR certification, plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Tharp to approve the Agreed Citation, as written, for Robert Hohn #2632. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

Orders of Compliance

There were no Orders of Compliance for the Board to review at this meeting.

Requests for Order Modifications

There were no Order Modifications for the Board to review at this meeting.

Final Orders

There were no Final Orders for the Board to review at this meeting.

Applicant Interviews/File Reviews/Waivers & Other Requests

CE Waiver Request – Abumayaleh, Khaled #1848

Ms. Wallace presented the CE Waiver Request for Dr. Abumayaleh. No Board appearance was required. A letter and documentation were submitted for the Board to review. Dr. Abumayaleh submitted a request

for a six (6) month extension to complete twenty-two (22) continuing education hours for continuing education cycle September 2020 to September 2022, and also provided supporting documentation.

Pursuant to Rule 1045-02-.04(3), "The Board, in cases of documented illness, disability, other undue hardship or retirement, may

- (c) extend the deadline to complete continuing education requirements
- (d) To be considered for a waiver of continuing education requirements, or for an extension of the deadline to complete the continuing education requirements, an optometrist must request such in writing with supporting documentation before the end of the calendar year in which the continuing education requirements were not met.

A motion was made by Dr. Venable to approve the six (6) month extension request to complete twenty-two continuing education hours for September 2020 to September 2022 continuing education cycle. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

CE Waiver Request – Boyland-Randles, Mia #1871

Ms. Wallace presented CE Waiver Request for Dr. Boyland-Randles for continuing education cycle November 1, 2019 to October 31, 2021. She is deficient seventeen (17) live continuing education hours, including two (2) hours in controlled substance prescribing practices.

A letter was received from an attorney representing Dr. Boyland-Randles requesting that she complete all her continuing education hours online both retroactive and future, exception due to being a high-risk for COVID. A letter was sent to Dr. Boyland-Randles that in pursuant to Rule 1045-02-.04(3)(d) to be considered for a waiver of continuing education requirements, or for an extension of the deadline to complete the continuing education requirements, an optometrist must request such in writing with supporting documentation before the end of the calendar year in which the continuing education requirements were not met.

She did not comply with the request, so the letter was presented to the Board without any supporting documentation.

A motion was made by Dr. Venable to deny the request due to not providing supporting documentation per the rules, unless she provides medical documentation from her provider within thirty (30) days. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

CE Waiver Request – Hillis, Randy #2025

Dr. Hillis submitted a continuing education waiver for his CE cycle of February 1, 2020, to January 31, 2022, and February 1, 2022, to January 31, 2024, to complete all of his continuing education hours online. A letter and documentation were submitted for the Board to review.

A motion was made by Dr. Reynoldson to table for the next scheduled Board Meeting held on October 12, 2022 and request his OE Tracker report for verification on how many CEs have been completed during each of the CE audit periods and supporting medical documentation for his eight (8) year old son. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously.

CE Waiver Request – Pino, John #1087

Dr. Pino submitted a letter to request a waiver of one (1) continuing education hour for CE cycle May 1, 2020, to April 30, 2022. A letter and documentation were submitted for the Board to review.

The Board considered Rule 1045-02-.04(3)(a): The Board, in cases of documented illness, disability, other undue hardship or retirement, may waive the continuing education requirements.

A motion was made by Dr. Steele to waive the one (1) hour of continuing education. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously.

CE Course Request – Opioid Issues for the Patient & Practitioners

Dr. Greg Caldwell sought approval from the Board for “Opioid Issues for the Patient & Practitioners” course that he would like to be considered for approval as a two (2) hours continuing education course in controlled substance prescribing for TN Optometrists. The course has been approved by COPE on April 18, 2023.

Dr. Venable recused himself from this discussion due to his employer, SCO, could be considered a competitor in course offerings. The Board was left without a quorum and a vote could not be made at this meeting.

A motion was made by Dr. Tharp to table discussion for the “Opioid Issues for the Patient & Practitioners” course until a quorum can be present to conduct a motion. A second was made by Dr. Steele. There was no discussion. The motion passed unanimously. Dr. Venable recused.

Practice Name Approval Request – Frontier Optometry, PLLC

Dr. Maximillian Crockett submitted a business name approval request for Frontier Optometry, PLLC.

A motion was made by Dr. Steele to approve the business name request for Dr. Maximillian Crockett. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously.

Practice Name Approval Request – Springfield Primary Eye Care, Inc.

Dr. Jana Socey submitted a business name approval request for Springfield Primary Eye Care, Inc.

A motion was made by Dr. Tharp to approve the business name request for Dr. Jana Socey. A second was made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

Ratification of Licensure Files – Newly licensed, Reinstatements, and Closed/Withdrawn Files

Ms. Wallace commented that all files on the ratification list have been reviewed and found complete and in good order according to the Rules for new licensure, closure of licensure, and reinstatement of license.

Board of Optometry
Ratification List for 3/30/2022 to 7/6/2022
Newly Licensed

License #	Name	License Expire Date
3743	Badger, Kamden Machele	4/30/2024

3734	Beard, Tanner Andrew	12/31/2023
3731	Cates, Jason	9/30/2023
3737	Cowan, Dylan Winston	5/31/2025
3733	Crockett, Maximillian Scott	11/30/2023
3748	Dix, Jared	3/31/2025
3738	Fischman, Colleen	8/31/2024
3750	Grycko, Alexis	4/30/2024
3749	Hart, Rachel	10/31/2023
3742	Hawkins, Jackson	1/31/2024
3753	Jones, Ethan Chandler	12/31/2023
3758	Jones, Katherine Rylie	7/31/2024
3745	Juenemann, Riley	3/31/2024
3756	Kane, Rachel	3/31/2024
3732	Kaudewitz, John	4/30/2025
3730	Kavoussi, Kiyana	7/31/2023
3739	Lee, Benjamin	5/31/2023
3729	Leet, Jacob	4/30/2024
3759	Mikhaeil, Amgad Maged	7/31/2024
3744	Murray II, Bernard Stephen	12/31/2024
3746	Parker, Brittany	1/31/2024
3755	Plaxco, Andrew Patrick	12/31/2023
3752	Reid, Justin Tyler	6/30/2024
3736	Shell, Sarah Jordan Collins	6/30/2024
3751	Steele, Rachel Alexandra	5/31/2024
3754	Swartz, Benjamin Paul	4/30/2025
3740	Williams, Rachel Rintelmann	2/29/2024

Reinstatement from Expired

License #	Name	License Expiry Date
2038	Duvall, Robert Burlien	8/31/2024
2553	Levin, Mindabeth	3/31/2025

Closed Applications

File #	Name
3725	Adams, Mattie Katherine

A motion was made by Dr. Steele to approve the ratification list as presented for new licenses, reinstated licenses and closed files. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously.

Receive Reports and take action as needed regarding Taskforce/Committee Reports

CSMD Report

Dr. Steele provided a report of the CSMD meeting he attended in June. The legislative report provided earlier in the meeting covered what was reviewed in the CSMD meeting, in addition to extensive reports from TennCare, prescriptions are down overall, there are no complaints or investigations within

the CSMD website regarding Optometrists. He provided a written report of the information. Discussed prescription statistics and overdose increases during the pandemic.

Correspondence Review

There were no Correspondence Items for the Board to review at this meeting.

Conference/Event Reports and Upcoming Events Review

ARBO Annual Meeting Report

Dr. Tharp and Dr. Steele provided reports from their attendance at the June ARBO Annual Meeting. Dr. Tharp noted highlights including discussions of the importance of license regulation, virtual learning, QR code use in posting CE hours, OE Tracker handled over seven (7) million credit hours in the last year, synchronous and asynchronous formats are both viable learning formats and in testing, NBEO Part II new exam with pilot in August 2022. Various Optometry topics continue to be researched and introduced.

Dr. Venable noted that at the time that COPE makes a change to the new definitions of synchronous and asynchronous, that the Board review their rules for maximum hours obtainable online versus in person. Add to old business for next meeting. Ask other HRB's in TN about maximum number of online CEs. Look at IL state online acceptance of hours.

Discuss Old & New Board Business

Ms. Wallace noted there have been no new or old business items presented for review on today's agenda.

Discuss and take action as necessary regarding Rulemaking, Rulemaking Hearings, Rule Amendments, and Policies

Policy - Board Statement on Injectable Certification and Licensure

The Administrative Office has received several inquiries to this policy asking what constitutes acceptable proof of injectable certification for those applicants who have not taken and passed the ISE.

Ms. Wallace reviewed the injection certification requirement responses from other states as collected by ARBO.

Dr. Venable noted that the ISE and LSPE are embedded in the NBEO Part III and it is not clear at this time if the new model Part III replacement exam will include the ISE or if the ISE and LPSE will be a separate exam add-on. That was the reason for having the waiver provisions in the ISE policy. If the ISE and LSPE exams will continue to exist when the changeover occurs, he suggested that the TN Board should require the ISE for all graduates prior to 2012 as well as those that graduated thereafter. If the ISE does not remain as an add-on exam, then the board would need to keep the original policy language but state that it would allow for a course by an accredited course or school of optometry. Need to define the course requirements that should include a wet lab and letter of successful completion.

The Board reviewed and amended the policy to read as follows:

**TENNESSEE BOARD OF OPTOMETRY
POLICY STATEMENT ON INJECTABLE CERTIFICATION AND LICENSURE**

All new applicants for licensure must complete parts one (1), two (2), and three (3) of the National Board of Examiners in Optometry® (NBEO) examination, unless granted a waiver in accordance with Rule 1045-02-.03(5), as well as the Injections Skill Examination (ISE®) by the NBEO. However, the Board recognizes that there are Optometrists who may have been licensed in other states prior to the inclusion of the Injections Skill Examination of the NBEO examination.

When an Optometrist whose initial date of licensure was prior to 2012 applies for a Tennessee optometry license, the Board may waive the Injections Skill Examination requirement upon a demonstration of the applicant's clinical competency in the use of injectables. This clinical competency may be demonstrated through provision of transcripts or other documentary proof of successful completion of injectable training to include didactic and in vivo wet lab experiences. The Board recognizes a letter of successful completion which shall include a course outline from an American Council on Optometric Education (ACOE) accredited school or college of optometry as approved documentation.

This waiver is available only to applicants who were initially licensed prior to the inclusion of the Injections Skill Examination of the NBEO exam on August 1, 2012.

Additionally, any Optometrist wishing to reinstate their license due to a lapsed license or bring a license out of retirement shall be treated as an applicant for licensure in accordance with Rule 1045-02-.04 and shall be required to be successfully trained in injectables. This clinical competency may be demonstrated through provision of transcripts or other documentary proof of successful completion of injectable training to include didactic and in vivo wet lab experiences. The Board recognizes a letter of successful completion which shall include a course outline from an American Council on Optometric Education (ACOE) accredited school or college of optometry as approved documentation prior to being reinstated.

Adopted by the Board of Optometry on January 9, 2018
Amended by the Board of Optometry on November 8, 2019
Amended by the Board of Optometry on July 14, 2021
Amended by the Board of Optometry on October 6, 2021
Amended by the Board of Optometry on January 5, 2022
Amended by the Board of Optometry on July 13, 2022

A motion was made by Dr. Reynoldson to accept the revisions to the injectable policy as drafted during this meeting. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously.

Injectable Certification Approval – Dr. Jeffrey Perotti Indiana University School of Optometry

Dr. Jeffrey Perotti with the Indiana University School of Optometry submitted an injectable course for approval.

OPT-V 740 Ocular Disease V: Lasers, Injections, and Minor Surgical Procedures (2 cr.) P: V 746 and V 788 C: V 749

Learn advanced anterior segment procedures and treatment modalities, including laser procedures, injection techniques, minor surgical procedures, and wound closure techniques. Students will also learn aseptic technique, how to manage office emergencies, and other topics as appropriate.

In this course, students receive didactic lectures on injection techniques, then perform in vivo sub-conjunctival, intra-muscular, subcutaneous, and intra-venous injections. Additionally, as part of a section on chalazion excision, they perform in vivo lidocaine injections.

The Board verified this course is acceptable as injectable certification.

Rule 1045-02-.05 (2)(a) Approval of Continuing Education – Standing Approvals List

The Administrative Office has received several inquiries as to whether or not those CE providers currently listed on the Board’s website CE page list of CE Approved Vendors must have COPE approval or not.

A motion was made by Dr. Reynoldson to have the web page notice read to include the approved vendor list of providers 1-6 and all other paragraphs are to remain except the paragraph that currently reads, “Except for grand clinical rounds and courses provided by the Tennessee Academy of Optometry, and except for the two (2) hour course designed specifically to address prescribing practices, all continuing education courses shall be approved by the Association of Regulatory Boards of Optometry’s Council on Optometric Practitioner Education (COPE)” is to be stricken from the website page. Also, “American Optometric Council on Education” is to be corrected to read “American Council on Optometric Education.” A second was made by Dr. Tharp. There was no discussion on the motions. The motion passed unanimously.

The Board then clarified that the six (6) providers currently listed do not require COPE-approval at this time to be accepted by the Board for meeting CE requirements.

1. Course(s) sponsored by an Optometry College accredited by the American Optometric Council on Education (ACOE).
2. Course(s) sponsored by the American Optometric Association (AOA) or an affiliate of the AOA.
3. Course(s) sponsored by the Tennessee Association of Optometric Physicians (TAOP) or an affiliate of TAOP.
4. Course(s) sponsored by the American Academy of Optometry (AAO) or an affiliate of the AAO.
5. Course(s) offered at Southern Educational Congress of Optometry (SECO).
6. Course(s) offered at Tennessee Academy of Optometry

Rule 1045-02-.05 Continuing Education

Ms. Wallace provided information regarding other Health Related Boards that utilize a similar CE cycle as that which is in place for Optometry in the current rules.

A motion was made by Dr. Reynoldson to review CE Rule section 1045-02-.05 in the next meeting. A second was made by Dr. Steele.

Discussion on the motion: Dr. Venable recommends considering the dialogue regarding reporting period, content, approvals and include in their individual revisions. The motion passed unanimously.

Rule # 1045-02-.07 Diagnostic and Therapeutic Certification

The Board previously requested to have this rule included on the agenda for review of potential revisions.

A motion was made by Dr. Steele to receive redline version for review at October meeting, inclusive

of Dr. Cooper's previously suggested revisions. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

Rule 1045-02-.08 Corporate or Business Names and Advertising

The Board reviewed this rule in its last meeting and Mr. Winters requested it to be discussed in this meeting before finalizing it, to be sent on for internal review and continuing in the rulemaking process, to receive insight from the board on the grounds for making the changes to this section of the rules.

No effect to competition. Eliminated redundancies. Made statements broader to encompass contemporary forms of marketing. Proactive so that public would be better educated. Increases free market competition. How the public receives information today as to when the rules were originally written.

New point 1045-02-.20 Name and Address changes added.

More requested .08, .09, .20 be packaged for rulemaking at this time.

Rule 1045-02-.09 Ocular and Contact Lens Prescriptions and Office Equipment

The Board reviewed this rule in its last meeting and Mr. Winters requested it be discussed in this meeting before finalizing it to be sent on for internal review and continuing in the rulemaking process, to receive insight from the board on the grounds for making the changes to this section of the rules.

Dr. Venable noted there were several components of the existing rules that required more to the standard of care than was deemed necessary when the rules were originally written and other areas where there was not enough specificity indicated for what is in accordance with the standard of care today.

The original rule did not include office technology that meets today's advancements and was written prior to the authority for ophthalmic prescribing.

These changes in no way affect competition. This only adds what should be include in the prescription so that it is filled properly.

The changes affect the health of the public will be complementary as they are more definitive and are for the safety of the public.

Call for Public Comment

Ms. Wallace announced one final opportunity for the Board to receive Public Comments before the meeting was adjourned.

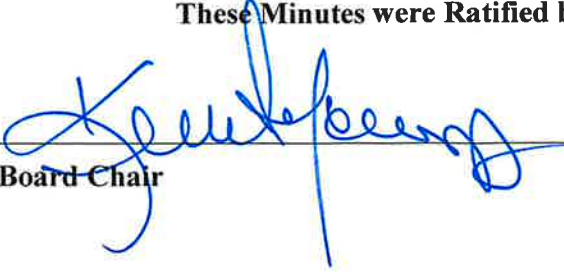
There were no public comments offered at this time. Ms. Wallace reminded everyone that Public Comments may always be submitted in writing to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243 or via email at Unit3hrb.health@tn.gov.

Adjournment

There being no further business, a motion was made by Dr. Tharp to adjourn, with a second made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

The meeting was adjourned at 12:59 pm CST.

These Minutes were Ratified by the Board on October 12, 2022


Board Chair

10/12/22
Date