

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: July 12, 2023
TIME: 9:00 A.M. CST
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Zachary McCarty, O.D.
Kurt Steele, O.D.
Linda Tharp, 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. Steele called the meeting to order at 9:01 a.m. CST. A roll call was conducted, and a quorum was present, with Dr. Zachary McCarty, Dr. Kurt Steele, Dr. Linda Tharp, and Dr. James Venable present. Dr. Kenneth Young was absent, and the Consumer Member seat is vacant.

Board staff from the Administrative Office, including Ms. Kimberly Wallace, and Ms. Maria Johnston, and from the Office of General Counsel, including Mr. Eric Winters, were also present.

Discuss and Consider Approval of Meeting Minutes

Minutes from the April 5, 2023, Board Meeting

A motion was made by Dr. Tharp to approve the minutes of the April 5, 2023, Board Meeting Minutes, Dr. Steele commented on page 6 that a motion was made by Dr. Venable to remove ARBO from the TN list, should read remove TN from ARBO's list. Dr. McCarty commented on page 1 "staff" is misspelled and on page 12, Dr. Kurt Steele's name was misspelled.

Ms. Wallace noted these changes.

A motion was made by Dr. Tharp to approve the Minutes with the corrections as noted from the April 5, 2023, Board Meeting.. A second was made by Dr. Venable. There was no discussion on the motion. The motion

passed unanimously by voice vote.

Ms. Wallace thanked Dr. Reynoldson for serving on the Board and introduced Dr. McCarty as being appointed the new member of the Board.

Ms. Wallace also introduced Ms. Leigha Kullman as the new Board Regulatory Administrative Assistant 1.

Receive Reports and/or Requests from the Office of Investigations

Report of Complaints & Currently Monitored Practitioners

Barbara Granum, Intake Coordinator from the Office of Investigations, was present to provide the investigative reports to the Board.

PERIOD: 2023 Year-To-Date Complaints

New Complaints	Number of Complaints
Total # New Complaints	6
Total Closed Complaints	6
Closed – No Findings	1
Complaint Closed	5
Malpractice/Negligence	1
Unprofessional Conduct	5
Total Newly Opened Complaints	6

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

There were no Health Licensure and Regulation reports to review.

Discuss and take action as necessary regarding Legislation

Grayson Carter, Legislative Liaison, was present to give the 2023 Annual Legislative Summary, as follows:

Office of Legislative Affairs 2023 Legislative Update

Noteworthy Health-Related Legislation

- The Department of Health’s administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Non-Health Related Legislative Activity of Note

- June 19th is now designated as a state holiday for Juneteenth.
- State employees are authorized to use sick leave from a sick leave bank to care for a sick minor child of the employee.
- State employees must be provided six paid weeks of leave for the birth of the employee's child or because of the employee's adoption of a child.
- "Send Me" is now an additional state motto.
- The legislature passed an extensive transportation modernization act.
- The legislature passed a teacher paycheck protection act that, among other things, raises the minimum teacher salary to \$50,000 by 2026.
- Law enforcement officers and the district attorney general's office may extend criminal immunity to persons who are experiencing a drug overdose and who are seeking medical assistance.

Pertinent Public Chapters

Public Chapter No. 1—SB1/HB1—Johnson/Lamberth

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor's sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

Public Chapter No. 2—SB3/HB9—Johnson/Todd

This law creates a Class A misdemeanor offense for a person to perform adult cabaret entertainment on public property or in a location where the adult cabaret entertainment could be viewed by a person who is not an adult. Subsequent offenses are Class E felonies. This bill was effective on April 1, 2023.

Public Chapter No. 24—SB248/HB66—Johnson/Lamberth

This law authorized the Department of Intellectual and Development Disabilities to provide home health services to outpatients through its administration of the Tennessee Early Intervention System and the home and community-based services provided through such system. This bill was effective on March 10, 2023. *This law was a DIDD legislative initiative.*

Public Chapter No. 36—SB23/HB17—Massey/Faison

This law designates the month of May as "Silver Alert Awareness Month." This bill was effective on March 14, 2023.

Public Chapter No. 41—SB256/HB75—Johnson/Lamberth

This law allows law enforcement or the district attorney general's office to extend criminal

immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse's legislative initiative.*

Public Chapter No. 55—SB680/HB895—Reeves/Hurt

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

Public Chapter No. 114—SB255/HB74—Johnson/Lamberth

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1, 2023. *This was a Department of Labor and Workforce Development legislative initiative.*

Public Chapter No. 150—SB523/HB495—Jackson/Martin

This bill enacts the "Topical Medical Waste Reduction Act of 2023," which allows facilities, defined as a hospital operating room, hospital emergency room department, or ambulatory surgical treatment center, to offer a patient an unused portion of certain medications required for continuing treatment upon discharge when the medication was ordered at least 24 hours in advance for surgical procedures and is administered to the patient at the facility. If a medication is used in an operating room or emergency department setting, then the prescriber shall counsel the patient on a medication's proper use and administration, and the requirement of pharmacist counseling is waived. This law was effective on April 13, 2023.

Public Chapter No. 156—SB40/HB206—Roberts/Ragan

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

Public Chapter No. 157—SB86/HB734—Walley/Rudd

This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a profession. This law was effective on April 17, 2023.

Public Chapter No. 168—SB600/HB90—Hensley/Moody

This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a person in obtaining a criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

Public Chapter No. 188—SB277/HB325—Johnson/Lamberth

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. “Recent cancer treatment” is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, no to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of Health legislative initiative.*

Public Chapter 190—SB350/HB294—Campbell/Freeman

This law creates the “Save Tennessee Students Act” and requires public institutions of higher education to include, among other thing, the telephone number of the suicide and crisis lifeline on student identification cards for students enrolled in the institution. This law takes effect July 1, 2023.

Public Chapter No. 201—SB721/HB498—Massey/Martin

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIAA-compliant electronic means. This law was effective on April 24, 2023.

Public Chapter No. 203—SB799/HB859—Yarbro/Jernigan

This law authorizes the Department of Health to disclose de-identified data that is collected from EMS run reports for the purpose of providing opioid overdose response and resources throughout this state. This law was effective on April 24, 2023.

Public Chapter No. 211—SB1451/HB1312—Roberts/Kumar

This law authorizes the Board of Medical Examiners to issue temporary license for two years to international medical school graduates who meet certain criteria. An international medical school graduate must only provide medical services at a healthcare provider that has in place a post-graduate training program accredited by the accreditation council for graduate medical education. The Board must grant a full and unrestricted license to practice medicine to a temporary licensee who is in good standing two years after the date of temporary licensure. The Board of Medical Examiners will need to promulgate rules for this public chapter. For the purpose of promulgating rules, this rule was effective on April 24, 2023. For all other purposes, this law takes effect July 1, 2024.

Public Chapter No. 216—SB276/HB324—Johnson/Lamberth

This law makes various changes to current law pertaining to leave for state employees. Among other things, this law allows an eligible employee to be granted absence from work with pay for a period of time equal to six workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption. This law is effective on July 1, 2023, and applies to eligible employees who qualify for leave on or after July 1, 2023. *This was one of Governor Lee's legislative initiatives.*

Public Chapter No. 244—SB1392/HB1213—McNally/Sexton

This law makes changes to the "Tennessee Right to Shop Act" and changes the structure of certain insurance incentives and out of pocket payments. This law takes effect July 1, 2023.

Public Chapter No. 252—SB221/HB273—Roberts/Terry

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board's attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

Public Chapter No. 265—SB669/HB0981—Reeves/Faison

This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.

Public Chapter No. 270—SB859/HB982—Reeves/Terry

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

Public Chapter No. 300—SB551/HB448—Lowe/Davis

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs

This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

Public Chapter No. 316—SB1426/HB1004—Roberts/Darby

This law requires an appointed member of a governing body for a state entity to serve in such capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

Public Chapter No. 325—SB1191/HB1388—Bailey/Ragan

This law terminates the Radiologic Imaging and Radiation Therapy Board of Examiners with no wind down period. This law authorizes the Board of Medical Examiners to establish and issue limited and full X-ray certifications. This law was effective on April 28, 2023.

Public Chapter No. 337—SB269/HB317—Johnson/Lamberth

This law designates June 19th as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives.*

Public Chapter No. 353—SB1443/HB727—Roberts/Fritts

This law requires an LEA to obtain the written, informed, and voluntary signed consent of a student's parent or legal guardian, or the student if they are 18 years of age or older, before the student participates in a survey, analysis, or evaluation. A parent or legal guardian who wishes to excuse the student from participating in health screenings as part of a coordinate school health program must submit a request in writing to the school's nurse, instructor, school, counselor, or principal. As used in this law, "health screening" means vision, dental, blood pressure, and hearing screenings. This law makes other changes regarding a student's receiving of instruction of sexual orientation curriculum or gender identity curriculum or a student's membership of a club or organization. This law is effective July 1, 2023.

Public Chapter No. 379—SB0365/HB0355—Massey/Alexander

This law requires that a health benefit plan that provides coverage for a screening mammogram must provide coverage for diagnostic imaging and supplemental breast screening without imposing a cost-sharing requirement on the patient. This law is effective 90 days after May 11, 2023.

Public Chapter No. 399—SB1458/HB0983—White/Sexton

This law requires local education agencies (LEAs) to provide licensed employees of the LEA 6 paid workweeks after a birth or stillbirth of the employee's child or employee's adoption of a newly placed minor child. This law is effective May 11, 2023, and applies to leave taken on or after that date.

Public Chapter No. 426—SB0458/HB0496—Watson/Martin

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

Public Chapter No. 432—SB702/HB1095—Crowe/Boyd

This law places requirements for registration of a temporary healthcare staffing agency. This law requires a temporary healthcare staffing agency to submit a biannual report to the Health Facilities Commission. This law lays out penalties and disciplinary proceedings for temporary healthcare staffing agency, such as revoking registration, under certain circumstances. Sections of this law have differing effective dates.

Public Chapter No. 438—SB102/HB158—Gardenhire/Zachary

This law prohibits an LEA, public charter school, or public institution of higher education from requiring an educator or other employee of the LEA or public charter school to complete or participate in implicit bias training or take an adverse employment action against them for failure or refusal to complete or participate in implicit bias training. "Implicit bias training" means a training or other educational program designed to expose an individual to biases that the training's or educational program's developer or designer presumes the individual to unconsciously, subconsciously, or unintentionally possess that predispose the individual to be unfairly prejudiced in favor of or against a thing, person, or group to adjust the individual's patterns of thinking in order to eliminate the individual's unconscious bias or prejudice. This law took effect May 17, 2023.

Public Chapter No. 443—SB296/HB779—Gardenhire/Helton-Haynes

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 45 days from the date the board receives the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. "Completed application" means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.

Public Chapter No. 457—SB753/HB1317—Haile/Kumar

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan

This law creates the “Mature Minor Doctrine Clarification Act.” This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID- 19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

Public Chapter No. 486—SB1440/HB239—Roberts/Bulso

This law defines “sex” in code to mean a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. “Evidence of a person’s biological sex” includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate. This law takes effect on July 1, 2023.

Please note that these are high-level overviews of each public chapter. They do not include every detail or provide all bill information. Please review the text of the bill in its entirety at your own discretion.

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 July 6, 2023

Total # Currently Licensed Optometrists	1,368
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LICENSE STATUS SINCE PREVIOUS MEETING PERIOD:

March 30, 2023, to July 6, 2023

New Licensed	16
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Reinstatement	3
Retirement	3
Paper Renewals	55
Online Renewals	119

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

- The current mileage rate is \$0.655 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 \$207.00

Upcoming dates for the 2024 Board Meetings, as follows:

- January 10, 2024
- April 3, 2024
- July 10, 2024
- October 9, 2024

Ms. Johnston corrected the dates for the Administrative Report. Dr. Venable inquired about online renewals versus paper renewals. Ms. Wallace explained the process for processing paper renewals versus online renewals. Dr. Venable asked if we are required by statutes to accept paper renewals. Mr. Winters commented there are no requirements for electronic-only renewals.

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

Conflict of Interest

Mr. Winters commented that on the reports they could read the Conflict of Interest and Open Meetings Act.

Rule Activity

There are three (3) rule packets that are currently in internal review.

Disciplinary Activity

There are currently two (2) licensees being monitored by the Disciplinary Coordinator. There are zero (0) cases in the Office of General Counsel.

Legislation

Legislative liaison will provide a legislative update to the Board.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Consent Orders

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

Agreed Citations

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

Other Disciplinary Items

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

Applicant Interviews/File Reviews/Waivers & Other Requests

Ms. Wallace presented the following Applicant Interviews/File Reviews/ Waivers & Requests.

CE Extension Request – Irion, Abby #3663

Dr. Irion provided supporting medical documentation to the Board and requested a one (1) year extension for in person continuing education hours for her CE cycle ending June 30, 2023.

Dr. Tharp made a motion to approve a one-year extension, to June 30, 2024, for Dr. Irion to complete her in person, live continuing education hours. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously by voice vote.

CE Extension – Schoemer, Steven #958

Dr. Schoemer requested a two (2) week extension on completing his continuing education requirements for his license renewal period that ended on May 31, 2023, with the corresponding CE cycle that ended on April 30, 2023, due his belief that the CE requirement period had changed.

Discussion: Dr. Venable made the statement there has not been a change in the CE period. Dr. Steele inquired about the CE Cycle period ending the month prior to the license expiration date.

Ms. Wallace read the following Rule 1045-02-.05 Continuing Education:

- (1) Effective January 1, 2020, an Optometrist with a renewal date in the year 2020 and beyond must complete forty (40) hours of Board approved continuing education during the twenty-four (24) months that precede the licensure renewal month.*

Dr. Tharp suggested to send a letter to notify him that the Rule has not changed.

Dr. Venable asked if we could send him a letter regarding the Policy and issue a CE Agreed Citation.

Mr. Winters explained the CE audit process. He also added if he is pulled and selected for the random audit, then he would be issued a CE Agreed Citation.

Dr. Venable suggested sending a letter that the Rule hasn't changed and if he's selected for the random audit, he will be issued a CE Agreed Citation.

Dr. Tharp suggested allowing the random audit to take place as usual and see if he is selected for audit.

Dr. Venable made a motion to deny the request for a two-week extension on completing the continuing education hours for Dr. Schoemer, and to send him send a copy of the Policy for CE and notify him that nothing has changed with the CE cycle. Allow him to go through the regular random CE audit and if he is selected, he will be subject to the audit. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously by voice vote.

CE Waiver Request – Chen, Albert #3475

Dr. Chen provided supporting documentation to the Board and requested a waiver for live, in-person hours for his license renewal period ending in August 2023 due to military deployment to the Middle East through 2022, and now on orders to go to Germany in June 2023.

Dr. Venable made a motion to approve the waiver for the in-person, live continuing education hours for the CE cycle ending August 30, 2023, for Dr. Chen, allowing him to obtain his hours via either synchronous or asynchronous formats. A second was made by Dr. McCarty. There was no discussion on the motion. The motion passed unanimously by voice vote.

Business Name Request – Kaudewitz, John #3732 KC Eye Associate, PLLC

Dr. Kaudewitz submitted a business name approval request for KC Eye Associate, PLLC.

A motion was made by Dr. Tharp to approve the business name request for Dr. Kaudewitz. A second was made by Dr. McCarty. There was no discussion on the motion. The motion passed unanimously by voice vote.

Speaker CE Credit Inquiry

Dr. Venable noted it is standard practice that when they speak at a course, their name is on the attendee list transmitted to ARBO. Dr. McCarty stated ARBO only gives credit for one presentation of a specific course, as tied to the COPE #, and noted the time and effort that goes into preparing for the course.

Mr. Winters worked with the board to draft a policy on this matter as follows:

**Tennessee Board of Optometry
Policy on Continuing Education for Presenters**

An optometrist may earn continuing education credit(s) through teaching an approved optometry continuing education course as outlined in Rule 1045-02-.05. The continuing education course presenter will receive continuing education credit(s) required for licensure equal to that of an individual course attendee. The presenter's continuing education credit for any individual course will not be counted more than once in a continuing education cycle toward the required hourly total regardless of the number of times the course is presented by the presenter. Continuing education credit is earned as of the date the continuing education presentation occurs.

Adopted by the Board of Optometry on the 12th day of July 2023.

A motion was made by Dr. Venable to approve the Policy as read into the record on Continuing Education for Presenters. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously by voice vote.

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 the license or application type as listed.

Board of Optometry

Ratification List for March 30, 2023, to July 7, 2023

Newly Licensed

License #	Name	License Expire Date
3811	Ali, Mehwish Mehboob	9/30/2024
3803	Baird, Grace Kimrey	6/30/2024
3818	Bible, Kylie Marie	5/31/2024
3821	Bryant, Celeste Ashlan	3/31/2025
3807	Chen, Yuan	8/31/2025
3817	Crockett, Gabrielle Marie	1/31/2025
3820	Daya, Radhi	4/30/2025
3799	Evans, Gregory E	2/28/2025
3812	Hanson, Alice	8/31/2024
3808	Herndon, Lane Eren	7/31/2025
3813	Quintanilla, Heather	10/31/2025
3814	Reynard, Zachary	6/30/2025
3804	Roberts, Tyler Sullivan	5/31/2025
3791	Serin, Wayne Richard	7/31/2025
3805	Spalding, Chelsea Piro	11/30/2024
3809	Stacy, Daniel	03/31/2026

Reinstatement from Retired / Expired

License #	Name	License Expiry Date
3297	Johnson, Marianne J	3/31/2025
3362	Havel, Jeffrey Dennis	6/30/2024
1196	Thomas, Randall Kean	9/30/2024

A motion was made by Dr. Tharp to approve the ratification list as presented. A second was made by Dr. McCarty. There was no discussion on the motion. The motion passed unanimously by voice vote.

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

CSMD Report

Dr. Venable was unable to attend the most recent CSMD meeting from June 25, 2023. He has not yet received the Minutes, but will notify the Administrative Office of any action items to be included, as applicable, on a future board meeting agenda.

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

Rule 1045-02-.18 Telehealth in the Practice of Optometry

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

Mr. Winters referred to TCA 63-1-155, and changes to the language regarding telehealth that will necessitate updates to Board Rules 1045-02-.09 and 1045-02-.18. The changes presented by Mr. Winters are intended to avoid conflicts and to make other applicable updates in alignment with the statutes to bring clarification and to clean up the rules.

Dr. Venable and Dr. McCarty referred to historical work by the taskforce that drafted the Optometry Telehealth rules, with the intent of the patient being a resident of TN and being able to have care rendered by a TN-licensed Optometrist, even if they are outside of TN at the time that care is needed.

A motion was made by Dr. Venable to approve the language presented by Mr. Winters with amendments as discussed. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously by voice vote.

Conference/Event Reports and Upcoming Events Review

ARBO Meeting Report

Dr. Tharp attended the June ARBO conference in Alexandria, VA, and presented a brief overview of the event, including the drafting of a model Practice ACT by ARBO, available as a guide for jurisdictions. The OE Tracker was discussed, with a mobile app that has been updated. More than 6,000 CE QR codes were scanned into the tracker in the last reporting period. CELMO is accepted by 13 states for the repository of records. The Radio Surgery presentation was very informational, which makes use of liquid nitrogen.

Discuss Old/New Board Business

Jurisprudence Exam Review

Dr. Venable noted that the goal is for new licensees to understand the scope of practice in TN. The wish is that the activity is taken more seriously. He suggested to gather information on what the BME and Dentistry Boards do for jurisprudence and for conducting annual review of the test. Also to find out about other boards and if they have any cost, and what their exam requirements look like.

Dr. Venable also asked if there is a way to find out about the investigations conducted by other board. Mr. Winters noted that complaints are confidential and provided clarification that answered the question.

A motion was made by Dr. Venable to have the jurisprudence exam reviewed in the October Board Meeting. A second was made by Dr. McCarty. There was no discussion on the motion. The motion passed unanimously.

Review Of Correspondence and Notices

Correspondence - Serin, Wayne #3791

Ms. Wallace read a letter of appreciation from Dr. Serin to the Board and Administrative Staff.

Correspondence – MATE ACT of Licensees in TN

A motion was made by Dr. Venable to revise the policy for continuing education for controlled substances to include the AOA and TMA courses to qualify for the continuing education hours to meet the requirement of the MATE ACT of licenses in Tennessee. A second was made by Dr. Steele.

Discussion on the motion followed: Dr. McCarty mentioned an additional course that is available for controlled substance providing in this regard. He wasn't sure the new courses would meet the TN specific requirements in the Rules for licensure.

Dr. Venable withdrew his motion as follow-up on the discussion, instead, stating that any prescribing courses required by the MATE Act for DEA certification/recertification are in addition to and separate from the TN Policy for Continuing Education in Controlled Substances.

Dr. Wayne, a TAOP representative, gave a public comment suggesting the Board table the discussion of CE until the rule in internal review comes back for Board final review in the rulemaking hearing.

A motion was made by Dr. Venable to make a statement by the Board that, any prescribing courses required by the MATE Act for DEA certification/recertification are in addition to and separate from the TN Policy for Continuing Education in Controlled Substances. With a second by Dr. Tharp.

Dr. Venable asked if the Board can make a statement on the website and will it be sufficient notification to licensees. Mr. Winters confirmed that a statement can be posted on the website and will be sufficient.

The motion passed unanimously by voice vote.

Correspondence – AAO Affiliate, Morgan Ollinger, AAO President

Ms. Ollinger, President of the TN Chapter of the AAO requested further clarification on if the Board considers AAO an "affiliate" for the purposes of CE course approvals.

Dr. Venable explained that an affiliate would be any state's particular entity/chapter of the main organization. Dr. Venable asked if the State chapters can reach out to the parent company for sponsorship and Dr. McCarty stated he did not believe so.

After January 01, 2024, courses not offered directly by the parent organization as presented on the Board's approved list on their website would have to be COPE-approved.

The Board asked the Administrative Office to clarify with ARBO that the TAOP CE controlled substance courses are still acceptable. Ms. Wallace confirmed that we have had meetings with ARBO to update them on the changes for the Rules and Policies.

Stephanie Price, TAOP representative, asked for clarity on COPE approval of CE courses for controlled substances. Ms. Wallace explained that TAOP and SCO are the only standing approval courses for the controlled substances outside of any other Board and COPE approved courses listed on the Board's website. Dr. Venable also confirmed TAOP and SCO are approved courses for the

controlled substances even though TAOP is not COPE approved.

Notice – OEBC Regarding Exams

Notice – NBEO Letter Regarding the OEBC and Exams

Notice – ARBO Response Letter Regarding the OEBC and Exams

These three notices were presented as a group, as they all reference the same matter. Dr. Venable believes it's likely the Board will potentially see requests from individuals seeking licensure via the OEBC rather than the NBEO in the future. He believes with ARBO's position in their letter that the NBEO is nationally recognized.

Notice – ACOE Volunteer Opportunity

There was no action or discussion from the Board on the notice.

Notice – Healthy Tennesseans 2023 Multi-Military Branch Mission

There was no action or discussion from the Board on the notice.

Notice – Board Member Online Training Event

Ms. Wallace commented on an administrative note for the Board Members. They should have received an email on a survey for an online training event that has been scheduled for July 17, 2023. There is going to be a recording that can be watched for those that cannot attend the online training event.

Call for Public Comment

Ms. Wallace announced one final opportunity for the Board to receive Public Comments before the meeting was adjourned. A reminder was given that anyone wishes to make public comment must sign in on the registry form that is next to the door.

Garrett Shepherd, TAOP Member, made public comment and referenced a letter sent to Mr. Winters, with 11 points TAOP wishes the Board's attention to be drawn to. The COPE-only decision is something they have some questions on for the prospective rule change, as well as the distribution of hours for CE between synchronous and asynchronous. TAOP believes it takes 18-20 hours of in-person CE to be effective. Mr. Winters has the letter schedule to be presented at the time of the rulemaking hearing, as public comment on the proposed rules. Dr. Venable discussed the information the Board used in drafting the proposed rules and the benefits of virtual education.

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. Venable. There was no discussion on the motion. The motion passed unanimously by voice vote.

The meeting was adjourned at 12:32 p.m. CST.

These Minutes were Ratified by the Board on October 11, 2023



Board Chair



Date