

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** February 5, 2020  
**TIME:** 9:00 A.M., CT  
**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN

### BOARD MEMBERS

**PRESENT:** Linda Tharp, O.D., Chair  
Torrey Carlson, O.D., Secretary  
Tonya Reynoldson, O.D.  
Kenneth Young, O.D.

### BOARD MEMBERS

**ABSENT:** Christopher Cooper, O.D.  
Nancy P. Strawn, Consumer Member

### STAFF

**PRESENT:** Yvette Vagle, Board Administrator  
Kimberly Wallace, Unit Director  
Kaitlin Parham, Associate General Counsel

Dr. Tharp, Board Chair, called the meeting to order at 9:01 A.M. A roll call was conducted and a quorum was present.

Kimberly Wallace made the following announcement regarding the public comments sign-in sheet: We would like to make it known that Public Comments will be heard by this Board in regards to any topic that appears in today's agenda. A copy of the agenda is available on the table by the front door for anyone who would like a copy. For those who would like the opportunity to make a comment, we ask that your remarks are kept brief and respectful in nature. As a reminder, the Board is only at liberty to take action on items that are on today's agenda, which are previously posted in the Public Notice. Anyone who has a topic they would like the Board to review for possible action that is not on today's agenda is welcome to follow-up with a written request to the Board so that it may be added to the future Public Notice and Agenda.

## **Review/Approve November 8, 2019 Board Meeting Minutes**

Upon review of the November 8, 2019, Board Meeting, Dr. Carlson made a motion, seconded by Dr. Reynoldson, to approve the minutes as written. The motion carried.

### **Office of Investigations**

Lori Leonard presented the Currently Monitoring Practitioners: there is one (1) name on the list.

Investigative report for 2019, investigations opened six (6) new complaints, of those six (6) complaints; four (4) were for unprofessional conduct, one (1) was for criminal conviction and one (1) was for right to know violation. Six (6) complaints were closed, two (2) were closed with no action, two (2) were closed with a letter of concern and two (2) were closed with a letter of warning. Ms. Leonard reminded the Board and the public that the letters of warning and the letters of concern are not reportable to the national practitioner data bank and therefore they are not consider formal discipline.

The end of 2019 investigations had three (3) complaints that were opened and being investigated for review. The year for 2020, investigations received one (1) new complaint; the one (1) open complaint was for unprofessional conduct.

### **Office of General Counsel**

Kaitlin Parham 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**

The Telemedicine rules and contact lens examination amendment are currently going through the internal review process.

### **Disciplinary Activity**

As of January 3, 2020, the Office of General Counsel had no open cases.

## **Mid-Year FY 2020 Fiscal Report**

Maria McCormick reviewed the Mid-Year report FY 2020 projecting as of June 30, 2020 the Board had total expenditures of \$165,503.52. Ms. McCormick said Board revenue fee totaled \$181,970.54. The current year net is \$16,467.03. The cumulative carryover for FY 2020 of \$760,736.03.

## **Administrative Report**

Yvette Vagle stated as of February 4, 2020 there are 1,330 licensed Optometrists.

Ms. Vagle stated from of November 8, 2019, through February 4, 2020, there were thirteen (13) new licenses, one hundred thirty-nine (139) renewals with one hundred four (104) renewing online for a percentage of seventy-five (75) percent, six (6) retired their licenses and two (2) licenses expired.

### **2020 Board meeting dates:**

April 1, 2020, July 8, 2020 and October 9, 2020 (Gatlinburg)

Ms. Kimberly Wallace stated at the next Board meeting they will conduct and vote for Election of Officers for Board Chair and Board Secretary.

## **Newly Licensed**

Upon review, Dr. Reynoldson made a motion, seconded by Dr. Young, to approve the following applicants for licensure. The motion carried.

**Michael Giese  
Christine Rae Cochran Hand  
Sara Isely  
Aleen Kaltakdjian  
Kerri Lyons  
Leena Patel**

**William Donald Pentecost  
Monique Smyth  
Karissa Anne Stelmach  
Jill Williamson  
Tiffany Denise Wooten**

## **Approve/Deny Reinstatement Applicants**

Upon review, Dr. Carlson made a motion, seconded by Dr. Reynoldson, to approve the following reinstatement applicants. The motion carried.

**Megan Lee Blemker**

**David Clayton Hicks**

## **Correspondence**

**Letter from ARBO** – Ms. Wallace stated this letter is for the Board Members information only. The letter summarizes the conversations that ARBO is having with the NBEO in regards to the exams that are utilized by the ARBO member Boards; they discussed the current NBEO agreement has expired and they are still in negotiations. In the long term, ARBO could potentially develop new assessment programs under the direct control of the member boards with them providing needed input and transparency and also enhancing the long-term financial security of ARBO.

**Daniel Hayes, OD Letter** - Ms. Wallace read Dr. Hayes' letter to the Board then asked Ms. Parham to share any additional information or any communication with Dr. Hayes. Ms. Parham read Rule 1045-02-.11(4) and stated this rule governs Orthoptics and Vision Therapy. Ms. Parham stated after reading his letter, Dr. Hayes is asking if a therapist can conduct vision therapy without an Optometrist present and he's asking for clarification. Ms. Parham will compare OT rules and certification with Optometry. The Board requested this to be tabled until the next Board meeting.

**Injection Certified Optometry Schools** - Ms. Wallace talked about the list of Injection Certified Optometry Schools. The Board made a review in 2014 and conducted a study of the injectable programs, injectable training and curriculum at each of the Optometry approved Schools across the nation. There are seventeen (17) schools on the list that have received the appropriate training for injection certification and are exempt from providing the Board with additional information. There are four (4) additional schools that were noted by the Board, that must provide additional documentation to show that the student has met the appropriate injectable training.

**Western University of Health Sciences letter** – The Board reviewed the letter regarding pharmaceutical agents by injection course outline. Dr. Young made a motion to approve Western University of Health Sciences as not having to provide additional information or documentation for injectable, seconded by Dr. Reynoldson. The motion carried.

**University of the Incarnate Word letter** – The Board reviewed the letter regarding pharmaceutical agents by injection. The Board requested the course outline from the school for injection and to table it to the next Board meeting.

Dr. Carlson stated ARBO has an accrediting body and has a representative for the schools for accreditation on teaching Optometry and to see if they are teaching injectable in the curriculum. Dr. Carlson stated Kentucky Pikeville is having their first-class graduate this year 2020. Ms. Wallace stated the administrative staff will update and append the list with Western University and will reach out to ARBO, Incarnate Word the other three (3) schools.

**NBEO relationship update**– Ms. Wallace stated this is for information for the Board and no action is needed.

**ARBO Regional meeting** – Dr. Tharp stated the ARBO regional meeting is in conjunction with SECO on March 7, 2020 from 8:30 am to 12:00 pm at the Omni International Hotel in Atlanta, Georgia, there's no registration fee and the State Board needs a representative to attend the meeting. Ms. Wallace stated Dr. Chris Cooper sent her an email indicating he would be attending the meeting but he did not indicate if he was attending as a representative for the Board or going personally. Ms. Parham stated if the Board wants to vote for a Board Member to attend the conference to wait for item #14 on the agenda to include this item under 2020 travel.

**NBEO 2020 Announcements** – Ms. Wallace stated the NBEO announcements are a two (2) page newsletter for information only.

**Dr. Garrett letter** – Ms. Wallace read Dr. Garrett's letter for the record. He notified the Board of his concerns. Dr. Carlson made a disclosure, and that he serves on the Optometry Advisory Council for Lenscrafters - it's a non-paid position - and he would recuse himself from this discussion. The Board instructed Ms. Parham to conduct research and to table it to the next Board meeting.

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

Ms. Parham stated Telemedicine rules are still in internal review.

**Discuss Old & New Business**

**Palmetto update** - Ms. Parham talked about the update with Palmetto, there were multiple attempts to contact Dr. Graves by mail and email with no return mail and no responses.

Ms. Parham talked about the CPT codes within the scope of practice. Ms. Parham and Ms. Wallace conducted research on surrounding states on how their Optometry Board deals with the scope of practice, she stated most Boards use statutes and rules to determine the scope and practice and they don't use a CPT codes list. Ms. Parham stated her legal opinion is to be more consistent with the Board statutes and rules and to put the detail of the scope of practice in the rules rather than using the CPT codes list, reminding the Board that the rule making process can take up to two (2) years.

The Board agreed to create a task force committee for scope of practice. Dr. Reynoldson made a motion, seconded by Dr. Young. The motion carried.

Ms. Wallace asked the Board for possible recommendations of names for the task force committee to review the scope of practice, the Board recommended Dr. Venable, Dr. Talley, Dr. Cooper, Dr. Zach McCarty, Dr. Jeff Foster, Dr. Reynoldson and Dr. Young.

**Dr. Cooper letter** – Ms. Wallace read his letter into the record regarding procedures are services that are recommended to be updated as included under the scope of practice.

**Dr. Talley letter** – Ms. Wallace read his letter into the record regarding procedures are services that are recommended to be updated as included under the scope of practice.

**Dr. Venable letter** – Ms. Wallace read his letter into the record regarding procedures are services that are recommended to be updated as included under the scope of practice.

Ms. Wallace read all three (3) letters, Dr. Carlson made a motion to amend the list of approves procedures and services that is on the Board website and add the CPT codes 66174.55, 65820.55 and 66183.55 from Dr. Talley’s letter along with Dr. Cooper’s procedures and co-management codes and further, to send a copy of the revised list to Palmetto, seconded by Dr. Reynoldson. The motion carried.

Dr. Tharp gave an update from the CSMD meeting she attended.

- CSMD needs 7 members to have quorum.
- Opioids crisis is worse every year and Dr. Shopping is down 85%.
- The term “Substance Use Disorder” associates with opioids use.
- Dentist are trying not to prescribe opioids and if they need opioids, they are sending patients to their primary care physicians.
- Deaths in Tennessee: 294 in 2018, 240 in 2019. Nashville had 337 in 9 months due to fatal overdose.
- Top drugs prescribed: Hydrocodone 20%, Gabapentin 18% and Oxycodone 14%
- The Gateway project has completed the required contract; the project is to start in 2021.
- Next CSMD meetings: April 7, 2020, June 23, 2020 and October 6, 2020.

**Vote 2020 Travel**

ARBO meeting June 21-23, 2020 in Alexandria, VA - Dr. Reynoldson made a motion for two (2) staff and two (2) Board members to attend, seconded by Dr. Carlson.

TAOP meeting in Gatlinburg, TN – Dr. Carlson made a motion to approve payment of \$400.00 for the Optometry Board booth in the exhibit hall on October 8 – 9, 2020, seconded by Dr. Reynoldson.

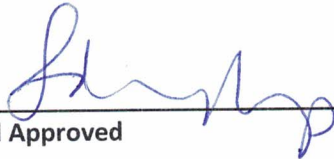
ARBO Regional meeting March 7, 2020 in Atlanta, GA, Dr. Reynoldson made a motion to approve the out of state travel, seconded by Dr. Carlson. The motion carried.

**Call for Public Comment**

No comments were made.

**Adjourn**

With no other Board business to conduct Dr. Carlson made a motion, seconded by Dr. Reynoldson to adjourn at 11:01 a.m. The motion carried.

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Board Approved

8/25/2020  
\_\_\_\_\_ Date