

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: July 8, 2020

TIME: 9:00 A.M., CT

LOCATION: Health Related Boards
WebEx-Teleconference
665 Mainstream Drive
Nashville, TN

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

**BOARD MEMBERS
ABSENT:** Nancy P. Strawn, Consumer Member

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

Call to Order

This meeting was convened electronically, via WebEx, due to the gathering restrictions resulting from the COVID-19 pandemic. The meeting was called to order by Board Chair, Dr. Linda Tharp, at 9:01 AM CST. A roll call of the Board Members and Board staff present was conducted by Kimberly Wallace, Unit 3 Director.

Necessity of Meeting

Ms. Wallace informed all present that prior to proceeding with the electronic meeting, certain criteria for continuing with an electronic meeting must be met. To ensure the meeting proceeded according to guidelines, Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another. All confirmed.

Next, Ms. Wallace informed all present that the purpose of this meeting was to ratify licenses - including new licenses and reinstated licenses - to ratify orders received after the Board's last meeting, and to consider other time sensitive matters. Because this Taskforce was unable to convene in a physical location today to consider these matters - in light of the COVID-19 pandemic, for which the TN Governor and Mayor of Nashville have recommend limiting the number of attendees at meetings for several weeks - this WebEx remote meeting was necessary.

A motion was made by Dr. Tharp, to proceed with the electronic meeting for the aforementioned purpose, with a second made by Dr. Carlson.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

In addition, all Taskforce Members were asked to acknowledge whether they had received, prior to this meeting, copies of all the materials and documents that were to be discussed at this meeting.

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

All Board Members confirmed they did receive the materials prior to the meeting.

Finally, only certain matters are proper for a teleconference; accordingly, Dr. Cooper made a motion, with a second made by Dr. Tharp, that the matters that were to be discussed today meet the following requirements:

The subject matter requires timely action;

The physical presence of all members is not possible considering the period of time required for action; and

The participation by some or all of the members of the Committee by electronic means is necessary.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Public Comments

It was noted that Public Comments would be heard during this meeting. Instructions were provided for all attendees via the WebEx system and phone call-in options. It was reminded that the Taskforce may only take action on items that are listed on the agenda.

Approval of Minutes

A motion was made by Dr. Reynoldson to approve the Minutes from the February 5, 2020, Board Meeting as written, with a second made by Dr. Carlson.

Discussion: It was noted that on page 6 of the Minutes, the total number of deaths listed in the CSMD report was 337 deaths in 9 months, but the 2018-2019 numbers were less. Dr. Tharp confirmed that this was accurate, based on her attendance at the CSMD meeting.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Approve Minutes from June 17, 2020 Taskforce Meeting

A motion was made by Dr. Cooper to approve the Minutes from the June 17, 2020 Board Meeting as written, with a second made by Dr. Young.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Dr. Young YES NO

The motion passed.

Receive Reports and/or Requests from the Office of Investigations

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

Lori Leonard presented the Investigative report for 2020: Investigations opened three (3) new complaints, of those three (3) complaints; one (1) was for unprofessional conduct, one (1) was for practice beyond the scope and one (1) was for outside of investigative scope. Five (5) complaints were closed, one (1) was closed and sent to Office of General Counsel for formal discipline, three (3) were closed with a letter of concern and one (1) 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 considered formal discipline.

Receive reports and/or requests from the 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 Telehealth rules and contact lens examination amendments are currently going through the internal review process.

Disciplinary Activity

As of June 18, 2020, the Office of General Counsel has one (1) open case. There is one (1) Consent Order for the Board to review and vote on ratifying during this meeting.

OGC Consent Order – Timothy P. Fox, O.D.

Ms. Parham presented a consent order for Dr. Timothy P. Fox, Optometrist license # 865. Ms. Parham gave a brief summary; Dr. Fox owns and works as an Optometrist at Fox Chase Optometry in Oliver Springs, TN. He was diagnosed with nonalcoholic cirrhosis of the liver; he

admits he is not consistent with taking his medication to control his diagnosis of nonalcoholic cirrhosis of the liver, which can increase ammonia levels and confusion.

Ms. Parham stated from November 2017 to present, Dr. Fox has displayed impaired behaviors on several occasions which are listed on the Consent Order. Dr. Fox agreed to have his license to practice Optometry in the State of Tennessee Suspended, beginning the effective date of this Order.

Upon the Board's receipt of proof of the successful completion of an evaluation coordinated through the Tennessee Medical Foundation ("TMF"), and a statement that he is fit to practice, Dr. Fox may request to have the Order of Compliance for the suspension of his license to practice lifted and the Optometry license shall be placed on probation for two (2) years.

Ms. Parham stated upon completion of the probationary period and compliance with all conditions of this Order, he may request an Order of Compliance to have the probation of his license to practice lifted. Dr. Fox must appear before the Board to have the probation of his license lifted.

A motion was made by Dr. Carlson to ratify the Consent Order, with a second made by Dr. Young.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

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

Maria McCormick stated there is no year-end finance report today, she anticipates a year-end report at the next meeting in the fall.

Administrator's Report

Yvette Vagle stated as of July 7, 2020 there are 1,354 licensed Optometrists.

Ms. Vagle stated from February 5, 2020 through July 7, 2020, there were forty-two (42) new licenses, two hundred forty (240) renewals with one hundred sixty-one (161) renewing online for a percentage of sixty-seven (67) percent, twelve (12) retired their licenses and two (2) licenses expired.

2020 Board meeting dates:

October 28, 2020 (TBD)

2021 Board meeting dates:

January 6, 2021, April 14, 2021, July 14, 2021 & October 8, 2021 (Tentative) Gatlinburg

Discuss alternate October Board Meeting Date

Ms. Wallace stated that, historically this Board has held its October meeting coincidental in timing and location with the TAOP Annual Congress, allowing the Board to conduct their quarterly meeting and also host a booth in the TAOP Exhibit Hall, which would tentatively place the next Board Meeting date as Friday, October 9, 2020, in Gatlinburg, TN.

Ms. Wallace stated due to the current pandemic situation, she would suggest that the Board instead consider holding the next meeting on Wednesday, October 28th, 2020 at 9:00am. The location would either be in the Iris Room of the Health Related Boards Office in Nashville, or virtually via WebEx as we are doing today.

A motion was made by Dr. Reynoldson to hold the next Board Meeting in Nashville on 10/28/2020, with a second made by Dr. Carlson.

A roll call vote was conducted.

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

ISE Waiver Request, Peter Rogaski, O.D.

Dr. Rogaski submitted an ISE waiver request for his application. He does meet some of the criteria for the waiver; he is currently licensed in the state of North Carolina, and he passed his NBEO prior to the introduction of the ISE portion of the exams. Ms. Wallace stated there is a letter from the North Carolina Board from 2005 that outlines specific criteria regarding his ability to perform injections and certain limitations applicable to his license in that state.

Ms. Wallace stated the Board has not received any additional injectable certification or documentation from Dr. Rogaski. The Board received two emails written by Dr. William Rafferty, Executive Director of the North Carolina State Board of Optometry which clarifies their position in regards to injectable certification and credentialing for their licensees.

Ms. Wallace stated she could not administratively approve the application and presented it to the Board to review and make the licensing decision. Dr. Rogaski was present for the online meeting and available to answer any questions from the Board.

Dr. Tharp asked Dr. Rogaski if he had completed an injectable course and Dr. Rogaski stated he completed the injectable course at Southern College of Optometry (SCO) in 2005.

Ms. Parham reviewed the injectable policy for the Board.

Ms. Parham stated the Board can approve Dr. Rogaski's license as contingent upon receipt of the documentation for injectable training by Southern College of Optometry (SCO).

A motion was made by Dr. Young to approve the license for Dr. Rogaski, contingent upon receipt of documentation of the completion of the SCO injectables course, with a second made by Dr. Cooper.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Ratification List – Newly licensed

Walter Scott Berry
Joy Bodwell
Travis R. Bryant
Britton M. Bugg
Benjamin Skelly Carden
Al'Tiana Carter
Brodie Cates
Anthony Chi-Kwong Chiang
Isaiah Choy
Elick Jan Combs III
Dominique Garcia Robles
Kaitlin Mayo Hawkins
Kelly Herron
Krystle Kennedy
Michael Austin Killingsworth
Abigail Kirk
Katie Grace Lewis

Ashley Mcgee
Katelyn Elizabeth Mcgee
Matthew Wesley Meredith
Alison Marie Moore
Christopher Muegge
Deana Orvin
Elizabeth Pallante
Frances Xavier Par III
Brian Post
Chawan Jaafer Rasheed
Elyse Rayborn
Ashley Savage
Sydnee Victoria Snapp
Jana Plant Socey
Blair Alexandria Solomon
Elise L. Svennevik
Graham Taylor

Blake Elizabeth Long
Victoria Long
Natalie Lui Kai Yung
Callie Mashburn

Khanh Minh Trinh
Caroline Elizabeth Vollberg
Rachel Wakefield
Rebecca S. Weisbrott

A motion was made by Dr. Carlson to approve for ratification the names listed on the newly licensed list, with a second made by Dr. Reynoldson.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Ratification List – Reinstated Licenses

Adrienne Prichard Nowicki

A motion was made by Dr. Cooper to approve for ratification the name on the reinstatement list, with a second made by Dr. Young.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Correspondence – Dr. Ross Lumpkin, Big Rock Eye Care PLLC, Business Name Request

Dr. Ross Lumpkin requested approval for the business name “Big Rock Eye Care PLLC”.

Dr. Cooper asked the Board if the names are being approved prior to opening a business or should practitioners apply in advance. He stated this business is opening very soon and the business name has already been received.

Ms. Parham read Rule 1045-02-.08(8) which discusses corporate or business name requests being submitted to the office; they must be submitted to and approved by the Board prior to use.

Dr. Cooper asked the Board if there was any historical precedence of denying names. It was noted that there have occasionally been some names that have previously been denied due to some problem with the name. Dr. Reynoldson stated this particular practice is not open yet, they have delayed opening until August, and Dr. Lumpkin has not used the name or advertised the name to her knowledge.

A motion was made by Dr. Carlson to approve the business name Big Rock Eye Care, PLLC, with a second made by Dr. Young.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Cooper	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

The motion passed.

Correspondence – Dr. Scott Chamberland – Blink of an Eye of Optometry – Business Name Request

Dr. Scott Chamberland requested approval for the business name “Blink of an Eye Optometry”.

A motion was made by Dr. Reynoldson to approve the business name Blink of an Eye of Optometry, with a second made by Dr. Young .

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

The motion passed.

Correspondence – Dr. Zachary McCarty – CPT Code 67850 Destruction of lid margin (up to 1 cm)

Dr. Cooper requested that CPT code 67850 destruction of liaison of lid margin (up to 1 cm) to be added to the CPT code list.

A motion was made by Dr. Reynoldson to approve the addition of CPT code 67850, with a second made by Dr. Cooper.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Correspondence – 2019-2020 Year ACOE Report

Ms. Wallace stated this is for the Board’s Information only, no action required.

Correspondence – 2019 NBEO Response to NBERC

Ms. Wallace stated this is for the Board’s Information only, no action required.

Correspondence – 2020 ARBO President’s Letter

Ms. Wallace stated this is for the Board’s Information only, no action required.

Discuss legislation and take action if needed

Patrick Powell, Legislative Liaison, presented the annual Legislative Update, inclusive of:

Public Chapter 573

This act amends the Tennessee Together statutes. It expands the definition of “alternative treatments” by adding “nonopioid medicinal drugs or drug products, occupational therapy, and interventional procedures or treatments.” This is primarily relevant to the treatments that must be disclosed and explained by a healthcare practitioner to a patient or the patient’s legal representative as a prerequisite to obtaining informed consent to treatment with an opioid.

This act took effect on March 19, 2020.

Public Chapter 594

This act was the Department of Health’s Licensure Accountability Act. The bill allows all health related boards to take action against a licensee that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change.

This act took effect March 20, 2020.

Public Chapter 738

This act amends prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public record request. Prior to authorizing destruction of public records an entity must contact the public record request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed of in accordance with an established records retention schedule/policy as part of an ordinary course of business as long as the records custodian is without knowledge the records are subject to a pending request.

This act took effect on June 22, 2020.

Public Chapter 761

This act allows certain midlevel practitioners to prescribe buprenorphine when employed in a community mental health center (CMHC) or a federally qualified health center (FQHC). To be eligible under this law, the practitioner must be licensed, and practice as, a family, adult, or psychiatric nurse practitioner or physician assistant. They also must have a DATA waiver issued by SAMHSA/DEA. There can be no limitations or conditions imposed on the provider's license within the previous three (3) years. Prescriptions by the practitioner must not exceed a sixteen (16) milligram daily equivalent. The practitioner also must not prescribe mono product or buprenorphine without naloxone. The provider may only prescribe buprenorphine products to patients treated through the organization that employs the provider. Prescriptions can only be dispensed by a licensed pharmacy to ensure entry into the CSMD. The provider has a cap of fifty (50) patients at any given time. The law also requires the provider to initiate and lead a discussion regarding patient readiness to taper off medications in their treatment at any time upon the patient's request, but no later than one (1) year after initiating treatment, and then every six (6) months thereafter.

The facility must employ one or more physicians and have adopted clinical protocols for medication assisted treatment. The midlevel's collaborating physician must hold an active DATA waiver and be treating patients with buprenorphine at the same facility. The facility must employ providers that accept TennCare and are accepting new TennCare patients. The facility must verify identification of patients. The collaborating physician must review 100% of the charts of patients being prescribed a buprenorphine product and can only collaborate/supervise four (4) nurse practitioners or physician assistants.

This act took effect July 1, 2020.

Public Chapter 771

This act allows certain midlevel practitioners to prescribe buprenorphine when employed in a non-residential office-based opiate treatment facility (OBOT) licensed by the Department of Mental Health and Substance Abuse Services (MHSAS). To be eligible under this law, the practitioner must be licensed, and practice as, a family, adult, or psychiatric nurse practitioner or physician assistant. They also must have a DATA waiver issued by SAMHSA/DEA. Prescriptions by midlevel providers under this statute are capped at a sixteen (16) milligram daily dose, and must not be for a mono-product or buprenorphine without naloxone, except when utilizing injectable or implantable buprenorphine products. Midlevel providers under this statute are capped at 100 patients.

The OBOT in these situations must employ the midlevel's collaborating physician (who also must hold an active DATA waiver and be treating patients with buprenorphine at the same OBOT) and the OBOT must not have the authority to dispense buprenorphine products. The collaborating/supervising physician under this statute cannot supervise more than two (2) midlevel practitioners.

The OBOT also must employ providers that are credentialed and contracted to accept TennCare patients and bill TennCare for services for treatment of opioid use disorder with buprenorphine. Finally the OBOT must be accepting new TennCare patients.

This act took effect August 1, 2020.

Continuing Education Rules Review & COPE Rules Interactive CE

Ms. Wallace stated the Administrative Office would like to take this opportunity to recognize and acknowledge the high number of requests and inquiries that have been received in regards to the continuing education requirements, specifically the in-person hours required for the maintenance of an active license during each renewal cycle.

Ms. Wallace stated we understand the challenges that recent event cancellations and conference re-scheduling notices may be posing to our licensed professionals.

Ms. Wallace stated we would like to note that any continuing education course that is classified as a live class by COPE, and recorded into a licensee's OE Tracker account by the provider as such, will be counted as a live class towards meeting the required credits for the maintenance of a TN Optometry license. We have also received a notification from COPE that they have extended their deadline for COPE Administrators and Providers to present CE activities through an interactive online format and give live COPE credit through December 31, 2020.

Ms. Wallace stated the Rules Governing the Practice of Optometry, Chapter 1045-02, remain in effect as written, with the exception of any special provisions that may be issued under an Executive Order.

Ms. Parham stated on June 29, 2020, Governor Lee issued Executive Order 50 that suspends in-person Continuing Education requirements from March 12, 2020 through August 29, 2020, Commissioner Piercey knows it doesn't cover the entire renewal cycle, and in the near future a Policy statement for all of HRB is forthcoming to clarify how Continuing Education will be handled under Executive Order 50 for this year's renewal cycle.

Taskforce Report

Ms. Parham provided a brief report of highlights of the June 17, 2020, Scope of Practice Taskforce meeting and the plan for the August 19, 2020 meeting.

Dr. Joshua Garrett – Integrity Eye Letter Follow-up

Ms. Parham provided an update on Dr. Garrett's question and stated currently in Tennessee only Pharmacy has the any willing provider law. Ms. Parham stated that the any willing provider law is in statute and the Board cannot act on this item since it is legislative.

Dr. Cooper noted that this is an issue of continuity of care, and patient access of care with providers based on patient choice rather than a company excluding providers based on a move.

Dr. Garret was present in the online meeting and spoke to the Board about patients having their choice taken away from them and that it is frustrating due to insurance company choices and decisions. He feels like the insurers are picking and choosing providers to add to their network. Ms. Parham will research the any willing provider law to see if there's any effort the Board can make in this area.

Dr. Daniel Hayes – Vision Therapy Satellite Office Letter Follow-up

Ms. Parham stated at the last Board meeting the Board looked at Dr. Hayes's letter and instructed her to contact Dr. Hayes and ask him some questions, specifically if his vision therapists are certified Optometric vision therapists. Ms. Parham did contact Dr. Hayes and he stated he would call her back and she has not heard from him. She has tried to reach out to Dr. Hayes and has nothing new to report for this item.

Inter-American University of Puerto Rico

Ms. Wallace stated as a follow-up to our last meeting, it was requested that the Administrative Office reach out to each of the three Optometry Schools that are not currently on our list of schools who have approved injectable plans of study. At this time, when a licensure applicant has graduated from one of these schools, they have to provide an individual letter from the school that confirms their injectable course meets the requirements as needed for licensure. Ms. Wallace stated that the Board has been provided with the documents that have been given to the administrative staff by each of these schools in response to our requests for information.

The Board opened discussion of each individually to determine if they should be added to the list of approved schools, or if they should have to continue providing individual requirement letters for each student they graduate who goes on to apply for licensure in TN.

Dr. Cooper asked Ms. Wallace if all new licensees pass at the National Board level "ISE" for licensure, why would the Board would needs a keep a school list.

Ms. Parham read rule *1045-02-.07 DIAGNOSTIC AND THERAPEUTIC CERTIFICATION.*

(1) It is the intent of the Board that all applicants for licensure as optometrists attain the highest level of licensure available under the law including diagnostic and therapeutic certification as provided in T.C.A. §§ 63-8-102(12)(E) and 63-8-112(4). Attaining therapeutic certification must include attaining certification to use pharmaceutical agents by injection.

Ms. Wallace read rule *1045-02-.03 EXAMINATIONS.* (1) Applicants graduating prior to January 1, 1992 - Unless applicants choose to qualify pursuant to paragraph (2), all such applicants must, in addition to having successfully completed all parts of the pre-1992 National Board of Examiners in Optometry (NBEO)'s examinations, unless waived, and the Association of Regulatory Boards of Optometry or its predecessor organization's examination, successfully complete the Board's clinical examination which is Part III of the NBEO's examination (a) The Board adopts as its written licensure examinations those administered by the National Board of Examiners in Optometry and the Association of Regulatory Boards of Optometry or its predecessor organization as they existed through December 31, 1991 for all applicants graduating prior to January 1, 1992.

Ms. Parham wants to research and discuss at the next Board meeting on October 28, 2020.

Ms. Wallace made a suggestion to the Board to make a motion to table the review of the three (3) schools and add to the item the review of the rules and doing away with the list based on the qualifications in the rule and the use of the ISE of confirmation rule.

A motion was made by Dr. Cooper to table the discussion and review of schools to the next Board meeting, with a second made by Dr. Carlson.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

University of the Incarnate Word, Rosenberg School of Optometry

A motion was made by Dr. Cooper to table the review until next the Board meeting, with a second made by Dr. Carlson.

A roll call vote was conducted:

Dr. Carlson	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Item 13.c.iii. Midwestern University Arizona College of Optometry

A motion was made by Dr. Cooper to table the review until the next Board meeting, with a second made by Dr. Carlson.

A roll call vote was conducted:

Dr. Carlson	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Dr. Cooper to Report on the 2020 ARBO Teleconference Meeting

Dr. Cooper gave a report on the 101st ARBO meeting which was on Saturday June 20, 2020, via teleconference; the Board also was represented by Dr. Carlson and Dr. Tharp.

Dale Atkins, Consulting Attorney to ARBO, FARB and other entities, presented at the ARBO meeting, and he continues to assert that legislators across the country are seeking removal of barriers to licensure and employment.

ARBO maintains all of the continuing education data for verification of licensure renewal for TN Optometrists through their OE tracker service. ARBO is the administrator and regulatory organization behind the counsel on Optometric Education for COPE. COPE has extended interactive online Continuing Education through December 31, 2020.

The National Board of Examiners (NBEO) has a new limit of 6 attempts for passage of Board examinations; this is consistent with other boards' limits. Setting a limit increases test security,

candidate motivations, statistically mediations do not increase passage rates for subsequent attempts. NBEO does allow Board members to sponsor a candidate after 6 failed attempts at exams.

Dr. Cooper stated he would like to call for a strategic plan for the TN Optometry Board. Dr. Cooper recommends the Board review strategic planning through a Taskforce, to address how this Board will continue to protect public safety, to enact rules and regulation for reciprocity, continuing education, temporary licenses during shutdowns and pandemics, patient access to any willing procedures, new licensure and ongoing licensure, and for keeping pace with new technology for the benefit of the public we serve.

Dr. Chris Lievens, from SCO, requested to make a Public Comment and speak with Board regarding issues facing new licensees during this pandemic. Dr. Lievens stated that one of the issues in the near future is the ability of students to take the NBEO exam parts I & II and getting to Charlotte for the ISE. If students can't test, they are prohibited from obtaining licensure.

Dr. Venable, from SCO, requested to make a Public Comment and stated that the Pandemic is presenting unusual situations at Southern College of Optometry (SCO); that they are struggling but currently successful in clinical exposures to the 3rd and 4th year students to complete the program on time and be eligible for license. Southern College of Optometry (SCO) requires graduates to pass I & II of NBEO which are administered during the 3rd year program. There are significant challenges from PearsonVue to administer exams electronically, in light of the need to social distancing measure in place, which has cut down the number of students who can complete the exam during their 3rd year. The completion of Part III ISE must be taken in Charlotte NC.

Ms. Parham stated statute 63-8-112(3) Powers of the Board is to confirm passing of exams to grant license. The board cannot give a waiver for exams for new graduates, per statute, in her legal opinion.

Dr. Tharp asked Ms. Parham if a strategic plan taskforce were established, and came up with possible alternatives for a pandemic crisis, would it be approved and make a difference?

Ms. Parham stated if the Board wants to draft rules, it would go through internal review process, and it's her legal opinion it might encounter some issues in the internal review process.

Dr. Venable requested to make a Public Comment and stated there are graduates who have passed Parts I & II, but have not taken NBEO III and ISE. What they would propose is a temporary license to go to work until their first available opportunity to pass NBEO III and ISE. If they didn't pass, then they could not continue to practice.

Dr. Tharp concurred with forming a taskforce would that could help make a difference in the future to allow the Board to determine what kind of protocol they could go through to make situations like this easier, should they arise again in the future.

Ms. Parham stated it's her legal opinion that the Board doesn't have legal ability to change statutes, but the Board can create a taskforce and she can advise as the process unfolds.

Dr. Cooper made a motion to that the Board establish a taskforce, to make recommendations for long range strategic planning with the Tennessee Board of Optometry, with emphasis on active rules and regulations to benefit the public we serve, to include but not limited to the surplus of over a half a million dollars in the treasury, provide for interstate licensing, reciprocity, online continuing education, temporary licensure to applicants during a pandemic or other state of emergency, patient access to any willing providers, the definition of the scope of practice, health and vision care colleges, with a second by Dr. Carlson.

Dr. Cooper modified the motion to withdraw scope of practice from this motion; strategic planning is his emphasis given the guidance from ARBO; strategic planning looks to incorporate legislators and educate them on what they do on behalf of the public as one element; specific topics will call for a long range strategic plan.

Dr. Cooper amended the motion that the Board establish the new taskforce to review and make recommendations for long range strategic planning for Tennessee Board of Optometry, with emphasis on active rules and regulations to benefit the public we serve, to include but not limited to surplus of over a half a million dollars in the treasury, provide for interstate licensing, reciprocity, online continuing education testing, issue temporary licensure to applicants during the pandemic or other state of emergency, patient access to any willing providers, to engage the legislators and evaluate the health and vision care colleges, with a second by Dr. Carlson.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Dr. Tharp asked information of the strategic taskforce and meeting dates. Dr. Cooper noted that is is critical there is input from the academic side, nominates Dr. Venable.

Dr. Carlson asked how many board members can serve on taskforce at one time? Ms. Wallace and Ms. Parham stated a maximum three (3) board members can participate so as not to gather a quorum of Board Members on the Taskforce. Dr. Carlson suggested having the maximum of three (3) board members.

Dr. Cooper, Dr. Carlson, and Dr. Reynoldson volunteered.

Dr. Venable is available and willing to participate.

Dr. Tharp stated the names recommended for the strategic planning taskforce are Dr. Cooper, Dr. Carlson, Dr. Reynoldson and Dr. Venable.

A motion was made by Dr. Young to accept nominations and adding one (1) or two (2) more members to the Taskforce, with a second by Dr. Reynoldson.

A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

The motion passed.

Ms. Wallace asked the Board for administration guidance on how they want the additional slots filled; Dr. Cooper will send Dr. Matthews contact information to Administrative Office as a recommendation. Ms. Vagle recommended Dr. Orgain, he is not currently a member of the state associations, and Dr. Cooper stated he would be an excellent recommendation. Ms. Wallace stated she will contact Dr. Mathews and Dr. Orgain.

Dr. Tharp asked if there was a report for the CSMD Taskforce, Dr. Reynoldson stated she could not attend the last meeting due to technical difficulties the morning of the virtual meeting, so there is no report to give. Dr. Tharp will serve as backup representative for this Committee.

Dr. Cooper stated on July 6, 2020 the Tennessee Department of Health announced the state wide DHR integration. Dr. Tharp stated she received email notification, and a letter went to all licensees. Dr. Tharp asked Dr. Cooper to send his letter to Ms. Wallace so she can post it on the Optometry Board website.

Item 14. Call for Public Comment

Ms. Wallace stated that the meeting would be opened one final time for Public Comments and reminded all participants of the instructions for making a comment via the WebEx virtual meeting platform. She reminded all participants that the Board may only take action on items that were listed on today's agenda.

Dr. Venable requested to make a Public Comment. He thanked the Board for the opportunity to present his concerns and comments for the benefit of Tennesseans today.

Adjournment

A motion was made by Dr. Cooper to adjourn, with a second made by Dr. Reynoldson.

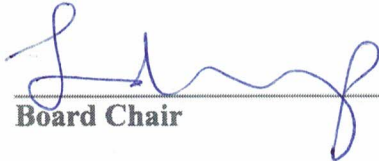
A roll call vote was conducted:

Dr. Carlson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

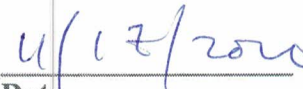
The motion passed.

The meeting of the Board of Optometry was adjourned at 11:52AM CST.

These Minutes were Ratified by the Board on October 28, 2020.



Board Chair



Date