

TENNESSEE BOARD OF OPTOMETRY TASKFORCE MEETING MINUTES

DATE: August 19, 2020

TIME: 9:00 A.M., CST

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

**BOARD MEMBERS
PRESENT:** Christopher Cooper, O.D.
Zachary McCarty, O.D. – Chair
James Venable, O.D.
Kenneth Young, O.D.

**STAFF
PRESENT:** Lyndsey Boone, Board Manager
Yvette Vagle, Board Administrator
Kimberly Wallace, Executive Director
Kaitlin Parham, Assistant 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 Taskforce Chairman, Dr. Zachary McCarty, at 9:03 AM CST. A roll call of the Board Members and Board staff present was initiated 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 reminded all present that this Taskforce was created by the TN Board of Optometry for the purpose of reviewing the Board of Optometry Scope of Practice. 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 the next several weeks - this WebEx remote meeting was necessary.

Dr. Venable made a motion for the Taskforce to proceed to conduct this electronic meeting for the aforementioned purpose, with a second from Dr. Young.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. McCarty	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Venable	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

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. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. McCarty	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Venable	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

All Taskforce Members confirmed receipt of meeting materials.

Finally, only certain matters are proper for a teleconference; accordingly, Dr. Cooper made a motion, with a second made by Dr. Venable that matters 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.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. McCarty	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Venable	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES

NO

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.

Review Rules regarding Optometry Scope of Practice

Dr. McCarty stated that at the last meeting of the Taskforce that was held on June 17, 2020, the Committee reviewed the current Scope of Practice found in the Optometry Rule 1045-02-.11, as well as the Board's current practice of using a list of CPT Codes to further define allowable services and practices that fall within the Scope of Practice. Dr. McCarty stated the CPT Codes list is a concern and it would be better to have a list of what falls outside of the Scope of Practice, rather than what falls inside the Scope of Practice.

It was discussed by the Committee to look at moving towards a revision of the Scope of Practice Rule to make it exclusion-based, rather than inclusion-based, and also to work to discontinue the use of a CPT Code list.

The Committee also requested copies of the Rules or Statutes in place in the states of Kentucky, Louisiana, and Oklahoma, for review at this meeting, which have been provided in the meeting materials.

Ms. Parham agreed that the goal of this meeting would be for the Committee to review the other state rules and proceed as they noted last time on an exclusionary basis to work towards draft language for the Scope of Practice.

TCA 63-8-102 and the Board's authority through the rulemaking process to define this statute were discussed.

Ms. Parham stated that, regarding TCA 63-8-102, the Board cannot change this language, but can further elaborate on it in the Rules, specifically in 1045-02-.11 and/or 1045-02-.12.

The committee took a break at 10:13am CST and returned at 10:18am with a Roll Call, with all Board Members and Administrative and Legal Staff present.

The committee continued to discuss the Scope of Practice and created a working version of draft rules for Ms. Parham to formulate into Rules Redlines for the Taskforce to review at the next meeting, scheduled for October 14, 2020, at 2:00 PM CST.

A motion was made by Dr. Venable to accept the draft document language of the working document titled as "version 4" to be added as a Redline for review and final approval at the next Taskforce meeting on October 14th, with the intention for the Redline if the Rules to go before the full board at their meeting on October 28, 2020, with a second made by Dr. Cooper.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. McCarty	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Venable	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

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.

There were no Public Comments offered at this time.

Adjournment

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

Discussion: None OR As Follows

A roll call vote was conducted:

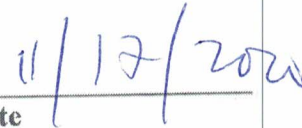
Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. McCarty	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Venable	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

The meeting of the Optometry Taskforce was adjourned at 11:49am CST.

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


Board Chair


Date