

TENNESSEE BOARD OF OPTOMETRY TASKFORCE MEETING MINUTES

DATE: October 14, 2020

TIME: 2:00 P.M., CST

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

**TASKFORCE MEMBERS
PRESENT:** Zarchary McCarty, O.D. – Chair
James Venable, O.D.
Kenneth Young, O.D.

**TASKFORCE MEMBERS
ABSENT:** Christopher Cooper, O.D.

**STAFF
PRESENT:** Lyndsey Boone, Board Manager
Kimberly Wallace, Executive Director
Kaitlin Parham, Assistant General Counsel

**STAFF
ABSENT:** Yvette Vagle, Board Administrator

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 2:06 PM CST. A roll call of the Taskforce Members and Board staff present was initiated by Kimberly Wallace, Unit 3 Director.

- ~~Dr. Cooper~~ ABSENT
- Dr. McCarty
- Dr. Venable
- Dr. Young
- Board Manager, Lyndsey Boone
- ~~Board Admin, Yvette Vagle~~
ABSENT

Board Attorney, Kaitlin Parham

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 Taskforce 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 recommended limiting the number of attendees at meetings - this WebEx remote meeting was deemed necessary.

A motion was made by Dr. Venable to proceed with the electronic meeting, with a second made by Dr. Young.

Discussion: None OR As Follows

A roll call vote was conducted:

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

All Taskforce Members present confirmed that they did receive the materials prior to the meeting.

Finally, only certain matters are proper for a teleconference; accordingly, Dr. McCarty made a motion and a second followed by Dr. Venable that the matters to be discussed met 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"/> ABSENT | <input 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

This satisfied the requirements for a teleconference.

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 Optometry Scope of Practice Rules Draft Redlines

Upon review of the redline version of the rules, as drafted by the Taskforce at its last meeting, a motion was made by Dr. Venable to change section (b)(12) to read "*Incisional or excisional surgery of the lacrimal system; and*" with a second made by Dr. Young.

Discussion: None OR As Follows

A roll call vote was conducted:

| | | | | | |
|-------------|--|---|-----------------------------|----------------------------------|----------------------------------|
| Dr. Cooper | <input checked="" type="checkbox"/> ABSENT | <input 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

Ms. Parham read aloud for the record all Rules redlines as drafted by the Taskforce, giving opportunity for the Taskforce or the public to comment as needed.

Dr. McCarty inquired about the FDA reference to make sure it is correct in section (1)(a), and (1)(b). Kaitlin confirmed it should read as the "Food and Drug Administration". It was also clarified that the DEA would fall under "other related agency."

A motion was made by Dr. McCarty to change (1)(a) and (1)(b) to read "Food and Drug Administration" with a second made by Dr. Venable.

Discussion: None OR As Follows

A roll call vote was conducted:

| | | | | | |
|-----------------------|--|---|-----------------------------|----------------------------------|----------------------------------|
| Dr. Cooper | <input checked="" type="checkbox"/> ABSENT | <input 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

Opened for Public Comment on Section 1, none heard.

Ms. Parham went on to read aloud Section 2, and also noted that Rule 1045-02-.12 has been struck from the rules in this redline.

A motion was made by Dr. McCarty for a grammatical change of item (b)(2) to read "performed with general anesthesia," with a second made by Dr. Young.

Discussion: None OR As Follows

A roll call vote was conducted:

| | | | | | |
|-----------------------|--|---|-----------------------------|----------------------------------|----------------------------------|
| Dr. Cooper | <input checked="" type="checkbox"/> ABSENT | <input 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

Ms. Parham confirmed that the removal of Rule 1045-02-.12 does not alter the numbering of subsequent sections. That section will remain open after being struck.

Opened for Public Comments on Section 2, none were heard. Mr. Theo Morrison did submit a request via chat for a copy of the Rules Redlines. Ms. Parham noted she would send them to him via email.

A motion was made by Dr. Young to move the Rules Redlines draft to the full board at their upcoming meeting on October 28th, 2020, with a second made by Dr. Venable.

Discussion: None OR As Follows

A roll call vote was conducted:

| | | | | | |
|-------------|--|---|-----------------------------|----------------------------------|----------------------------------|
| Dr. Cooper | <input checked="" type="checkbox"/> ABSENT | <input 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

Ms. Wallace noted that the Public Notice for the Optometry Board’s 10/28/2020, meeting is available on the Calendar of Events website, and that if anyone cannot access it or wants a copy of the Public Notice sent to them, to please email the Board Office at Unit3HRB.Health@tn.gov.

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 Taskforce may only take action on items that were listed on today’s agenda.

There were no Public Comments offered at this time.

Taskforce Chair Dr. McCarty extended thanks to the Taskforce Members and Administrative Staff for their work in serving on this committee.

Adjournment

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

Discussion: None OR As Follows

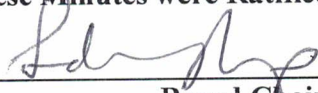
A roll call vote was conducted:

| | | | | | |
|-------------|--|---|-----------------------------|----------------------------------|----------------------------------|
| Dr. Cooper | <input checked="" type="checkbox"/> ABSENT | <input 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

This meeting of the Optometry Scope of Practice Taskforce was adjourned at 2:42pm CST.

These Minutes were Ratified by the Board of Optometry on January 6, 2021.



Board Chair

5/14/2021

Date