

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** January 6, 2021

**TIME:** 9:00 A.M., CT

**LOCATION:** Health Related Boards  
WebEx-Teleconference  
665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Christopher Cooper, O.D  
Tonya Reynoldson, O.D  
Linda Tharp, O.D., Chair  
Kenneth Young, O.D

### **BOARD MEMBERS**

**ABSENT:** Kurt Steele, O.D  
Consumer Member – Vacant

### **STAFF**

**PRESENT:** Kimberly Wallace, Unit Director  
Lyndsey Boone, Board Manager  
Kaitlin Parham, Associate General Counsel  
Eric Winters, Associate General Counsel

### **Call to Order**

This meeting was convened electronically, via WebEx, due to the gathering restrictions resulting from the COVID-19 pandemic. This meeting was called to order by Board Chair, Dr. Linda Tharp at 9:00 AM CST.

### **Necessity of Meeting**

A roll call of the Board Members and Board staff present was conducted by Kimberly Wallace, Unit 3 Director, with a quorum of Board Members present.

- ☒ Dr. Linda Tharp, Board Chair
- ☒ Dr. Chris Cooper, Board Vice Chair
- ☒ Dr. Tonya Reynoldson, Board Sec/Treas.
- ☒ Dr. Kenneth Young
- ☐ Dr. Kurt Steele – ABSENT

- ☐ Consumer Member - VACANT
- ☒ Board Manager, Ms. Lyndsey Boone
- ☒ Board Attorney, Ms. Kaitlin Parham

After conducting the roll call, Ms. Wallace introduced new HRB Director, Mr. George Darden and new General Counsel for the Department of Health, Mr. Grant Mullins, to the Board.

Ms. Parham notified the Board that she will be stepping into a new role with the Office of General Counsel and introduced Eric Winters as the new advising attorney for this Board.

Ms. Wallace requested that each Board Member and Staff Member confirm they were able to hear one another. All confirmed.

- ☒ Dr. Cooper
- ☒ Dr. Reynoldson
- ☐ Dr. Steele - ABSENT
- ☒ Dr. Tharp
- ☒ Dr. Young
- ☒ Ms. Boone
- ☒ Ms. Parham
- ☒ Mr. Winters

#### **Purpose of Meeting and Necessity of Teleconference**

Ms. Wallace informed all present that prior to proceeding with the electronic meeting, certain criteria for continuing with an electronic meeting must be met.

First, Ms. Wallace confirmed that each of Board Members and Staff Members participated throughout today's meeting were able to hear the response given by each and every other participant.

- ☒ Dr. Cooper
- ☒ Dr. Reynoldson
- ☐ Dr. Steele - ABSENT
- ☒ Dr. Tharp
- ☒ Dr. Young
- ☒ Ms. Boone
- ☒ Ms. Parham
- ☒ Mr. Winters

Next, Ms. Wallace informed all present that the purpose of this meeting is 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 Board 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 at this time - this WebEx remote meeting is necessary.

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

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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<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 Board Members were asked to acknowledge whether they had received, prior to this meeting, copies of all the materials and documents that are to be discussed at this meeting.

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input 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 present confirmed that they did receive the materials prior to the meeting for review purposes.

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 to be discussed in this meeting 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"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
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Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<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 Comment**

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 Board may only take action on items that are listed on the agenda. Ms. Wallace also noted that, as always, prior to the date of any Board Meeting, any member of the public is welcome to submit a written comment or inquiry to the Board via email at [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov) or via postal mail addressed to the Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243.

### **Conflict of Interest Statement**

Ms. Parham reviewed the Conflict of Interest statement and Open Meetings Act statement, as follows:

If you have a personal or financial interest in the outcome of any issue or matter before this board which may suggest a bias on your part, you are asked to state that interest on the record so that a determination can be made as to whether there exists a need for recusal. You are reminded that it is the duty of this board to protect the health, safety, and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

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 member 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.

### **Approve Minutes from October 28, 2020 Board Meeting**

A motion was made by Dr. Reynoldson to approve the October 28, 2020 Board Meeting Minutes as written 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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp		<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

### **Approve Minutes from October 14, 2020 Scope of Practice Taskforce Meeting**

A motion was made by Dr. Cooper to approve the October 14, 2020, Scope of Practice Taskforce Meeting Minutes as written with a second made by Dr. Reynoldson.

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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED
Dr. Tharp		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED
Dr. Young		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED

The motion passed. ☒ YES ☐ NO

### **Approve Minutes from October 14, 2020 Strategic Planning Taskforce Meeting**

A motion was made by Dr. Young to approve the October 14, 2020, Strategic Planning Taskforce Meeting Minutes as written with a second made by Dr. Reynoldson.

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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED
Dr. Tharp		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED
Dr. Young		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED

The motion passed. ☒ YES ☐ NO

Dr. Tharp expressed her thanks to all of the Taskforce Members who have contributed their time and efforts.

### **Receive Reports and/or Requests from the Office of Investigations**

Lori Leonard provided reports to the Board. The currently monitored practitioners report and investigative reports were presented.

## CURRENTLY MONITORED PRACTITIONERS

PERIOD: As of 01/04/2021

<b>Total # Currently Monitored Practitioners</b>	1
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PERIOD: 2020 Calendar Year

## COMPLAINTS

<b>New Complaints</b>	<b>Number of Complaints</b>
Unprofessional Conduct	4
Medical Record Request	1
Practice Beyond the Scope	1
Outside of Investigative Scope	1
<b>Total # New Complaints</b>	<b>7</b>
<b>Closed Complaints</b>	
Closed BIV, EMS, HCF, AW	1
Closed – Letter of Concern	3
Closed – Warning Letter	1
<b>Total # Closed Complaints</b>	<b>5</b>
<b>Total # Currently Open Complaints</b>	<b>4</b>

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 (NPDB) and therefore, they are not considered formal discipline.

No new investigative matters have been added since the beginning of January 2021.

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

Ms. Wallace provided a brief review of the Sunset Hearing that was held on December 8, 2020. This hearing is a regular part of the lifecycle for all Health-Related Boards and consisted of a review regarding the operations of the Board. It was conducted by the Education, Health and General Welfare Joint Subcommittee of Government Operations. In attendance on behalf of the Board were Board Chair, Dr. Tharp, and Board Attorney, Ms. Kaitlin Parham, along with other



executive representatives of the Office of Health-Related Boards. The hearing itself was relatively short with questions primarily focused on the vacancy in the Board's Consumer Member Seat and the current amount of the Board's Cumulative Carryover. The hearing concluded with an approval for a 5-year extension for this Board.

Ms. Wallace then differed to Fiscal Director, Ms. Alicia Grice, who reviewed the financial considerations discussed at the December 8, 2020, Sunset Review Hearing and other financial information.

Ms. Grice reviewed the formula for calculating the surplus of the cumulative carryover level that could trigger a fee reduction, and options the Board may have, including doing a review of possible fee reduction scenarios. Ms. Grice stated the legislature has the discretion to use funds from the carryover balance on an as-needed basis, but we have not received any notice of them planning to do so at this time. The only way the balance is affected typically is if the legislature decides to draw from it, or if the Board runs in the red and draws from it to cover a shortfall in any fiscal year.

Dr. Cooper inquired about the increased costs from the Fiscal Year (FY) 2020 and if the fees were decreased, would that have an effect on the cumulative balance.

Ms. Grice reviewed the calculation that includes the rising costs over the last three years and stated that the Board is over the recommended cumulative balance.

Dr. Cooper asked if the increasing expenses would justify keeping the fees where they are.

Ms. Grice reminded the Board that the last FY came in at just over (\$8,000) in the red and that it is difficult to determine what the impact of the pandemic will be on the Board's revenue at this time. She also informed the Board that they can wait until the April meeting and review some possible fee decrease scenarios and decide possibly at that time or continue to review again in the future.

Dr. Tharp asked, what is the timeframe in which the legislature will review the carryover balances and decide to draw from it. Ms. Grice confirmed that this only happens on an as-needed basis, it is not a regular event. Also, this board is not on track for a self-sufficiency hearing currently.

Dr. Cooper asked where the Optometry Board is on average with other boards, in terms of their cumulative carryover balance. Ms. Grice stated that every board is different and would not say this board is overly egregious in their balance; it's good to have a carryover balance as a cushion if a legal investigation develops. This board is on average.

A motion was made by Dr. Young to review possible fee reduction scenarios in the April Board Meeting with a second made by Dr. Reynoldson.

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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	

Dr. Young

☒ YES

☐ NO

☐ RECUSED

☐ ABSTAIN

The motion passed. ☒ YES

☐ NO

**Discuss Legislation and take action if needed**

There were no legislative items for review at this meeting.

**Administrator's Report**

Ms. Wallace informed the Board that Ms. Yvette Vagle, who served as this Board's Administrator for quite some time has recently moved into a new role with the Health-Related Boards, and publicly thanked her for the work she performed in service to this Board. Ms. Boone, Unit 3 Manager, presented the Administrator's report, as follows:

**PERIOD: As of 01/04/2021**

<b>Total # Currently Licensed Optometrists</b>	1,355
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**LICENSE STATUS SINCE THE LAST BOARD MEETING**

**PERIOD: October 24, 2020 – January 4, 2021**

New Optometry Licenses	6
Renewed Licenses – Total	129
Paper Renewals	35
Online Renewals	94
Licenses Renewed Online as % of Total Renewals	73%
Retired Licenses	6
Expired Licenses	3

Ms. Boone also presented the dates for the 2021 Board Meetings, as follows:

- April 14, 2021
- July 14, 2021
- October 6, 2021 (if unable to hold meeting in Gatlinburg on October 8<sup>th</sup>, 2021)

Ms. Wallace presented the Board phone & email contact information of 615-532-5090 and [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov).



### **OGC Report and Requests**

Ms. Parham presented the OGC report; there were no other legal items to review in this meeting other than that the telehealth rules and contact lens examination amendment are currently going through the internal review process, as are the Scope of Practice rules redlines that were approved at the October 2020 Board meeting. As of 12/18/2020, there are no open discipline cases with OGC.

### **CE Waiver Request – Erin Baughman**

Dr. Baughman is an Optometrist who is serving in the US Army and is currently stationed in South Korea. Due to the time zone differences, she is unable to attend the live interactive webinar CE courses currently being offered in order to meet this cycle's CE requirement by her renewal date on August 31, 2021. Thus, she is requesting a CE waiver.

Executive Order #73, which was recently put into effect at the end of December, does extend the provision for obtaining CE online through February 27, 2021. At this time, the administrative office does not know if there will be any further extensions as that would be based upon whether any current Executive Orders are extended or if new Executive Orders are issued that speak to continuing education.

Board Rule 1045-02-.04(3) does make provision for the waiver of CE requirements based upon "documented illness, disability, other undue hardship or retirement".

A motion was made by Dr. Tharp to approve the CE Waiver request for Erin Baughman for her CE cycle ending 7/31/2021, 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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<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

It was clarified that the letter to Dr. Baughman would include a reminder that the waiver is for her CE cycle that ends on 07/31/2021 in conjunction with her license expiration date of 08/31/2021, and that she will be responsible for obtaining all required CE for her next CE cycle which begins on 08/01/2021.

### **ISE Waiver Request – Miranda Collins**

Dr. Collins is an Optometrist who has applied for a Tennessee Optometrist license. She has been licensed in Oklahoma and Virginia, where she is currently practicing and is approved for injectables. Dr. Collins graduated prior to 2012, and therefore is requesting a waiver of the ISE

requirement. Per the Board's policy for ISE waivers, this can be done if injectable certification was obtained while the applicant was in optometry school, or that such certification was obtained through a course offered by a provider recognized by the Board. Dr. Collins has provided a letter from Northeastern State University in Oklahoma, which outlines the injectable training she has received. Typically, when the Board Administrative Office receives such a request, Ms. Wallace could administratively approve it if the injectable course were presented by a provider previously reviewed by the Board; since the course has not been previously approved, Ms. Wallace asked the Board to review the letter and make a determination if this course is satisfactory for Tennessee licensure in lieu of the ISE.

Dr. Cooper and Ms. Wallace clarified that the Board had not previously made a standing recognition of injectables courses offered by accredited colleges and universities for individuals who had graduated prior to 2012 and not taken the ISE.

A motion was made by Dr. Reynoldson to approve injectables courses that are offered by all accredited colleges and universities, which will allow for optometry school graduates prior to 2012 to be administratively approved for the ISE waiver, 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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Ms. Tharp	<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

#### **Ratification List – Newly licensed, Reinstatements, and Closed/Withdrawn Files**

Ms. Wallace stated all files on the ratification list have been reviewed and found complete and in good order according to the Rules for new licensure and reinstatement of license. There were not any closed or withdrawn files for the Board's consideration today.

A motion was made by Dr. Reynoldson to approve the ratification list as presented, 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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Ms. Tharp	<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

**Newly Licensed**  
**Licenses issued 10/24/2020 – 01/04/2021**

License #	Name License	Expiry Date
3629	Albright, Christopher	6/30/2022
3652	Anderson, Ryan Porter	8/31/2023
3656	Boehme, Jacob	12/31/2022
3650	Lewis, Jessica Anne	12/31/2022
3644	Patel, Khussbu	6/30/2022

**Reinstatements**  
**Licenses issued 10/24/2020 – 01/04/2021**

License #	Name License	Expiry Date
2931	Windham, Lauren	3/31/2022

**Taskforce/Committee Reports**

**CSMD Report**

Dr. Reynoldson stated the CSMD Committee has not met since the last Optometry Board Meeting, so there is no update today. The next CSMD Committee meeting is scheduled for February 2, 2021.

**Strategic Planning Taskforce**

Dr. Cooper provided some notes on his research into strategic planning. There is no report from the Strategic Planning Taskforce today, as they have not met since the last Board Meeting.

Ms. Parham then noted that the Board previously voted to approve the creation of a Strategic Planning Task Force. The Strategic Planning Task Force met for the first time on October 14, 2020. After internal discussions and further research, it was her legal recommendation that the Strategic Planning Task Force be repurposed to a specific twice-yearly Rules Review Taskforce. In the Health-Related Boards division, each taskforce is created is to discuss potential rule changes.

Specifically, it is in the Optometry Board's powers in TCA 63-8-112(a) to promulgate rules and regulations. In her role as advising attorney to the Board, Ms. Parham wants to ensure that the Board is acting within their scope regarding the creation and implantation of taskforces. The Rules Review Taskforce can specifically look at the current rules, and in consultation with statutes, decide if any rule changes need to be recommended to the full Board.

Ms. Wallace concurred, noting that each state has different restrictions and direction and operates independently of one another, and that it is important to remember that the work of the Tennessee Board of Optometry falls to their authority to license individuals, provide oversight



through their statutes and rules, and to issue discipline on those licenses. Any strategic initiatives the Board deems necessary would have to be carried out through the rules.

A motion was made by Dr. Cooper to re-purpose the Strategic Planning Taskforce to a Rules Review Taskforce, with a second made by Dr. Reynoldson.

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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN	
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<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 Board discussed administrative steps and logistics for the Rules Review Taskforce, including holding the first meeting on the date of February 3, 2021, at 9:00am CST via a WebEx format in place of the previously scheduled Strategic Planning Taskforce meeting

The Administrative Office will send our emails to all the previous Strategic Planning Taskforce Members to alert them of the re-purposing of that committee and invite them to participate in the Rules Review Taskforce. In addition, invitations will be sent to previous Board Members and other licensees to gauge interest in participating in the Taskforce. Dr. Cooper will send Ms. Wallace a list of potential candidates, with an emphasis in creating a diversified committee.

Ms. Parham will review whether there is a maximum number of Board Members that can participate on a Taskforce.

The Board is hopeful that approximately 7 individuals will participate as members of the Rules Review Taskforce.

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

#### **COVID-19 Board Policy Statement**

In previous discussions, the Board has inquired as to communications to licensees during the pandemic. Over the last few months, there have been notices sent out to all licensees from the Commissioner of Health regarding Executive Orders, as well as a notice to all licensees about the Commissioner's Continuing Education Policy. This information has also been posted to the Board websites across the Health-Related Boards.

The Administrative Office and Board's Attorney have discussed with the Deputy Director if there are any other types of communication methods available and learned that, at this time, the Board can consider approving a COVID-19 Policy Statement. The statement was prepared for

the Board's review today, using the language that has been approved for Board use. Any policy approved by the Board will be posted to the Board's website.

A motion was made by Dr. Reynoldson to approve the policy as presented, with a second made by Dr. Young.

Discussion: ☐ None OR ☒ As Follows

Dr. Cooper asked if the link to the TDOH COVID-19 website can be embedded into the policy statement. Ms. Parham indicated that the only drawback would be if the COVID-19 website address were to change it would make the link no longer work.

Dr. Reynoldson withdrew her motion.

Dr. Cooper made a new motion to approve the policy as presented with the addition of embedding the link to the TDOH COVID-19 website into the policy; Dr. Reynoldson provided a second.

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. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> ABSENT <input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<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

### **Policy Statement for Optometrists During COVID-19 Pandemic - DRAFT**

The Tennessee Board of Optometry has received numerous inquiries about guidelines for optometrists to follow regarding the COVID-19 pandemic. While the Board remains committed to protecting the health, safety, and welfare of the citizens of Tennessee, the Board is limited in its authority by statute to the licensing and discipline of licensees in the optometric profession and the promulgation of rules that further clarify the Board's practice act.

Accordingly, the Board cannot legally establish guidelines for licensees to follow when returning to practice; however, in order to limit the spread of COVID-19, the Board strongly recommends licensees review the information provided by the American Optometric Association and the Tennessee Department of Health (TDH) COVID-19 web pages for the duration of the COVID-19 pandemic. <https://covid19.tn.gov/>

### **Correspondence Review**

#### **Usher Syndrome**

The first correspondence item is regarding Usher Syndrome, and was provided to the Board for situational awareness, and did not require Board action in today's meeting. All the Health-Related Boards have been presented with an introductory letter and other resources regarding



Usher Syndrome. The Usher Syndrome Coalition Ambassador, Mr. John Johnson, notes that Usher Syndrome is a rare disease and the leading genetic cause of deaf and blindness in the United States, affecting an estimated 20,000 – 50,000 individuals in the United States. Additional information can be obtained by reaching out to the Usher Syndrome Coalition via their website, at [www.usher-syndrome.org](http://www.usher-syndrome.org).

#### **COPE Call for Comment on Proposed Course Category Revisions**

This item was received by the Administrative Office and outlines the recommendations that have been made by the COPE Governing Committee regarding updates they propose making to the continuing education course categories. Ms. Wallace reviewed the proposed changes against the Rule 1045-02-.05(2)(e) which lists the course category requirements and she did not readily identify anything that would pose a problem for Tennessee licensees as they obtain their required Continuing Education. The Board also did not identify any items in the proposal that were not in alignment with the TN Rules at this time.

#### **Update on new NBEO Part III Exam**

This item was received from ARBO regarding the development of the new Part III Exam. They are providing an interactive information session on January 14<sup>th</sup> at 8pm EST and have included the link to a video they have available and will also be sending the Administrative Office the link for attending that session. Ms. Wallace will forward it to each Board Member once she receives the link, and if any are interested in learning more they may attend online on the 14<sup>th</sup>.

#### **Conference/Event Reports**

There are no conference or event reports to review today.

#### **Discuss Old & New Board Business**

Ms. Parham was asked at the last Board Meeting whether any type of Executive Order Summary document is available. She noted that there is already a link on the Board's website home page directly to the Secretary of State's website where the Executive Orders are published, and a copy of all Executive Orders can be obtained there.

#### **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. Ms. Wallace also noted that, as always, prior to the date of any Board Meeting, any member of the public is welcome to submit a written comment or inquiry to the Board via email at [Unit3HRB.Health@tn.gov](mailto:Unit3HRB.Health@tn.gov) or via postal mail addressed to the Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243.



No one requested to make a Public Comment.

Dr. Tharp thanked Ms. Parham for her 3 years of service on this board.

### **Adjournment**

With no further business to conduct, a motion was made by Dr. Cooper to adjourn, with a second made by Dr. Reynoldson.

Discussion: ☒ None OR ☐ As Follows

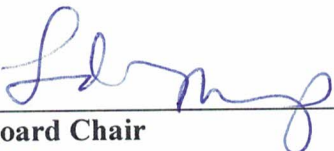
A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> ABSENT	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED
Dr. Tharp	<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 Board of Optometry was adjourned at 10:56 AM CST.

**These Minutes were Ratified by the Board on April 14, 2021.**

  
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Board Chair

5/14/2021  
Date