

**TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES**

**DATE:** July 14, 2021  
**TIME:** 9:00 A.M., CT  
**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** Linda Tharp, O.D., Chair  
Christopher Cooper, O.D., Vice Chair  
Kenneth Young, O.D.  
Kurt Steele, O.D.

**BOARD MEMBERS**

**ABSENT:** Tonya Reynoldson, O.D.  
Consumer Member – Vacant

**STAFF PRESENT:** Kimberly Wallace, Unit 3 Director  
Maria Johnston, Board Administrator  
Eric Winters, Associate General Counsel

**Call to Order**

Dr. Tharp, Board Chair, called the meeting to order at 9:05 AM CST. A roll call was conducted, and a quorum was present.

**Public Comment**

Ms. Wallace made it known that Public Comments would be heard in this meeting and directed interested individuals to sign-in on the register provided at the room entrance, noting that the board could only take action on items previously notices and listed on the meeting agenda. She also noted that Public Comments can also be submitted in writing and sent by mail to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243 or submitted via email to Unit3HRB.Health@tn.gov.

**Conflict of Interest**

Mr. Winters reviewed the Conflict of Interest statement and Open Meetings Act statement for the Board Members, 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, Board business may only be discussed by the Board members during the meeting. Members should not discuss the Board's business at any time other than during the open Board meeting. The prohibition applies to phone calls, e-mails, and text messages. Board 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.

Ms. Wallace requested the Board to hear an item out of order on the agenda, to discuss and take action if necessary, regarding Legislation. Legislative Liaisons, Ms. Elizabeth Foy and Ms. Olivia Spears, were present to give the 2021 summaries and are coordinating their appearances at multiple meetings. The Board agreed to hear this item at this point in the meeting.

#### **Discuss Legislation and take action if needed**

Legislation pertinent to the Board was addressed by the Department's legislative liaison, Ms. Foy.

#### **Board of Optometry—Legislative Update 2021**

##### Public Chapter 8

This act extends the board of optometry to June 30, 2026.

The act took effect March 23, 2021.

##### Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members.

This act took effect March 23, 2021.

##### Public Chapter 136

This act was one of the Department of Health's legislative initiatives, relative to the Controlled Substance Monitoring Database (CSMD). First, the act authorizes the state's chief medical examiner, or county medical examiner, to allow designees to approve death investigations. Next, this act allows deidentified CSMD data, rather than only aggregate, to be shared, with the intent of improving information access. Additionally, this act allows for CSMD data to be shared with additional state, county, or federal agencies outside of Tennessee. Lastly, this act decreases the quorum requirements of the CSMD committee by one member, but still have a majority of members

present to conduct regular committee business (6).

This act took effect April 13, 2021.

Public Chapter 153

This act creates a new definition of “store-and-forward telemedicine services” to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnoses, consultation, or treatment of a patient at a distant site where there may be no in-person exchange.

This act took effect April 13, 2021.

Public Chapter 179

This act authorizes unlicensed graduates of certain medical training programs to provide telehealth services, provided they maintain the same existing standards for telehealth that licensed providers must meet.

This act took effect April 20, 2021.

Public Chapter 230

This act revises the definition of marijuana to clarify that it does not include a product approved as a prescription by the Food and Drug Administration (FDA).

This act took effect April 22, 2021.

Public Chapter 242

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5<sup>th</sup>) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court injunction would not be able to make public requests at the agency for up to one (1) year.

This chapter took effect April 28<sup>th</sup>, 2021 and will sunset July 1, 2025.

Public Chapter 291

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

This act took effect July 1, 2021.

Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective

rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment. Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.

This act took effect July 1, 2021.

Public Chapter 357

This act authorizes an exception to existing telehealth requirements governing healthcare providers in Tennessee. In doing so, it allows individuals licensed in another state to practice telehealth in Tennessee while providing healthcare services on a volunteer basis through a free clinic.

This act took effect May 11, 2021.

Public Chapter 453

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

This act took effect July 1, 2021.

Public Chapter 461

This act requires TDH licensing authorities, upon learning a healthcare prescriber was indicted of certain criminal offenses (controlled substance violations or sexual offenses), to automatically restrict the prescriber's ability to prescribe Schedule II controlled substances until the case reaches a final disposition. The restriction shall be removed upon sufficient proof of acquittal or dismissal/nolle prosequi. The act further requires licensing authorities to automatically revoke the license of a practitioner that is convicted of those same criminal offenses. A new license shall be granted if the conviction is overturned or reversed (but shall be restricted related to prescribing if the case has not reached final disposition). In addition, the act requires the licensing authority to suspend the license of midlevel practitioner (APRN/PA) upon finding the healthcare professional failed to comply with physician collaboration requirements. Finally, this act requires facility administrators to report certain disciplinary actions concerning licensed personnel to the professionals' respective boards.

This act took effect May 18, 2021.

Public Chapter 513

This act prohibits the Governor from issuing an executive order and a state agency, department or political subdivision from promulgating, adopting, or enforcing an ordinance or resolution that requires a person to receive an immunization, vaccination, or injection for the SARS-CoV-2 virus or any variant of the SARS-CoV-2 virus. It also deletes the previous override during an epidemic or immediate threat of an epidemic of an objection against vaccination that was made on the basis of religious tenets. The law prohibits requiring the COVID-19 vaccine to attend k-12 schools. The prohibition against requiring vaccines does not apply to governmental entities subject to federal or state statute or rule that prohibits the entity from requiring medical treatment for those who object on religious grounds or right of conscience. The law also does not apply to students of a public institution of higher education delivering healthcare services when the student is participating in/fulfilling requirements of a program in medicine, dentistry, pharmacy, or another healthcare profession.

This act took effect May 25, 2021.

Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

This act took effect July 1, 2021.

Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

This act took effect May 25, 2021.

Public Chapter 577

This public chapter establishes the medical cannabis commission which is administratively attached to the department of health for purposes of budgeting, audit, use of IT systems, HR support, clerical assistance and administrative support. The commission is composed of 9 members. The Governor appoints 3 members (1 from each grand division), the Lt. Governor appoints 3 members (1 must be a physician and 1 a pharmacist), and the Speaker of the House appoints 3 members (1 must be a

physician and 1 a pharmacist). The commission must be impaneled and hold its first meeting by October 1, 2021. The commission is required to meet at least once every two months prior to March 2023. The commission shall appoint an executive director.

The commission is to examine federal laws and other states' laws regarding medical use of cannabis, including issues relating to patient qualification, patient registration, role of practitioners in recommending/prescribing, establishing guidelines for acceptable medical uses, development of a standard of care, etc.

This act took effect May 27, 2021.

\*These are general summaries of legislation. For more detailed information and all specifics/requirements, please review the links to each public chapter.

#### Approval of Minutes from Board Meeting April 14, 2021

Upon review of the April 14, 2021, Board Meeting minutes Dr. Cooper made a motion with a second by Dr. Young, to approve the minutes as written. There was no discussion on the motion. The motion passed unanimously.

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

Courtney Lily presented reports to the Board of the currently monitored practitioners report and investigative report, as follows:

#### **CURRENTLY MONITORED PRACTITIONERS PERIOD: As of July 7, 2021**

<b>Total # Currently Monitored Practitioners</b>	1
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**PERIOD: 2021 Calendar Year**

#### **COMPLAINTS**

<b>New Complaints</b>	<b>Number of Complaints</b>
Unprofessional Conduct	6
Medical Record Request	1
COVID-19	2
Malpractice	1
Violation of Order	1

<b>Total # New Complaints</b>	<b>11</b>
<b>Closed Complaints</b>	<b>0</b>
Closed BIV, EMS, HCF, AW	0
Insufficient Evidence	
Closed – No Action	6
Closed – Letter of Concern	5
Closed – Warning Letter	0
<b>Total # Closed Complaints</b>	<b>12</b>
<b>Total # Currently Open Complaints</b>	<b>4</b>

Ms. Lily 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.

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

The Finance Director, Ms. Alicia Grice has informed Ms. Wallace they do not have anything new to report to the Board until they have the fiscal year 2021 reports available; they anticipate presenting them to the Board at the October 6, 2021 meeting.

**Administrator’s Report**

Ms. Johnston presented the Administrator’s report, as follows:

**PERIOD: As of 07/07/2021**

**Total # Currently Licensed Optometrists** 1,355

**LICENSE STATUS SINCE THE LAST BOARD MEETING**

**PERIOD: April 06, 2021 to July 07, 2021**

New Optometry Licenses	27
Renewed Licenses – Total	160
Paper Renewals	60

Online Renewals	100
Licenses Renewed Online as % of Total Renewals	62.5%
Retired Licenses	12
Expired Licenses	8
Closed Files	2

The current maximum hotel lodging remains \$207.00 per night. The mileage remains .47 cents per mile. The meals remain \$45.75 per day for overnight stay.

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

- October 6, 2021
- January 5, 2022
- April 6, 2022
- July 6, 2022
- October 12, 2022

**Review of Upcoming Board Meeting Dates**

Ms. Wallace brought to the Board’s attention that all meetings will begin at 9:00am CST and will be held at the Office of Health-Related Boards. Should there ever be an occasion to return to a virtual meeting format for any reason, the Board Members will be informed of that change on a meeting-by-meeting basis.

Ms. Wallace made a special note of the next meeting, which is scheduled for October 06, 2021. It’s understood that in the past, this Board has held their Fall meeting in another location, however, going forward all in person meetings for all the Health Related Boards are required to be held on-site, at 665 Mainstream in Nashville, which facilitates the requirements for public access with live streaming and recordings of all meetings.

**Reports and/or Request from the Office of General Counsel**

Mr. Winters presented the rule activity for Telehealth rules are in the process of being sent to the Secretary of State’s Office to schedule a hearing at the October Board meeting. Additionally, the Scope of Practice rules, approved at the October 2020 meeting, are in internal review.

The application renewal fee decreases approved at the April meeting are also in internal review. At this time, there are no disciplinary cases in the Office of General Counsel and the Legislation has already been discussed by the Legislative Liaisons.



Mr. Winters responded to questions that board had regarding the upcoming rulemaking hearing and he and Ms. Wallace clarified the differences between the rulemaking hearings held during the course of a board meeting and the steps taken later in the process when a rulemaking package goes before the Government Operations committee for final review.

#### ISE Waiver Request – Kimberly Reed

Dr. Kimberly Reed submitted an application for licensure as an Optometrist in TN. She was not able to be present in person, however, she has indicated that she would be available by phone to discuss her request with the Board in this meeting.

The Board attempted to reach her at the phone number provided. Ms. Wallace left a message that her file will be presented to the Board for the option to continue to on review or table her application in her absence. At the conclusion of this meeting a letter will be issued to her with the results of the Board's decision.

Ms. Wallace presented Dr. Reed's request to the Board to waive the requirement of completing the NBEO Part III Exam. Further, Dr. Reed does not currently have certification in injectables.

The Board has a Policy on Injectable Certification and Licensure, which allows waiver of the Injectable Skills Exam for an optometrist whose initial date of licensure was prior to 2012 upon demonstration of the applicant's clinical competency in the use of injectables. This clinical competency may be demonstrated through provision of transcripts or other documentary proof that 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. Reed was initially licensed in the state of Florida in 1991, and that license remains active and undisciplined as of the April 21, 2021, verification received from the Florida State Board.

Dr. Reed, has not provided proof of having passed the ISE or completed injectable certification through any other Board-approved educational opportunity and has confirmed that she does not currently have an Injectable Certification.

Dr. Reed is requesting in her letter either 1) a conditional license, or 2) the Board approve her license application be granted an extension to remain open for a period of time to allow her to earn the injectable certification.

Dr. Reed's application was received on 03/30/2021, with an initial deficiency letter being sent after review on 04/14/2021. Rule 1045-02-.02(10)(b) requires all documents to complete an application be provided within 60 days of a deficiency letter or the application be closed. Thus, her application was set to expire and be closed on 06/14/2021, but it was held open pending review by the Board at this meeting.

Discussion included:

Rule 1045-02-07 states that 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.

There is no provision for waiving this Rule, outside of the policy already cited whereby applicants show proof of earning the injectable certification.

It is stated in the rules that the injectable certification is a requirement for licensure, and in that regard, applicants should obtain this certification prior to applying for licensure, as they would with any other of the examination requirements.

As the Board has discussed in past meetings, there is no provision for issuing a temporary license, as that would require a change in statute.

The Board cannot issue a conditional license or to override a licensure requirement.

There is no provision for keeping an application open to allow an applicant time to obtain additional education that is required by rule for licensure.

This is not a situation where an applicant needs to obtain or submit supporting documentation, rather, this is a licensure requirement the applicant has not completed prior to applying.

A motion was made by Dr. Cooper to discuss Dr. Reed's request in this meeting, with a second made by Dr. Young. There was no discussion of the motion. The motion passed unanimously.

Dr. Cooper stated that Dr. Reed doesn't have the requirements for licensure, there is no conditional license available and applicant files are to be closed in 60 days. He believes that Dr. Reed should be sent a letter that her file has expired and encourage her to reapply when she has met the requirements of other licensees in the state.

Dr. Tharp, Dr. Young, and Dr. Steele agreed the file should expire in accordance with the Rules. Dr. Reed can reapply when she has met the Rule requirements.

A motion was made by Dr. Young with a second by Dr. Steele to allow the application to expire organically as of today's date and issue an administrative follow-up letter. There was no discussion on the motion. The motion passed unanimously.

#### **Business Name Request – Essential Eye Care, PLLC, Angela Johnson, OD**

The Board has received a business name request from Dr. Angela Johnson to open a practice location in Murfreesboro, TN with the name of Essential Eye Care, PLLC.

A motion was made by Dr. Young to approve the business name request as written for Essential Eye Care, PLLC in Murfreesboro, TN with a second made by Dr. Steele. There was no discussion on the motion. The motion passed unanimously.

**Business Name Request – Sight Eyecare, Laura Sechler, OD**

The Board has received a business name request from Dr. Sechler to open a practice location in Hixson, TN with the name of Sight Eyecare.

A motion was made by Dr. Steele to approve the business name request as written for Sight Eyecare in Hixson, TN, with a second made by Dr. Cooper. There was no discussion on the motion. The motion passed unanimously.

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

Ms. Wallace commented that all files on the ratification list have been reviewed and found complete and in good order according to the Rules for new licensure, closure of licensure, and reinstatement of license.

A motion was made by Dr. Steele to approve the ratification list as presented, with a second made by Dr. Young. There was no discussion on the motion. The motion passed unanimously.

**Newly Licensed**

**Licenses issued 04/06/2021 – 07/07/2021**

License #	Name License	Expiry Date
3677	Caudle, Lindsey D.	07/31/2023
3678	Chun, Aspen	08/31/2022
3693	Coleman, Marly Jean	07/31/2023
3687	Daigrepont, Kelsey E.	06/30/2023
3692	Daniel, Kailey Soileau	05/31/2022
3685	Elam, Tara Marshall	09/30/2022
3669	Flood, Sinead	02/29/2024
3679	Girsky, Anna Marie	12/31/2022
3676	Grissom, Zeke	09/30/2022
3675	Kendrick, Meade Hammond IV	10/31/2023
3682	Kreig, Corrin Stefani	05/31/2024
3695	Lejeune, Kristian Tyler	03/31/2024
3663	May, Abby Nichole	07/31/2023
3668	McBee, Kaneshia Kierra	02/28/2023
3658	McBride, Matthew	11/30/2022
3689	Moody, Emily	04/30/2023
3680	Naguib, Marina Magdy	04/30/2023
3684	Nguyen, Jacqueline	06/30/2023

3686	Oliver, Joshua Cade	12/31/2022
3690	Raynor, Katherine Alice Marie	10/31/2022
3688	Shoemaker, Whitley Lauren	10/31/2022
3691	Smith, Ty	07/31/2022
3683	Taylor, Ashlee Sue	09/30/2023
3694	Trent, Joseph Tyler	06/30/2022
3665	Wahid, Iqra Z	04/30/2023
3681	Zasoski, Danielle	08/31/2023

#### Reinstatement from Expired

License #	Name License	Expiry Date
1622	Howard, Lisa Sanford	10/31/2022

#### Closed Applications

File #	Name of Applicant
3658	McBride, Matthew
3665	Wahid, Iqra Z

#### Taskforce/Committee Reports

##### Administrative Office Update

Ms. Wallace clarified that at the April 14, 2021 Board Meeting, the Board approved a motion to have a Rules Review Taskforce conduct reviews of 8 separate sections of Chapter 1045-02 Governing Optometry, which included:

- .05 Continuing Education
- .07 Diagnostic and Therapeutic Certification
- .08 Corporate or Business Names and Advertising
- .09 Ocular and Contact Lens Prescriptions and Office Equipment
- .11 Scope of Practice\*
- .14 Optometric Records
- .15 Consumer Right-To-Know Requirements
- .16 Tamper-Resistant Prescriptions

Ms. Wallace apologized for not being present to be part of the conversation regarding the Taskforce in the April meeting, due to an extreme family emergency necessitating her to be elsewhere that day.

Ms. Wallace stated the Board's assignment of 8 full sections of the Rules is highly unusual, as that presents a considerable amount of review that may not be attainable in a single meeting. She then reviewed the typical handling of Board assignments for a Taskforce meeting, inclusive of Public

Notice requirements. She asked the Board to determine which specific rules sections the Taskforce should be reviewing in their upcoming Taskforce meeting which is currently set for September 8, 2021 so that it can be properly listed on the Public Notice.

Ms. Wallace also added that the Board may wish to consider striking Section .11 from the list of the 8 rules for review, seeing that this rule has a recent revision that is in internal review.

Dr. Cooper discussed the list of rule sections the board last reviewed. He recommended sections for the September meeting:

- .08 Corporate or Business Names and Advertising
- .09 Ocular and Contact Lens Prescriptions and Office Equipment

A motion was made by Dr. Steele for the Taskforce to review .08 and .09 in the September meeting, with a second made by Dr. Young. There was no discussion of the motion. The motion passed unanimously.

Dr. Cooper asked if Taskforce Members are eligible for travel reimbursements. Ms. Wallace noted that travel reimbursements and per diems are only applicable to Board Members, as appointed by the Governor's Office.

Dr. Cooper asked if the Board can pass a motion to cover travel expenses for these volunteers in light of the current excess in the cumulative carryover funds and Ms. Wallace explained that these funds cannot be used in this manner.

### **CSMD Report**

Dr. Tharp attended the June 22, 2021 CSMD meeting and provided highlights of that meeting. Topics included statistics regarding drug overdoses in TN, prescription data, prescriber reporting measures, pharmacy programs, opioids for non-surgical dental procedures, comparisons between specialties, and the number of pain management clinic inspections occurring during the Covid-19 pandemic. There are no data privacy concerns or data breaches noted to-date regarding CSMD data. The TennCare chronic opioids use and number of pills numbers have decreased. BESMART program data was presented and the opioids strategy for the Dental program has significantly reduced the number of opioid dental prescriptions. The next meeting is scheduled for October 12, 2021.

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

#### **Injectable Certification Policy Update – Reinstatement Considerations**

Ms. Wallace presented an inquiry that the Administrative Office received from an individual who was licensed prior to the rule requiring injectable certification, who was interested in what would be

required for them to be able to reinstate their license.

As Mr. Winters and Ms. Wallace reviewed the request in conjunction with the board statutes and rules, it was found that the rules already make provision for this requirement. Therefore, in order to assist with clarifying this requirement the Board Members were presented with an expanded version of the current Injectable Policy Statement which adds one new paragraph at the bottom that speaks directly to individuals wishing to reinstate their license. The updated draft of the policy reads as follows:

The draft of the updated policy reads as follows:

### **TENNESSEE BOARD OF OPTOMETRY POLICY STATEMENT ON INJECTABLE CERTIFICATION AND LICENSURE**

All new applicants for licensure must complete parts one (1), two (2), and three (3) of the NBEO exam, as well as the Injections Skills Exam (ISE) by the NBEO. However, the Board recognizes that there are optometrists who may have been licensed in other states prior to the inclusion of the Injectable Skills Exam (ISE) of the NBEO exam.

When an optometrist whose initial date of licensure was prior to 2012 applies for a Tennessee license, the Board may waive the Injectable Skills Exam (ISE) requirement upon a demonstration of the applicant's clinical competency in the use of injectables. This clinical competency may be demonstrated through provision of transcripts or other documentary proof that 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.

This waiver is available only to applicants who were initially licensed prior to the inclusion of the injectable Skills Exam of the NBEO exam on 8/1/2012.

Additionally, any Optometrist wishing to reinstate their license due to a lapsed license or bring a license out of retirement shall be treated as an applicant for licensure in accordance with Rule 1045-02-04 and shall be required to be injectable certified. To be injectable certified, an Optometrist must demonstrate clinical competency in the use of injectable through transcripts or other documentary proof that injectable certification was obtained either while the applicant was in optometry school or that such certification was obtained through a course offered by a provider recognized by the board prior to being reinstated.

The Board discussed the timing and availability of injectable certification course offerings. It was noted that at the time of this meeting, the NBEO's website listed good availability, with approximately 40 different appointments available for the ISE in just the month of August alone.

Ms. Wallace commented that at some point the Board deemed it necessary to add a rule requiring injectable certification and then made the allowance for new licensees to come into the state who

had not taken the ISE or the NBE● Part III to prove they had that certification through these outside sources. At a previous Board Meeting the Board did vote to also approve any injectable certification course provided by any accredited college or school of Optometry which provides additional opportunities for certification.

A motion was made by Dr. Cooper to approve the amended policy as written, with a second made by Dr. Young. There was no discussion of the motion. The motion passed unanimously.

### Correspondence Review

#### ARBO Reflection on Licensing Exams in the Pandemic

Ms. Wallace presented this item that was provided by ARBO for the Boards information only and requires no action by the Board. It is a reflective letter from ARBO President Patrick O'Neill looking back on Exams in 2020, highlighting the flexibility he noted of NBEO during 2020.

#### ASCO Cultural Competence Request

Ms. Wallace presented this item that was provided by Carol Brubaker, of the Association of Schools and Colleges of Optometry making a request for the board to consider requiring cultural competence training as part of the licensure process.

Dr. Tharp made a motion to review Rules section .05 regarding Continuing Education in the October Board meeting, with a second by Dr. Cooper. There was no discussion of the motion. The motion passed unanimously.

#### NBEO Reflections 5.12.21

Ms. Wallace presented this item that was provided by NBEO for the Boards information only and requires no action by the Board. It is a reflective statement directly from NBEO discussing their efforts during the pandemic and indicating that the class of 2021 was on track to complete this testing year on time, as of the writing of the letter on May 12, 2021.

#### ARBO Committee Volunteer Request

Ms. Wallace presented this item that was submitted by ARBO in their efforts to provide volunteer opportunities for serving on an ARBO Committee. The form with its instructions is available to the Board Members, should the Board Members wish to apply to serve in this capacity. She noted that in accordance with the Board's Conflict of Interest Policy, should a Board Member serve in this manner, the Board Member will need to disclose it to the Board in writing, and are required to keep all involvement completely separated from the work on the Board, noting that it could present the need for the Board Member to recuse from certain board discussions, where a potential or perceived conflict could occur.

## Conference/Event Reports

### ARBO Annual Meeting – Event Reports from Attendees

Dr. Tharp presented the review of the ARBO Annual Meeting held virtually on June 19, 2021. Board Training was held by Dale Atkinson. The topic was ‘What Do Optometry Boards Do?’ They reviewed topics such as protect the public, ensuring regulation and compliance, telemedicine, COPE’s new standards, COPE’s new website and logo and stated that COPE distance learning will continue through December 31, 2021. NBEO has restructured Part III of the exam, has a new website and the patient encounters and performance skills areas have experienced some changes. Board Members cannot sponsor a candidate who has failed the NBEO. Exam results take 6 weeks to rule out cheating, if found cheating, then the Candidate is disbarred for a period, or the state boards can override.

Dr. Cooper briefly discussed Dale Atkinson’s comment that boards have professional members to increase the efficiency of government and bring insight to public members to increase the efficiency that decisions and action can be made in protecting the public.

Mr. Winters confirmed he will be attending the FARB Conference September 30, 2021 through October 3, 2021.

### TAOP Annual Congress – Gatlinburg, TN October 14 – 17, 2021

Ms. Wallace noted that the Board can vote to potentially sponsor up to three attendees for a conference. No reservations or registrations should be made, however, confirmation is received from the Administrative Office that the attendance has been approved internally. Those who do attend, will be expected to provide a report back to the Board of highlights and information of particular interest and applicability to the Board.

The Board did not indicate any interest in sponsoring attendance at this meeting, so no action was taken.

### Discuss Old & New Board Business

There have been no new or old business items presented for review on today’s agenda. Should any Board Member have a topic they would like presented at a future meeting, they can submit that to the Administrative Office up to 30 days prior to any regularly scheduled meeting for inclusion on the agenda.

### Call for Public Comment

Ms. Wallace opened the meeting for one final opportunity to make public comments before the end of the meeting, also noting again that public comments may also be submitted in writing and sent by mail to The TN Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243 or sent via email



to Unit3HRB.Health@tn.gov.

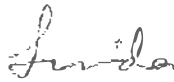
No one requested to make a Public Comment.

**Adjournment**

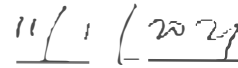
A motion was made by Dr. Young to adjourn, with a second made by Dr. Steele. There was no discussion of the motion. The motion passed unanimously.

The meeting was adjourned at 11:28 am CST

**These Minutes were Ratified by the Board on October 6, 2021.**



**Board Chair**



**Date**