

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: February 17, 2010

TIME: 9:07 A.M., CST

LOCATION: Health Related Boards Conference Center
Poplar Room
227 French Landing, Suite 150
Heritage Place, Metro Center
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Richard Orgain, OD, Chair
Linda Tharp, OD, Vice Chair
David Talley, OD
Scott Spivey, OD
Jeff Foster, OD
Kimberly Button, Citizen Member

STAFF

PRESENT: Stacy Tarr, Board Administrator
Libby Miller, Director of Health Related Board
Diona Layden, Office of General Counsel
Ben Mezer, Office of General Counsel
Barbara Maxwell, Director of the Board of Optometry

Dr. Orgain called the meeting to order at 9:09 a.m. A quorum was present.

Minutes

Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the November 4, 2009 minutes as corrected. The motion carried.

Office of General Council

There is one (1) case open for discipline at OGC. The amendment to Rule 1045-2-.05(1)(c) to require all practitioners to use a continuing education tracking system have been submitted for internal review in OGC.

Investigative Report

Dr. Tharp reviewed complaints in December and there are currently three (3) complaints in Investigations against optometrists.

Discipline Report

There are two (2) practitioners being monitored. Upon compliance with the board orders and payment of all civil penalties and costs, the practitioners will appear before the Board to have their licenses reinstated.

Administrative Report

Ms. Tarr said there are 1155 actively licensed optometrists. Between October 31, 2009 and January 31, 2010 one hundred twenty-eight (128) optometrists renewed their license of which fifty (50) renewed online.

From January 2009 and June 2009 fourteen (14) optometrists were audited and thirteen (13) were compliant.

Review letter regarding CPT Coding

Tennessee is in Medicare region ten. Dr. Talley reviewed the list of CPT codes that fall within the scope of practice for Optometry in Tennessee and prepared a letter for Greg McKinney, MD, Senior Contractor Medical Director, Cahaba Home Health and Hospice. Dr. Foster made a motion, seconded by Dr. Spivey, to approve the letter and CPT codes. The motion carried.

The Board reviewed the Controlled Substance Database Report that was submitted to the 2010 106th Tennessee General Assembly.

The Board discussed HB2581 requiring optometrists and other health care providers who have actual knowledge that a person has knowingly, willfully and with intent to deceive, obtained or attempted to obtain controlled substances to submit a report regarding such activity within five (5) business days to the local law enforcement agency where the health care provider is located. Dr. Tharp made a motion, seconded by Dr. Talley, to take a position in favor of the bill. The motion carried.

Newly Licensed

Dr. Tharp made a motion, seconded by Dr. Talley, to approve the following optometrists for licensure:

David Evan Adler
Randy Walter Dutton
William Edmondson II

The motion carried.

Professional Name Requests

Dr. Talley made a motion, seconded by Dr. Tharp, to deny the professional name Eyecare Revolution, PLLC as it indicates superiority. The motion carried.

Injectable/Therapeutics Certification

Dr. Foster made a motion, seconded by Dr. Spivey, to approve the injectable therapeutics certification for **Robert Simon, O.D.** The motion carried.

Financial Report

Christy Allen, Assistant Commissioner, Bureau of Health Licensure and Regulation, reviewed the Board's financial report stating they have a FY 2009 net of \$92,873.99.

Dr. Orgain requested that the Board be permitted to conduct a Board meeting at the fall TOA meeting in Gatlinburg and to attend the ARBO meeting in Florida. Dr. Talley made a motion, seconded by Dr. Foster, to send officers of the Board, the attorney, HRB director and administrator to the ARBO meeting in Florida. The motion carried. Dr. Foster made a motion, seconded by Dr. Tharp, to have a Board meeting in conjunction with the TOA meeting in Gatlinburg. Dr. Tharp made a motion, seconded by Dr. Spivey, to have Board staff set up a booth in the exhibit hall for the meeting. The motion carried.

Continuing Education

Dr. Foster made a motion, seconded by Dr. Tharp, to approve the one (1) hour continuing education course Rational Prescribing Practices and Prescription Writing submitted by Patricia Estes Walker. Dr. Talley recused himself. The motion carried.

Correspondence

Dr. Tharp made a motion, seconded by Dr. Foster, to approve **Jason Clopton, O.D.** as a COPE reviewer. The motion carried.

Dr. Tharp made a motion, seconded by Dr. Foster, to approve **Peter J. Gunther, O.D.**, for a waiver of the required one (1) prescribing practices course as he is out of the country and there are no on-line courses. The motion carried.

With no other business to conduct, Dr. Foster made a motion, seconded by Dr. Spivey, to adjourn at 11:15 a.m. The motion carried.