

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** November 4, 2009

**TIME:** 9:00 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  
Lucy Bond, 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. Foster, to approve the August 12, 2009 Board meeting minutes as written. The motion carried.

Dr. Talley made a motion, seconded by Dr. Tharp, to approve the September 29, 2009 teleconference minutes as written. The motion carried.

### **Conflict of Interest**

Mr. Mezer discussed the conflict of interest policy asking all Board members to disclose a potential conflict of interest

## **OGC Report**

There is one (1) case open for discipline at the Office of General Counsel.

One (1) case was closed with a letter of concern and one (1) case was closed as the practitioner is deceased.

There are currently eleven (11) cases to be reviewed.

## **Investigative Report**

There are currently eleven (11) cases in Investigations for review. Four (4) are new cases and seven (7) are ready for a second review.

## **Discipline Report**

There are currently two (2) practitioners being monitored. One (1) practitioner has his license suspended and one (1) is on probation.

## **Discuss OE Tracker**

Ms. Cleaves discussed the OE Tracker System and the preparation of a request for proposals to conduct a 100% continuing education audit. Ms. Cleaves said pursuant to state contract procedures, if there is more than one organization that can offer those services it would have to go out for bid.

Dr. Orgain said the purpose in using the OE Tracker is to have a 100% audit and reminded that the Board had voted to require all continuing education to be COPE approved. The OE Tracker would allow the administrator to track the hours and type of continuing education the practitioners obtain.

The Board voted to approve pursuing a contract for an organization, entity or company to attend each and every course to ensure the licensees' physical presence; for practitioners to be able to go to a web site to view continuing education credits; for notification to the licensee of deficiency of his/her continuing education requirements; and, for monitoring continuing education hours by accumulating and transmitting that data to the state to ensure the licensees have met the requirement for continuing education.

Dr. Talley made a motion, seconded by Dr. Tharp, to approve. The motion carried.

Dr. Orgain said it would be easier if the cost of the OE Tracker system were included in the renewal fee.

Dr. Richt stated the OE Tracker system is set up to require the optometrists to pay a \$20 annual fee. It can be paid by the course sponsor or the state Board. The best aspect about

the OE Tracker is that it assures continuing education compliance which helps the state Board.

Ms. Miller said organizations will be contacted to determine if there is interest in submitting a request for proposal.

### **Administrative Report**

There are 1162 actively licensed optometrists. Four (4) were licensed in August, two (2) were licensed in September and three (3) were licensed in October.

Between August and October 2009, 157 optometrists renewed their licenses, of which 59 renewed online.

From January 2009 through June 2009 fourteen (14) optometrists were audited, thirteen (13) were compliant and one (1) was non-compliant.

### **Policy Statement Regarding Continuing Education for Prescribing Practices**

Not all licensees who renew their licenses in 2010 will have adequate time to comply with the new rule requiring therapeutically certified optometrists to obtain one (1) hour of continuing education in a course specifically designed to address prescribing practices. The policy statement exempts the one (1) hour prescribing practices continuing education requirement for licensees renewing their license in 2010.

Dr. Tharp made a motion, seconded by Dr. Talley, to approve the policy statement. The motion carried.

### **Discuss CPT Coding**

**Greg McKinney, MD, MBA**, of the Cabaha Home Health and Hospice contacted Dr. Tally requesting a copy of the statutes and rules where Optometrists are authorized to examine, diagnose, prescribe, order procedures and laboratory tests, manage and treat conditions and diseases of the eye and eyelid, and to administer benadryl, epinephrine or equivalent medication to counteract anaphylaxis or anaphylactic reaction.. Dr. McKinney also requested a list of approved current procedure terminology (CPT) codes that can be utilized by an Optometrist in Tennessee. Dr. Talley distributed a copy of the letters he drafted for Dr. McKinney including a list of CPT codes.

Upon review of the documentation, Dr. Foster made a motion, seconded by Dr. Spivey, to approve the letter regarding the Board's statutes and rules upon review and approval by OGC. The motion carried. Dr. Spivey asked for a timeline on OGC approval. Mr. Mezer said he would work as diligently as possible to get it expedited. The Board members thanked Dr. Talley for his diligence, long hours and hard work in preparing this information.

### **Ratify Newly Licensed**

Dr. Tharp made a motion, seconded by Dr. Talley, to ratify the following newly licensed optometrists:

**Contance Jean Allmond**  
**Karen Elaine Brawner**  
**Cynthia Joy Carnie**  
**Stephanie Nicole Emmert**  
**Paul Michael Flanagan**  
**Leah Monette Gray**  
**Helen Brooks Hadley**  
**Carolyn Jean Morton**  
**Antwan Percy Randolph**

The motion carried.

### **Approve/Deny Professional Name Requests**

Dr. Spivey made a motion, seconded by Dr. Tharp, to approve the professional practice name of **Cullison Eye Care**. The motion carried.

Dr. Foster made a motion, seconded by Dr. Spivey, to approve the professional practice name of **Complete Family Eyecare**. The motion carried.

Dr. Spivey made a motion, seconded by Dr. Talley, to approve the professional practice name of **Precision Eye Care, PLLC**. The motion carried.

Dr. Talley made a motion, seconded by Dr. Spivey, to approve the professional practice name of **Eyecare Revolution, PLLC**. The motion failed and the board asked for clarification of the definition of Eyecare Revolution from Amber Fritsch, O.D. and Ryan Fritsch, O.D.

Dr. Tharp made a motion, seconded by Dr. Foster, to approve the professional practice name of **East View Eye Care, P.C.** The motion carried.

### **Approve/Deny Injectable/Therapeutics Certification**

Dr. Spivey made a motion, seconded by Dr. Foster, to approve the forty (40) clinical hours **Zachary McCarty, O.D.** obtained from the Southern College of Optometry for his therapeutic certification. The motion carried.

Dr. Foster made a motion, seconded by Dr. Tharp, to approve the injectable certification Dr. McCarty obtained from the Southern College of Optometry upon receipt of his CPR certification. The motion carried.

### **Review Application Files**

Dr. Spivey made a motion, seconded by Dr. Talley, to waive Part III of the National Board examination and approve **William Edmondson, O.D.** for licensure as an optometrist in Tennessee. The motion carried.

Dr. Spivey made a motion, seconded by Dr. Tharp waive Part III of the National Board examination and approve **Randy Dutton, O.D.** for licensure as an optometrist in Tennessee. The motion carried.

### **Review/Approve Continuing Education Courses**

Dr. Talley made a motion, seconded by Dr. Foster, to approve the following continuing education courses:

#### **Prescribing Practices**

**Mohammad R. Rafieetary, O.D., F.A.A.O.**

#### **Prescribing Practices**

**Jeffrey David Horn, M.D.**

#### **Review of Pharmacology & Tennessee Prescribing Practices**

**Izak Wessells, M.D.**

The motion carried.

### **Ratify Agreed Citations**

Dr. Spivey made a motion, seconded by Dr. Talley, to approve the agreed citation for **Richard Landers, O.D.** The motion carried.

Dr. Foster made a motion, seconded by Dr. Tharp, to approve the agreed citation for **Zahra Bagheri, O.D.** The motion carried.

### **Correspondence**

The Board discussed a letter from **Craig Steinberg, O.D., J.D.** of the American Optometric Society requesting that the Board issue a formal opinion as to whether or not, and to what extent, doctors of optometry licensed by the Board may represent within the state they are ABO board certified. Mr. Mezer said ABO certification is not a prerequisite for licensure in Tennessee. The Board decided not to issue a formal opinion at this time and asked Mr. Mezer to send Dr. Steinberg a letter thanking him for his concern.

Upon review of a letter dated  
Dr. Talley made a motion, seconded by Dr. Foster, to waive the one (1) hour of  
continuing education **Scott Chamberland, O.D.** is deficit for 2009. The motion carried.

With no other Board business to conduct, Dr. Spivey made a motion, seconded by Dr.  
Foster, to adjourn at 12:15 p.m. The motion carried.

**Ratified by the Board at the February 17, 2010 meeting.**