

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: November 5, 2008

TIME: 9:00 a.m., CST

LOCATION: Health Related Boards Conference Center
Poplar Room
227 French Landing, Suite 150
Heritage Place MetroCenter
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 Lannan, Board Administrator
Libby Miller, Director
Lexie Whittemore, Advisory Attorney
Wilma James, OGC
Denise Moran, Director of Investigations
Barbara Maxwell, Administrative Director

Dr. Orgain called the meeting to order at 9:12 a.m. All Board members were present for the meeting.

Dr. Orgain welcomed Kimberly Button as the Board's new citizen member.

Review August 27, 2008 Teleconference Minutes and May 7, 2008 Board Meeting Minutes

Upon review of the August 27, 2008 Teleconference Minutes and May 7, 2008 minutes, as corrected, Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the minutes as amended. The motion carried.

Discuss and vote on a policy statement for practitioners working on a lapsed license and those who fail to obtain the required continuing education

Ms. Cleaves discussed the limitations of the policy statement for practitioners working on a lapsed license. Ms. Cleaves discussed the Board using an agreed citation which allows the practitioner to sign the citation, pay a penalty fee, reinstate their license and obtain the required

continuing education. Ms. Cleaves said although the agreed citation does not go to the national databank it is on the state's data bank as disciplinary action.

Upon discussion, Dr. Talley made a motion, seconded by Dr. Tharp, to adopt the policy statement imposing the agreed citation.

Ms. Cleaves asked if the Board would like to adopt the agreed citation policy statement for continuing education. The Board agreed to adopt the agreed citation for the continuing education policy statement.

Conflict of Interest Policy Statement

Ms. Whittemore reviewed the Conflict of Interest Policy Statement asking all board members to carefully review the policy as this was a new policy. Dr. Tally stated he is an officer for the TDOA and does not agree with number six (6) of the policy statement.

Ms. Miller suggested that any board member who felt there was a conflict with the policy statement contact the ethics compliance officer. Ms. Miller asked the Board members who are officers in an association to recuse themselves from any decision made in the professional organization that would conflict with their role as a Board member.

Office of General Counsel Report

Ms. Whittemore said there is one case being handled by her colleague Chris Larkin which should come before the Board in the near future.

Investigative Report

Ms. Moran reviewed the Investigative Report stating there are seven (7) complaints against optometrists in the field, four (4) complaints pending review by the Board's attorney and consultant and three (3) complaints in the screening panel process.

Ms. Moran said the complaints range from malpractice, unprofessional conduct, patient dissatisfaction. Ms. Moran said a complaint titled other could be for writing prescriptions not covered by insurance, being late for work, allergic reaction for medication and rudeness.

Ms. Moran said if the board knows of a practitioner who would like to be a consultant, have them submit their resume to Investigations.

Financial Report

Ms. Tarr reviewed the Financial Report stating the Board has a cumulative carryover of \$283,282.13. Dr. Orgain asked the Board members if they had any questions. No one had any questions.

Administrative Report

Ms. Tarr stated there are 1133 licensed, 881 retired, 458 failed to renew and 183 deceased optometrists.

Ms. Tarr said all travel must be submitted 120 days prior to the meeting and that original hotel bills must be submitted for reimbursement.

Ms. Tarr stated between January 2008 and July 2008, forty-two (42) licensees were audited. Ms. Tarr said thirty-seven (37) were complaint and five (5) were non-compliant.

Dr. Orgain asked who conducted the audit. Ms. Miller said there is an Audit Division who audits five percent (5%) of the monthly renewals.

Dr. Talley asked about the newsletter. Ms. Maxwell said the newsletter will be complete upon including the policy statements, the Board adopted today, in the newsletter.

Discuss and consider using the ARBO OE Tracker System

Dr. Orgain said ARBO uses an OE Tracker System to keep up with practitioner's continuing education. Dr. Orgain said the cost is \$20 per practitioner which would allow the Board to conduct a 100% audit.

Ms. Miller said if the board decided this is in their best interest they must have a contract approved by the Bureau as this would be a single source vendor.

Upon discussion of the continuing education audit and the OE Tracker System, Dr. Talley made a motion, seconded by Dr. Foster, to send a letter to ARBO requesting information on the costs, etc. for using the OE Tracker System. The motion carried.

Review/Ratify Newly Licensed Optometrists

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

Elena Collier
Lisa Niven
Erin Jones
Daniel Smith
Celeste Johnson

The motion carried.

Review/Approve Reinstated Optometrists

Upon review, Dr. Foster made a motion, seconded by Dr. Spivey, to ratify the following reinstated optometrists:

Cynthia Payne
Clifton Ridings

The motion carried.

Review/Approve Professional Name Requests

Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the professional name change of **Modern Eyecare Center, LLC**. The motion carried.

Dr. Tally made a motion, seconded by Dr. Foster, to approve the professional name change of **Primary Eye Care of Arlington**. The motion carried.

Dr. Spivey made a motion, seconded by Dr. Tharp, to approve the professional name change of **MooreEyes, LLC**. The motion carried.

Dr. Tharp made a motion, seconded by Dr. Foster, to approve the professional name change of **Absolute Eyecare & Optical**. The motion carried.

Dr. Foster made a motion, seconded by Dr. Spivey, to approve the professional name change of **Orgain Optometry Family Vision Care**. The motion carried.

Ratify Closed Files

Dr. Spivey made a motion, seconded by Dr. Tharp, to ratify the following closed files:

Robert Orgain
Robert Crenshaw
Ligy Varkey
Wesley Sands
Allan Rhoads
Faranz Khankhanian

The motion carried.

Review/Approve Continuing Education Courses

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

ASCRS Glaucoma Day

Loden Vision Centers

October 4, 2008

8 hours

COVD 38th Annual Meeting

College of Optometrists in Vision Development

October 14-18, 2008

65 hours

AOLA Golf Coast Summer Conference

July 18-19, 2008

Alabama Optometric Association

8 hours

Annual Clinical Review of Ocular Pharmacology

Allied Eye Association

September 30, 2008

2 hours

Blepharoplasty

Southeast Eye Specialists

September 25, 2008

2 hours

Our Favorite Cases 2008 Part B

SouthEast Eye Specialists

November 11, 2008

2 hours

New Treatments for Wet AMD and the Neovista Cabernet Clinical Trial

Tennessee Retina, P.C.

October 21, 2008

2 hours

Annual Review of CME selected Article from Archives of Ophthalmology

Allied Eye Associates

October 28, 2008

2 hours

Conquering Ocular Surface Disease

SouthEast Eye Specialist

October 20, 2008

2 hours

The Diagnosis and Management of Glaucoma

Eye Health Partners

October 16, 2008

2 hours

Managing Patient Satisfaction with new Multifocal IOL's

SouthEast Eye Specialists

October 27, 2008

2 hours

The motion carried.

Review/Reply to Correspondence

The Board reviewed an **anonymous** letter from a concerned optometrist regarding the practice of using percentage of gross sales to determine rent price between an optometrist and retail store.

Ms. Whittemore stated the current statute does not address leases or rent between optometrists and retail stores.

Dr. Spivey stated there should be a continuing education course by the Board to provide instruction to practitioners regarding the statutes and rules as there is no organization that could provide the course.

Ms. Miller stated she would contact the Bureau to determine if the Board could provide the course and report her findings at the next meeting.

Upon review of the endorsement request letters from **COPE**, Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the following practitioners to serve as COPE Course Reviewers:

Brent Zwolensky, O.D.

Megan Elemker, O.D.

David K. Talley, O.D.

Mollie Saxon, O.D.

Glenn B. Saxon, O.D.

Richard Savoy, O.D.

The motion carried.

Other Board Business

With no other business to conduct, Dr Tharp made a motion, seconded by Dr. Spivey, to adjourn at 11:46 a.m. The motion carried.

Ratified by the Board of Optometry at the February 11, 2009 board meeting.