

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** November 9, 2007  
**TIME:** 9:00 a.m., EST  
**LOCATION:** Ground Floor, Poplar Room  
227 French Landing  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Scott Spivey, OD, Chair  
Jerry Richt, OD, Secretary  
Eddie Abernathy, OD  
Richard Orgain, OD  
Linda Tharp, OD

### **BOARD MEMBERS**

**ABSENT:** Pier Briley, Consumer Member

### **STAFF**

**PRESENT:** Stacy Lannan, Board Administrator  
Barbara Maxwell, Administrative Director  
Nicole Armstrong, Advisory Attorney  
Lexie Whittemore, Advisory Attorney  
Juanita Stone, Investigations Disciplinary Coordinator

Dr. Spivey, Board Chair, called the meeting to order at 9:05a.m. A sufficient number of members were present to constitute a quorum.

### **Review September 14, 2007 Minutes**

Upon review of the September 14, 2007 board meeting minutes, Dr. Orgain made a motion, seconded by Dr. Abernathy, to approve the minutes as written. The motion carried.

### **Conflict of Interest Policy Statement**

Ms. Armstrong reviewed the conflict of interest policy with the Board which requires all Board members to disclose any potential conflict of interest they may have that could affect the performance of their duties as Board members.

Ms. Armstrong introduced Lexie Whittemore stating Ms. Whittemore is the Board's new advisory attorney.

### **Office of General Counsel Report**

Ms. Armstrong stated Rule 1045-2-.05, .06, .16 pertaining to continuing education, petitions for stay and reconsideration, practice in or in conjunction with retail merchants were sent to the Attorney General for review on November 2, 2006 where they remain.

Ms. Armstrong stated Rule 1045-2-.03, .05 pertaining to the jurisprudence examination and continuing education were sent to the Attorney General for review on March 19, 2007 where they remain.

Ms. Armstrong said the Office of General Counsel has one (1) open case pertaining to the Tennessee Board of Optometry.

### **Investigative Report**

Ms. Stone stated of the current nineteen (19) open complaints against optometrists, eleven (11) were carried over from 2006. Ms. Stone said eleven (11) complaints are currently being investigated, three (3) are pending the first review, three (3) are pending the second review and three (3) have been sent to the screening panel.

Ms. Stone said if the Board had someone they would like to recommend for a consultant to have that practitioner submit a resume to the Board.

Dr. Orgain said Dr. Gene Harman would be a good consultant as he's thoughtful and level headed.

Ms. Lannan stated the current list of consultants is behind tab 27.

Ms. Whittemore suggested the Board have consultants from all three regions so a consultant from West or East Tennessee could review a case in Middle Tennessee with the probability of not having prior knowledge of the case.

Dr. Orgain said Dr. Dennis Matthews would also make a good consultant also.

### **Disciplinary Report**

Ms. Stone reviewed the Disciplinary Report stating there is one (1) practitioner currently being monitored.

Dr. Spivey said the board has had some concerns about cases being handled by other Board which should have been handled by their Board.

### **Administrative Report**

Ms. Lannan stated there are 121 active, 840 retired, 451 failed to renew and 77 deceased optometrists in Tennessee

Ms. Lannan said of the 128 licenses renewed since October 5, 2007, 38 renewed online.

Ms. Lannan stated there are no issued to be addressed at this meeting.

### **Review/Ratify Newly Licensed Optometrists**

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

**Adam W. Haire, OD**  
**Nicole E. Lemoncelli, OD**  
**Jane M. Manly, OD**  
**Karyn B. Prawdzik, OD**  
**Steven D. Walsh, OD**

The motion carried.

### **Review/Ratify Reinstated Optometrists**

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

**Erwin A. Quirand, OD**  
**Merrill S. Wise, JR., OD**

The motion carried.

### **Review/Approve Professional Name Requests**

Upon review, Dr. Abernathy made a motion, seconded by Dr. Tharp, to approve the following professional name requests:

**Optometric Physicians of Middle Tennessee, PLC**  
Richard D. Durocher, OD

**Old Stage Eye Care**  
John K. Clement, OD

The motion carried.

### **Injectable Certification**

Ms. Lannan stated the first letter is from **Shawna Hill, OD** who was denied injectable certification at the last meeting as her course was unapproved.

Dr. Richt said Dr. Foster reviewed the course and found the laboratory was not up to the standards expected and did not approve the course.

Ms. Armstrong suggested the Board send Dr. Hill a letter stating the course was reviewed by the Board and determined to be unacceptable for injectable certification.

Upon review of the injectable course **Garry Collins, OD** and **Kevin Schmidt, OD** successfully completed from the Southern College of Optometry, Dr. Tharp made a motion, seconded by Dr. Orgain to approve the course for injectable certification. The motion carried.

### **Financial Report**

Ms. Lannan stated Ms. Tittle is in the audience if the Board has any questions regarding the financial report.

Ms. Tittle said the financial report which gives the cumulative current year net should be completed and mailed to the Board members by December 2007.

Ms. Tittle discussed the fees incurred by the LensCrafters case and the Board's current surplus of \$254,268.

Dr. Richt asked if the Board should carry a large surplus and if they should lower some of their fees.

Ms. Tittle said their surplus of \$254,268 is good and suggested the Board not make any changes at this time. Ms. Tittle said another large case could wipe out the surplus and it is hard to raise fees once they have been lowered.

### **Closed Files**

Ms. Lannan discussed closing the file of **Christina Barnes** which the Board allowed to remain open at the last meeting until receipt of her August 2007 examination scores. Ms. Lannan stated Ms. Barnes faxed the scores to the administrative office after she received a letter stating her file was being closed. Ms. Lannan said the result of the score is fail.

Ms. Barnes attorney, Martin Sir, addressed the Board stating Ms. Barnes appealed the April and August examination as she passed parts of the exam in April that she failed in August. Mr. Sir said Ms. Barnes is requesting that she be allowed to keep her application open and take the examination in April 2008.

Upon discussion, Dr. Orgain made a motion, seconded by Dr. Richt, to keep Ms. Barnes application open upon receipt of the April 2008 examination scores. The motion carried.

### **Review Licensure Files**

Upon review of the application for **Cynthia Heard, OD** Dr. Tharp made a motion, seconded by Dr. Abernathy, to approve Dr. Heard for licensure as an optometrist. The motion carried.

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

Upon review of the continuing courses Dr. Richt recommended for approval, Dr. Tharp made a motion, seconded by Dr. Abernathy, to approve the following courses:

#### **Advances in Glaucoma**

Vic Khemsara, M.D.

1 hour DTM

#### **AOLA Annual Convention**

Alabama Optometric Association

19 hours DTM

3 hours PM

#### **Intraocular Lens Calculations after Refractive Surgery**

MECA Eye, Cataract & Laser Center

1.5 hours DTM

#### **LASIK Complications**

Southeast Eye Specialists

1 hour DTM

#### **The Future of Refractive Surgery: Corneal and Intraocular Technologies on the Horizon**

Southeast Eye Specialists

1 hour DTM

#### **The Year in Archives of Ophthalmology**

Allied Eye Associates

2 hour DTM

#### **Our Favorite Cases**

Southeast Eye Specialists

2 hour DTM

#### **Review of Ocular Pharmacology**

Allied Eye Associates

2 hour DTM

**Dry Eyes and Treatment**

Cape Regional Eye Center, PLLC

21 hour DTM

The motion carried.

Upon review of the continuing education courses Dr. Abernathy and Dr. Tharp recommended for approval, Dr. Richt made a motion, seconded by Dr. Orgain, to approve the following courses:

**Medicare Part D**

Managed Markets Speaker Program

1 hour DTM

**Aesthetics for Optometrists**

Winston Eye & Vision Center

**Employment Updates for Small Businesses**

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

1 hour DTM

**Refractive Surgery in the Presbyopic Patient**

Middle Tennessee eye Associates

**Silicone Hydrogel Contact Lenses**

Bausch and Lomb

**Advanced Techniques in Cataract Surgery**

The Regional Eye Center

**Advanced Techniques in Cataract Surgery**

The Regional Eye Center

**Treatment of Myopia with The Staar Vision Intraocular Collamer Lens**

The Regional Eye Center

**LASIK: The State of the Art Right Here in East Tennessee**

The Regional Eye Center

**Advance Technology Intraocular Lens**

The Regional Eye Center

The motion carried.

Upon review of a letter from Edward F. Cherney, MD, requesting the grand rounds **Lisa Rhodes**, OD obtained from Dr. Cherney be acceptable for continuing education, Dr. Abernathy

made a motion, seconded by Dr. Tharp, to deny the request as Dr. Rhodes did not obtain prior approval. The motion carried.

### **Review/Respond to Correspondence**

The Board reviewed a letter from Jason Clopton, OD, asking if urine testing for neurotransmitters is allowed under the optometry scope of practice.

Upon discussion, Dr. Spivey asked Ms. Lannan to send Dr. Clopton a letter referring him to the rules and statutes pertaining to scope of practice or seek legal advice should he need more specific information.

### **Election of Officers**

Dr. Spivey made a motion, seconded by Dr. Richt, to elect Dr. Abernathy as Board chair. The motion carried.

Dr. Abernathy made a motion, seconded by Dr. Richt to elect Dr. Orgain as vice chair. The motion carried.

Dr. Abernathy made a motion, seconded by Dr. Richt, to elect Dr. Tharp as secretary. The motion carried.

Dr. Richt and Dr. Tharp thanked Dr. Spivey for serving as Board chair and said he did an excellent job. All other Board members agreed with Dr. Richt and Dr. Tharp.

### **Appoint Board Member for Controlled Substance Database Committee**

Dr. Spivey stated he thought the Board previously appointed Dr. Orgain to the committee.

Ms. Lannan said she was unable to find anything in the minutes appointing Dr. Orgain to the committee.

Upon discussion, Dr. Abernathy made a motion, seconded by Dr. Richt, to elect Dr. Orgain to the Controlled Substance Database Committee. The motion carried.

Dr. Spivey asked if someone had been employed to replace Jerry Kosten.

Ms. Armstrong said the rules functions have been returned to the Office of General Counselor and the Board's advisory attorney will not only be the litigating attorney but the rules coordinator also.

Dr. Richt thanked Ms. Armstrong from being the Board's attorney and doing an excellent job in advising them.

With no other Board business to conduct, Dr. Richt made a motion, seconded by Dr. Abernathy, to adjourn at 10:40 a.m. The motion carried.

**Ratified by the Board of Optometry at the February 13, 2008 board meeting.**