

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: May 7, 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
Scott Spivey, OD
Jerry Richt, OD
David Talley, OD

STAFF

PRESENT: Stacy Lannan, Board Administrator
Libby Miller, Director
Barbara Maxwell, Administrative Director
Lexie Whittemore, Advisory Attorney
Denise Moran, Director, Investigation Division

Dr. Orgain called the meeting to order at 9:04a.m. All Board members were present.

Review February 13, 2008 Board Meeting Minutes

Upon review of the February 13, 2008 minutes, Dr. Tharp made a motion, seconded by Dr. Richt, to approve the minutes as written. The motion carried.

Conflict of Interest Policy Statement

Ms. Whittemore reviewed the Conflict of Interest Policy Statement with the Board members asking any member to contact her if they feel they have a potential conflict of interest regarding any matter coming before the Board, to determine if the member should recuse him/herself from the proceedings and exit the meeting room.

Office of General Counsel Report

Ms. Whittemore discussed the Office of General Counsel Report stating there is one open case in OGC for the Board which will be conducted by Chris Larkin.

Ms. Whittemore stated Rules 1045-2-.05, .06 and .16 were sent to the Office of Attorney General for review November 2, 2006; and, Rules 1045-2-.03, and .05 were sent to the Office of the Attorney General for review March 19, 2007, where they remain today.

Investigative Report

Ms. Moran addressed the Board to discuss the functions of Investigations and how cases are reviewed. Ms. Moran stated there are P1 and P2 reviews. Ms. Moran said P1 is the first review and P2 is the review after the complaint has been investigated to determine if there is a violation of the practice act.

Dr. Orgain asked if the Board could get a summary of the cases for their next meeting as it will help to determine if the complaint is patient care or clinical competency.

Ms. Moran said she will have that information for the Board at its next meeting.

Dr. Spivey said the Lenscrafters case documents were sealed although the Board feels the access doors was a complaint and should be investigated.

Ms. Whittemore said the issue was getting information from discovery which has been resolved. Ms. Whittemore said she spoke with the Attorney General's Office regarding moving forward the original complaint.

Ms. Moran discussed the Investigative Report stating there are currently seventeen (17) open complaints in Investigations, of which three (3) are being referred to Screening Panel.

Monitored Practitioners Report

Ms. Moran reviewed the Monitored Practitioners Report stating there are two practitioners currently being monitored, Douglas Anderson whose license is suspended and Mark Jaynes who is on probation.

Financial Report

Ms. Tarr reviewed the Financial Report stating the Board has a cumulative carryover of \$218,989. Ms. Tarr stated a current report should be mailed to each Board member by the end of September 2008.

Administrative Report

Ms. Tarr reviewed the Administrative Report with the Board stating there are currently 1120 licensed, 852 retired, 452 failed to renew and 179 deceased optometrists in Tennessee.

Ms. Tarr said the August 15, 2008 meeting needs to be rescheduled as the Board staff cannot travel to Gatlinburg to conduct the Board meeting.

Review/Ratify Newly Licensed Optometrists

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

Elina Kolesnikov Davidoff
James P. Fitzgerald
Shelia Arlene Fuller
Angela M. Patteson

The motion carried.

Review/Ratify Reinstated Optometrists

Upon review Dr. Spivey made a motion, seconded by Dr. Richt, to reinstate the following optometrists:

James M. Foley
Steve K. Sutton

The motion carried.

Robert Kohler, Association of Regulatory Boards of Optometry (ARBO)

Dr. Orgain introduced Robert Kohler from ARBO who attended the Board meeting to discuss the OE Tracker System.

Mr. Kohler stated ARBO has 308,673 records in the system which contains practitioner's continuing education information such as course name and course format.

Mr. Kohler said practitioners can go to the web site to see which courses have been approved. Mr. Kohler said COPE courses must fulfill all cope requirements and that non-cope courses must meet COPE approval. Mr. Kohler stated attendance verification is the responsibility of the administrator and governed by COPE rules.

Dr. Tharp asked Mr. Kohler how many states were utilizing the tracker system.

Mr. Kohler said fifteen (15) states are utilizing the database. Mr. Kohler said of the fifteen (15) states, only Oregon and Illinois will not accept the tracker printout from the website.

Dr. Tharp asked if additional equipment was needed to utilize the system.

Mr. Kohler said administrators can go to their website, log in and upload files which go directly into the ARBO office to make sure the information is correct.

Ms. Miller stated the division has a process where five percent (5%) of all renewals are being audited for continuing education compliance on a monthly basis.

Upon conclusion, Dr. Orgain stated he, Dr. Richt and Dr. Talley would meet with someone at the state level and report to the Board at the next meeting in order to take formal action.

Review/Approve Professional Name Requests

Upon review, Dr. Richt made a motion, seconded by Dr. Spivey, to approve the professional name **Jones Eyecare, PLLC**. The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Richt, to approve the professional name **Presson Eye Care, PLLC**. The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Richt, to approve the professional name **Karns Vision Center**. The motion carried.

Upon review, Dr. Orgain made a motion, seconded by Dr. Spivey, to approve the professional name **Family Eye Care and Pediatric Vision Center**. The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the professional name **Eyecare Center of Martin**. The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Tally, to deny the professional name **Primary Eye Care**. The motion carried.

Review/Approve Continuing Education Courses

Upon review, Dr. Spivey made a motion, seconded by Dr. Richt, to approve the course offered by **eyelids, Management of Common Problems; Facial Rejuvenation. The good, bad and ugly; Ocular Diagnosis Responsible for Retained Lens Fragments; Retained Lens Fragment Complications; Herpes Simplex and Zoster Ocular Infections; Tear Function Disorders; Acanthamoeba and Fusarium, Latest Information; The Eyelids Management of Common Problems; Medicare Billing and Reimbursement for Vision Services; Comprehensive Ophthalmology: Pearls XI Symposium; and, Cases that Fool You**. The motion carried.

Review/Reply to Correspondence

Upon review of the letter from Dr. McCord requesting a waiver of his 2007/2008 continuing education requirements due to medical problems, Dr. Tharp made a motion, seconded by Dr. Tally to waive Dr. McCord's continuing education requirements for 2007/2008. The motion carried.

Re-Schedule August 2008 Board Meeting Date

Upon discussion, Dr. Richt made a motion, seconded by Dr. Spivey to schedule the Board Meeting for August 27, 2008. The motion carried.

Schedule 2009 Board Meetings

Upon discussion, the Board scheduled the following Board meeting dates for 2009:

February 11, 2009

May 6, 2009

August 12, 2009

November 4, 2009

Other Board Business

Dr. Orgain thanked Dr. Richt for his ten (10) years of service as a Board member and practitioner.

Dr. Richt said he has had a level of frustration as the wheels of government turn slowly. Dr. Richt said when he came on the Board the first thing he received was a lawsuit over the Lenscrafters issue. Dr. Richt said this was something he has dealt with the whole ten (10) years.

Dr. Richt said the Lenscrafters issue is over and the Board spent \$500,000 and nothing has changed. Dr. Richt said the Board has asked the Attorney General's Office to look at this as special circumstances and has not received a response. Dr. Richt said he wanted to turn over the documents from the last ten (10) years and these were his final comments.

With no other business to conduct, Dr. Spivey made a motion, seconded by Dr. Tharp, to adjourn at 11:22 a.m. The motion carried.

Ratified by the Board of Optometry at the November 5, 2008 board meeting.