

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** August 12, 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  
Lucy Bond, Attorney  
Ben Mezer, Attorney  
Barbara Maxwell, Administrative Director

Dr. Orgain called the meeting to order at 9:00 a.m. A quorum was present.

Ms. Bond introduced the Board's new attorney, Ben Mezer.

### **Minutes**

Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the May 6, 2009 Board meeting minutes. The motion carried.

Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the May 20, 2009 teleconference minutes. The motion carried.

### **Rulemaking Hearing**

Mr. Mezer conducted a rulemaking hearing for the rules pertaining to tamper-resistant prescriptions.

Upon discussion, Dr. Tharp made a motion, seconded by Dr. Spivey, that patient records do not have to show how prescriptions were prescribed. A roll call vote was conducted and all members voted in the affirmative.

Dr. Foster made a motion, seconded by Dr. Tally, to submit the amended rules to the Secretary of State's Office. The motion carried.

### **Conflict of Interest**

Mr. Mezer reviewed the conflict of interest reminding all Board members to notify him if they have a potential conflict of interest on matters coming before the Board.

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

Mr. Mezer said there is one (1) case open for discipline at the Office of General Counsel and that two (2) cases have been closed.

Mr. Mezer said one (1) complaint pertained to a separate entrance for the optometrist and one (1) pertained to the optometrists performing too many tests.

The Board asked how complaints from anonymous callers and written complaints with no contact name were handled. Ms. Stone said all complaints are investigation whether or not the complaint is signed or the caller is anonymous.

### **Investigative Report**

Five (5) cases have been referred to OGC, leaving ten (10) complaints against optometrists in Investigations.

### **Disciplinary Report**

Two (2) practitioners are currently being monitored.

### **Financial Report**

The Board had a balance of \$36,248.29 as of June 30, 2008. Ms. Tarr said the updated financial report has been delayed by Edison.

### **Administrative Report**

There are 1157 actively licensed optometrists.

Ms. Tarr said between January 2008 and December 2008 fifty-six (56) optometrists were audited for continuing education. Of the fifty-six (56) audited, forty-eight (48) were in compliance.

### **Interpretation of Rule 1045-2-.05(1)(a)**

The Board discussed Rule 1045-02-.05 pertaining to continuing education for practitioners who are therapeutically certified. The rule states that for those who are therapeutically certified, a minimum of twenty (20) of the thirty (30) hours of continuing education is required in courses pertaining to ocular disease and related systemic disease and one (1) of the twenty hours must be a course designed specifically to address prescribing practices.

Dr. Talley said he prepared the interpretation and included what the one (1) hour course should include. Dr. Talley said the courses are not COPE courses and must come before the Board for approval.

The Board discussed who would review the courses for approval. Dr. Tally made a motion, seconded by Dr. Foster, that the secretary/treasurer of the Board must review and approve the courses. The motion carried.

### **New Licenses**

Dr. Tharp made a motion, seconded by Dr. Spivey, to approve the following optometry applications for licensure:

1. Allred, Ashley 2879
2. Bloch, Kelsey 2889
3. Bruning, Jennifer 2903
4. Bunyard, Laura 2899
5. Dahl, Brandon 2896
6. Davis, Tangee 2881
7. Fahim, Nataly 2885
8. Frasier, Natalie 2894
9. Gainous, Brian 2878
10. Gant, Christina 2868
11. Gibson, Leah 2865
12. Harter, Jeffrey 2877
13. Horton, Matt 2876
14. Howell, Amy 2900
15. Ivie, Jared 2880
16. Jackson, Alissa 2866
17. Jones, Anna 2892
18. Kehbein, Karen 2873
19. McCubbin, Mary 2902
20. McMillin, William 2893
21. Nadolsky, Nicole 2891
22. Nadolsky, Gary 2890
23. Nance, Jennifer 2871
24. Paladichuk, Scott 2895
25. Schuelke, Ashley 2887

26. Shelton, Jonathan	2904
27. Skierczynski, Sean	2867
28. Tang, Ann	2882
29. Taylor, Mark	2901
30. Thomas, Heather	2870
31. Utley, Dustin	2886
32. Vranich, Christina	2875
33. Walton, Alecia	2874
34. York, Adam	2869

The motion carried.

### **Reinstatements**

Dr. Foster made a motion, seconded by Dr. Tharp, to approve the reinstatement application for **Rebecca Dinkins, O.D., Lila Goodwin, O.D.** and **Jacob Paul Moll, O.D.** The motion carried.

### **Professional Name Requests**

Dr. Talley made a motion, seconded by Dr. Foster, to approve the professional name request of **Infocus Eyecare**. The motion carried.

Dr. Talley made a motion, seconded by Dr. Foster, to deny the professional name request of **Advanced Family Eyecare** as it implies superiority. The motion carried.

Dr. Tharp made a motion, seconded by Dr. Talley, to approve the professional name request of **Anderson Eye Care, PLLC**. The motion carried.

Dr. Spivey made a motion, seconded by Dr. Foster, to approve the professional name request of **Essential Eyecare**. Dr. Talley abstained. The motion carried.

Upon discussion of the letter from Christina Danley, O.D. regarding the professional name request of **The Center for Vision Development**, Dr. Talley made a motion, seconded by Ms. Buttons, to approve the professional name request. The motion carried.

### **Injectable Certification**

Dr. Talley made a motion, seconded by Dr. Foster, to approve injectable certification for **Christopher W. Lievens, O.D.** The motion carried.

Dr. Talley made a motion, seconded by Dr. Spivey, to send **Michael McCarty, O.D.**, a letter asking him to provide documentation that he obtained forty (40) hours of training with Dr. Matthews or a transcript from Southern College of Optometry. The motion carried.

## **File Review**

Ms. Tarr said she send the files to be reviewed to all Board members via Microsoft Live.

Dr. Spivey made a motion, seconded by Dr. Talley, to waive Part III of the national exams for **Gregory Sokol, O.D.** and issue him a license. The motion carried.

## **Continuing Education**

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

### **Mini Retina Fellowship**

#### **Corneal Dystrophies: When to Send, When to Patch, When to Graft & When to Watch.**

The motion carried.

Dr. Talley stated there are currently three (3) types of continuing education that do not require preapproval: clinical grand rounds, courses by the Tennessee Academy of Optometry and COPE approved courses.

## **Agreed Citation**

Upon review of the agreed citation for a lapsed licensed, Dr. Tharp made a motion, seconded by Dr. Talley, to approve the citation for **Rory Smith, O.D.** The motion carried.

## **Correspondence**

The Board reviewed a letter from **Jeremy Scoggins, O.D.** asking what information is required for the sign on his office door. Dr. Spivey made a motion, seconded by Dr. Tharp, to have Ms. Tarr send Dr. Scoggins a letter referring him to Rule 1045-02-.11(6) pertaining to use of titles. The motion carried.

The Board reviewed a letter from **Samuel Simon, O.D.** requesting exemption for the 2008/2009 continuing education requirements due to illness. Dr. Foster made a motion, seconded by Dr. Tharp, to approve Dr. Simon's request. The motion carried.

The Board reviewed a letter from **James Kirkconnell, O.D.** requesting approval of a course he obtained in Sandestin, Florida. Dr. Talley said the description of the one (1) hour course has not been defined and asked the board to defer the request.

Dr. Spivey made a motion, seconded by Dr. Talley, to approve **Patricia M. Estes-Walker, O.D.** as a COPE reviewer for ARBO. The motion carried.

Dr. Spivey made a motion, seconded by Dr. Tharp, to decline the offer from NBEO to offer online state law exams. The motion carried.

### **Discuss OE Tracker**

Mr. Mezer asked the Board to articulate the necessity of the OE Tracker System and a cost analyst.

Dr. Orgain said the practitioners would pay an annual fee and there would be no cost to the Board. Dr. Talley said the practitioner would have access to see how many courses they have taken including courses taken out of state and in which courses they are deficient. Dr. Talley said the system also notifies practitioners when it is time to renew their license.

Dr. Orgain said if the OE Tracker System raised their fee the Board can discontinue using the system. Dr. Orgain said he would contact ARBO for additional information and send it to Ms. Miller.

With no other Board business to conduct, Dr. Foster made a motion, seconded by Dr. Tharp, to adjourn at 11:45 a.m. The motion carried.