

TENNESSEE BOARD OF OPTOMETRY TELECONFERENCE

DATE: September 29, 2009

TIME: 12:00 Noon, CST

LOCATION: Health Related Boards
Poplar Room
227 French Landing
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

BOARD STAFF

PRESENT: Stacy Tarr, Board Administrator
Alison Cleaves, Chief Deputy General Counsel
Ben Mezer, Advisory Attorney
Barbara Maxwell, Administrative Director

Dr. Orgain, chair, called the meeting to order at 12:00 noon. A roll call vote was conducted and all Board members were present. Dr. Orgain turned the meeting over to Alison Cleaves to conduct the teleconference.

Ms. Cleaves stated that T.C.A. §8-44-108 provides that physical presence by a quorum of the members is not practical within the period of time requiring action. The Board meeting by teleconference and not physical quorum was necessary because the Board needed to consider an additional comment made relative to the rulemaking that was done in an expedited manner because the rules were originally promulgated as public necessity rules, meaning they are effective for only a short period of time. Ms. Cleaves said there was not enough time for the Board to convene by physical quorum in order to consider the comments to meet the time requirements of public necessity rulemaking. Dr. Tharp made a motion, seconded by Dr. Talley, for finding that the teleconference is a necessity. The motion carried.

Ms. Cleaves stated that the limited purpose of the teleconference is to consider one of the comments made in the July 15, 2009 correspondence by the TMA relative to the tamper resistance prescription pad rulemaking. Ms. Cleaves said one of the comments was for the Board to consider the method of transmission of electronic or facsimile prescriptions,

which the Board already considered at the rulemaking hearing. Ms. Cleaves said she did not realize it was the Tennessee Medical Association's (TMA) intent for the Board, as well as the other Boards, to consider the issue of whether the definition of prescriber should be altered relative to the licensees of the Board of Nursing.

Ms. Cleaves said the rulemaking currently describes and defines prescriber relative to the Board of Nursing as advanced practice with a certificate of fitness to prescribe, which the TMA says should be altered to say nurse practitioner. Ms. Cleaves stated the committee who developed the rulemaking, as well as each individual Board, decided to define prescriber relative to the Board of Nursing as an advanced practice nurse with a certificate of fitness to prescribe in an effort to capture a broader or the larger group of licensees licensed by the Board of nursing who have the ability to prescribe.

Ms. Cleaves said the tamper resistant law provides that all prescribers put any typed or written prescription on a tamper resistance prescription pad. Ms. Cleaves said the committee, as well as all Boards affected by this rule, decided to use the term advanced practice nurse with a certificate of fitness to prescribe. Ms. Cleaves stated the sole purpose of the teleconference is for the Board to consider whether it wants to alter the term used or leave it as is.

Dr. Tharp made a motion, seconded by Dr. Foster, to leave the term as is. A roll call vote was conducted and all Board members voted in the affirmative.

With no other Board business to conduct, Dr. Talley made a motion, seconded by Dr. Spivey, to adjourn at 12:20 p.m. The motion carried.