

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** May 23, 2007

**TIME:** 9:00 a.m., CST

**LOCATION:** Health Related Boards Conference Center  
Poplar Room  
227 French Landing  
Heritage Place MetroCenter  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Scott Spivey, OD  
Jerry Richt, OD  
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  
Jerry Kosten, Rules Coordinator  
Lakita Taylor, AARBI

Dr. Spivey called the meeting to order at 9:15 a.m. A sufficient number of members were present to constitute a quorum.

### **Review February 28, 2007 Minutes**

Upon review of the February 28, 2007 board meeting minutes, Dr. Abernathy made a motion, seconded by Dr. Tharp, to approve the minutes as corrected. 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 conflict of interest they may have, whether existing or potential that could affect the performance of their duties as board members. Ms. Armstrong stated that if a Board member has a conflict of interest they must recuse him/herself from the proceedings and leave the room during the hearing.

## **Office of General Counsel Report**

Ms. Armstrong stated the rules pertaining to education accreditation, injectable and therapeutic certification, and PC/PLLCs were sent to the Attorney General for review on April 13, 2006 and will become effective on June 5, 2007.

Ms. Armstrong stated the rules pertaining to continuing education, petitions for stay and reconsideration, and 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 the rule pertaining to the jurisprudence exam and continuing education were sent to the Attorney General for review on March 19, 2007, where they remain.

Ms. Armstrong said there is one (1) open case pertaining to the Tennessee Board of Optometry.

## **Investigative Report**

Ms. Haggerd reviewed the investigative report stating there are currently five (5) complaints in Investigations against optometrists. Ms. Armstrong said one (1) has been closed with no action, one (1) with a letter of concern, two (2) with a letter of warning and one (1) referred to OGC.

The board discussed placing an article in upcoming newsletters which will cover actions taken against optometrists who violate the rules of this board. Ms. Armstrong said the topic is something that could be discussed in the newsletters.

## **Disciplinary Report**

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

## **Financial Report**

Ms. Lannan reviewed the financial report reflecting the board had a cumulative carryover of \$156,002.97 as of June 30, 2006.

Ms. Armstrong stated the cost for the move from Cordell Hull to French Landing will be significantly less than expected.

The board requested to have Lisa Tittle discuss the board's budget at the November meeting. Ms. Lannan stated she would contact Ms. Tittle to request her appearance at the meeting.

## **Administrative Report**

Ms. Lannan said the administrative report indicates there are currently 1078 active optometrists, 823 retired, 444 failed to renew and 177 deceased.

Ms. Lannan stated of the 74 optometrists who renewed their licenses between February 16, 2007 and May 7, 2007, 39 renewed online.

Ms. Lannan stated the benchmark for renewal processing time is ten (10) days with the board averaging 3.68 days, and the benchmark for application processing time is one hundred (100) days with the board averaging 100.2 days.

Ms. Lannan stated all travel request must be submitted for approval within 120 days of the event.

Ms. Lannan stated with the exception of new applications received, all files for this profession have been imaged.

### **Review and re-write jurisprudence exam**

Mr. Kosten discussed the revisions made to the jurisprudence examination. Mr. Kosten stated changes were made to have the exam correspond more closely with the rules and statutes governing this board. Mr. Kosten stated some of the changes include, changing the number of questions from 25 to 30 questions, with 90% being a passing score. Mr. Kosten stated a portion of the questions address rules that have not become effective, but once the rules become effective a roll call vote will be needed in order to adopt the revised exam and issue to applicants.

Upon review, the board decided question #17 was unclear and would like to revise the question or replace it. Mr. Kosten stated he would revise and send an updated copy to Ms. Lannan upon completion.

The board discussed making one (1) hour of jurisprudence and ethics a continuing education requirement. Dr. Spivey asked if the board could provide this type of course. Ms. Armstrong stated the department would likely discourage against this and would suggest finding a continuing education provider to cover such a course. Upon discussion, the board decided to table this discussion until the next board meeting.

### **Discussion of Investigative Process by Denise Moran, Director of Investigations**

Ms. Moran discussed the investigative process with the board stating the process begins with who makes complaints and how the complaints are made. Ms. Moran stated the office of investigations takes approximately 2,000 complaints per year with a portion referred to Consumer Affairs, based on the nature of the complaint. Ms. Moran stated complaints are confidential and complaint files are protected by statute from the public.

Ms. Moran stated the board's director/consultant and/or the director of investigations may decide what is investigated and then assign a complaint to an investigator who reviews the case for quality and completeness. Ms. Moran stated after an investigation, if no violation has been found the case is then closed. Ms. Moran stated if a violation is found, a letter of concern or warning is sent to the practitioner or formal actions may be issued, such as referral to a screening panel or assessment of charges.

The board stated it was more interested in the trends of complaints against this board so they could be more proactive in addressing these issues through the newsletter publication. Ms. Moran said she would prepare a breakdown of the type of complaints against optometrists and present to the board.

### **Ratify Newly Licensed Optometrists**

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

**Dennis H. Benedict, OD**  
**Scott B. Steinman, OD**  
**Krystal Berthelette, OD**

The motion carried.

### **Ratify Reinstated Optometrists**

Upon review, Dr. Tharp made a motion, seconded by Dr. Richt, to approve the following reinstated optometrists:

**Mia Boyland-James, OD**  
**Amanda H. Cox, OD**  
**Derek J. Melton, OD**  
**Thomas F. Schobelock, OD**

The motion carried.

### **Consider/Ratify Professional Practice Name Requests**

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

**Manchester Eye Care**  
Manchester, TN

The motion carried.

Upon review, Dr. Richt made a motion, seconded by Dr. Tharp, to approve the following professional practice name request:

**Visionary Eyecare**  
Cordova, TN

The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Richt, to approve the following professional practice name request:

**Evening Eyecare & Eyewear, PLLC**  
Kingston, TN

The motion carried.

### **Consider/Ratify Injectable Certifications**

Upon review of the injectible certification request of **Paul Warner, OD**, indicating lack of a current CPR card and attendance to a continuing education course that had not been approved, Dr. Abernathy made a motion, seconded by Dr. Tharp, to deny Dr. Warner approval of injectible certification. The motion carried.

### **Review Licensure Files**

Upon review of the application of **Scott Steinman, OD**, requesting a faculty license, Dr. Richt made a motion, seconded by Dr. Tharp, to approve Dr. Steinman a faculty license without injectibles certification. The motion carried.

Upon review of the application of **Mark Hetherington, OD**, indicating passing scores for Part II(a) and II(b) of the NBEO, Dr. Abernathy made a motion, seconded by Dr. Spivey to approve Dr. Hetherington for licensure by endorsement. The motion carried.

Upon review of the application of **Deena Sandall, OD**, requesting licensure by reciprocity with no injectible certification, Dr. Tharp made a motion, seconded by Dr. Abernathy, to approve Dr. Sandall for licensure by endorsement. The motion carried.

Upon review of the application of **Laura Woolridge, OD**, requesting licensure by reciprocity from Illinois with no injectible certification, Dr. Spivey made a motion, seconded by Dr. Tharp, to approve Dr. Woolridge licensure by endorsement pending completion of oral course. The motion carried.

Upon review of the application of **Mia James, OD**, Dr. Spivey made a motion, seconded by Dr. Tharp, to approve Dr. James for licensure. The motion carried.

Upon review of the application of **Jennifer Giles, OD**, Dr. Orgain made a motion, seconded by Dr. Abernathy, to approve Dr. Giles for licensure with no injectibles certification. The motion carried.

Upon review of the application of **Robert Crenshaw, OD**, requesting a waiver of Part III and TMOD of the NBEO, Dr. Richt made a motion, seconded by Dr. Spivey to approve the waiver request of Part III but to require Dr. Crenshaw to take oral course. The motion carried.

## **Review Continuing Education Courses for Approval**

Upon review, Dr. Spivey made a motion, seconded by Dr. Abernathy, to ratify the following continuing education courses initially approved by Dr. Richt:

### **Tennessee Academy of Optometry**

Case Reports in Rural Eyecare

2 hours DTM

Things I have Seen...and You Will Too

1 hour DTM

Instrument Sterilization

1 hour DTM

Disinfection and Sterilization of Instruments in Optometrists Office: What's the Solution?

1 hour DTM

Neural plasticity of the Visual System

1 hour DTM

### **Eye Health Partners – Murfreesboro**

Post Operative Complications with Cataract and Refractive Surgeries

1 hour DTM

New Implantable Lenses for Cataract and Refractive Patients

1 hour DTM

### **WTOS**

Ocular Allergy and Glaucoma Update: Perils, Pearls, and Potpourri

1 hour DTM

### **VRF Eye Specialty Group Ophthalmology Service at SCO**

Refractive Cataract Surgery

1 hour DTM

### **Southeast Eye Specialists**

Ocular Pharmacotherapeutic Update

2 hours DTM

Vascular Occlusions

1 hour DTM

Targeting Plano with New Technology IOL's

2 hours DTM

### **Allied Eye Associates**

The Corneal Atlas, Corneal Disease in Everyday Practice

2 hours DTM

Ocular Inflammation Part 2 Anterior and Posterior Uveitis

2 hours DTM

**West Tennessee Eye**

Ocular Disease...Perils, Pearls and Potpourri  
2 hours DTM

**Upper Cumberland Optometric Society**

The Role of Sugar & Artificial Sweeteners in Eye Disease  
1 hour DTM

**NETOS**

Ocular Surface Disease: Utilizing all the tools in the arsenal  
1 hour DTM

**Tennessee Optometric Association**

Current Medical management of Glaucoma  
Glaucoma Drainage Implants  
Low-Tension Glaucoma  
DSAEK: Desemer's Stripping Automated Endothelial Keratoplasty  
4 hours DTM

**TLC Laser Eye Centers**

PTOSIS Lids and Brow: Gravity Gets us All  
2 hours DTM

The motion carried.

**Correspondence**

Upon review of the letter from **Jason Clopton, OD**, requesting clarification and consideration of codes for optometric use in his diagnosis and treatment of patients, Dr. Orgain made a motion, seconded by Dr. Spivey, to have Dr. Richt to address Dr. Clopton, by letter, explaining the scope of practice for optometrist. The motion carried.

**Schedule 2008 Board Meeting Dates**

February 13, 2008  
May 7, 2008  
November 5, 2008

With no other board business to conduct, Dr. Orgain made a motion, seconded by Dr. Tharp, to adjourn the meeting at 12:01 p.m. The motion carried.

**Ratified by the Board of Optometry at the September 14, 2007 board meeting.**