

TENNESSEE STATE BOARD OF OPTOMETRY

DATE: September 29, 2006

TIME: 9:00 a.m.

LOCATION: Park Vista Resort Hotel  
705 Cherokee Orchard Road  
Gatlinburg, TN 37738

BOARD MEMBERS

PRESENT: Scott Spivey, OD, Chair  
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  
Nicole Armstrong, Advisory Attorney  
Barbara Maxwell, Administrative Director

Dr. Spivey, chair, called the meeting to order at 9:00 a.m. A sufficient number of board members were present to constitute a quorum.

Dr. Spivey introduced and welcomed the board's new member, Linda Tharp, OD.

The board presented Dr. Foster with a plaque for his years of service and dedication as a board member.

**Review/Approve Minutes**

Upon review of the June 28, 2006 minutes, Dr. Abernathy made a motion seconded by Dr. Richt to approve the minutes as written. The motion carried.

**Conflict of Interest Policy**

Ms. Armstrong discussed the conflict of interest policy which requires all board members to disclose any existing or potential conflicts they may have to determine if it could affect the performance of their duties as board members.

Ms. Armstrong asked Dr. Tharp to review the policy, sign the conflict of interest statement in her book and turn it in to Ms. Lannan at the close of the meeting.

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

Ms. Armstrong said the rules pertaining to contact lens prescriptions, screening panels and use of titles became effective September 23, 2006.

Ms. Armstrong said the rule pertaining to education accreditation, injectable and therapeutic certification and PC/PLLCs were submitted to the Attorney General for review on April 13, 2006, where they remain today.

Ms. Armstrong asked that the discussion to the rules regarding foreign applicants and law/rules in other states be rolled over to the next meeting.

Dr. Spivey asked Ms. Lannan to table the discussion until the November 29, 2006 board meeting.

### **Division Rules Coordinator**

Ms. Armstrong said Mr. Kosten conducted a rulemaking hearing August 25, 2006 to amend the rules regarding retail practice, automatic approval of all COPE approved continuing education and petitions for stays and reconsiderations of disciplinary action.

Ms. Armstrong said Mr. Kosten received letters from Christina Pish, OD, Southern Eyecare Associates; John Williams, Attorney for TOA; and Franklin D. Rozak, Secretary/Treasurer for NAOO.

Mr. Williams and Ms. Gentry discussed the rule amendment pertaining to the practice of optometry in conjunction with a retail store.

Mr. Nevil asked the board for time to bring their stores in compliance with the rule.

Ms. Armstrong stated the law has been in effect since 1964. Ms. Armstrong said there is nothing in the statutes or rules that allow a time limit for stores to comply with the law.

Upon conclusion of the discussion, Dr. Tharp made a motion, seconded by Dr. Orgain, to adopt the amendments to Rules 104502.05 and 1045-2-.06, and new Rule 1045-2.16. A roll call vote was conducted and all board members voted in the affirmative.

Ms. Lannan read the Governor's executive order which requires state agencies to prepare an economic impact statement that sets forth (1) the type or types of small businesses that will be directly affected by, bear the cost of, and/or directly benefit from proposed rules; (2) a description of how small businesses will be adversely impacted; (3) whether, and to what extent, alternative means exist for accomplishing the objectives of the proposed rule that might be less

burdensome to small businesses, and why such alternatives are not being proposed; and (4) a comparison of the proposed rule with federal or state counterparts.

Ms. Armstrong said the executive order will be reviewed by the board for every rule to determine if the rule impacts small businesses.

Upon discussion, the board determined the rule amendment did not have an adverse impact on small businesses.

The board discussed authorizing a rulemaking hearing regarding the jurisprudence exam and requiring a one (1) hour prescribing course for continuing education. Upon conclusion of the discussion, the board decided to table the proposed amendments to the November 29, 2006 board meeting.

### **Investigative Report**

Ms. Armstrong reviewed the investigative report stating nine complaints have been received year to date. Ms. Armstrong said one complaint was closed with no action, two with letters of concern, one with a letter of warning and one referred to OGC.

Ms. Armstrong reviewed the list of currently monitored practitioners consisting of two optometrists.

### **Discipline Report**

Ms. Armstrong said the discipline report consists of all practitioners disciplined by the Optometry Board since 1983.

### **Financial Report**

Ms. Lannan reviewed the financial report stating the board has a cumulative carryover of \$176,225.68. Ms. Lannan said the move to Metro Center is not included in this report but should be in the year end report.

### **Administrative Report**

Ms. Lannan stated there are currently 1094 active optometrists, 803 retired, 436 failed to renew and 174 deceased.

Ms. Lannan said the performance measures indicate the board's renewal time is under the ten (10) day goal at 3.68 days and the application processing time is slightly over the 100 day goal at 100.2.

Ms. Lannan said there are 606 injectable certified optometrists and 1754 therapeutic certified optometrists with a total of 675 that are both injectable and therapeutic certified.

### **Ratify Newly Licensed Optometrists**

Ms. Lannan asked the board to add **Kristen Pumphrey** to the list of newly licensed. Upon review, Dr. Tharp made a motion, seconded by Dr. Abernathy to ratify the following list of newly licensed optometrists:

**Katherine M. Brauss**  
**Tabitha D. Combes**  
**Angela L. Dabbs**  
**Jessica A. Ditto**  
**Phillip A. Gray**  
**Charity A. Grieco**  
**Kristen E. Haskins**  
**Andrew J. Jensen**  
**Holly R. Johnston**  
**Stacy L. Kreger**  
**Justin D. Lane**  
**Carrie D. Lebowitz**  
**Eric M. Lee**  
**So-Yeon Lee**  
**Alisa J. Lindley**  
**Zachar S. McCarty**  
**Lindsay K. McKinley**  
**Stephen M. McKinley**  
**Sarah C. Miller**  
**Celeste R. Oliver**  
**Matthew S. Piper**  
**Jennifer L. Pomeroy**  
**Lacey D. Puckett**  
**Zachary T. Pumphrey**  
**Gregory E. Reeves**  
**Christina M. Smith**  
**Natalie J. Swanson**  
**Blane L. Tarr**  
**Daniel A. Taylor**  
**Marshall P. Tillman**  
**Matthew R. Warden**  
**Andrea J. Washington**  
**Hayley L. Woodall**  
**Krystina I. Wreggit**  
**Michael W. Zolman**  
**Kristen Pumphrey**

The motion carried.

### **Ratify Reinstated Optometrists**

Ms. Lannan asked the board to add **Alan S. Presson** to the list of reinstated optometrists.

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

**Christopher D. Allee**  
**Jennifer J. Pitts**  
**Adam J. Raymond**  
**Alan S. Presson**

The motion carried.

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

Upon review, Dr. Richt made a motion, seconded by Dr. Tharp, to ratify the practice name change of the **Mountain Eye and Vision Clinic** in Newport, TN. The motion carried.

Upon review, Dr. Richt made a motion, seconded by Dr. Orgain, to deny the practice name change of **Dr. Lane's Discount Optical** as the word "discount" may be misleading. The motion carried.

The board asked Ms. Lannan to review the minutes to see what practice names have been used in the past.

### **Consider/Ratify Injectable Certification**

Upon review, Dr. Abernathy made a motion, seconded by Dr. Tharp, to ratify **Jerry A. Richt, OD** for injectable certification. The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Abernathy, to ratify **Dorian Lain, OD** and **Joe Manning, OD** for injectable certification. The motion carried.

### **Review Licensure/Reinstatement Files**

Upon review of the optometry application of **Alisha Telliga**, indicating she was charged with DUI, Dr. Richt made a motion, seconded by Dr. Spivey, to approve Ms. Telliga's application contingent to a favorable evaluation. The motion carried.

Upon review of the optometry reinstatement application of **Thomas Coleman, OD**, Dr. Tharp made a motion, seconded by Dr. Abernathy, to ratify Dr. Coleman reinstatement application. The motion carried.

## **Review/Approve Continuing Education**

Upon review, Dr. Abernathy made a motion, seconded by Dr. Richt, to approve the continuing education course offered by the **Great Western Council on Optometry**, Portland, OR. The motion carried.

Upon review, Dr. Orgain made a motion, seconded by Dr. Tharp, to approve the continuing education course offered by **Baptist Eye Surgeons**, Knoxville, TN. The motion carried.

Dr. Richt reviewed and approved the following continuing education courses:

### **Presbyopic Lenses: Which, When & Why?**

Presented by: James C. Loden, MD

### **Macular Holes**

Presented by: Edward F. Cherney, M.D.

### **Advances in Corneal Surgery for the New Millennium**

Presented by: W. Barry Lee, M.D.

### **Hot to Evaluate Patients with Neuro-Ophthalmic**

Presented by: Edward Peterson, M.D., David Rankin, M.D.

### **The Contact Lens Related Red Eye**

Presented by: Daryl F. Mann, O.D., John R. Bierly, M.D.

### **Identity Theft & Other Scams**

Presented by: Randy Au

### **LASIK Indications and Follow-up Guidelines**

Presented by: Andreea E. Partal, M.D.

### **A New Option in Refractive Surgery**

Presented by: James S. Eubank, OD

### **Successful Management of LASIK Complications with Case Studies**

Presented by: Richard W. Phillips, OD, FAAO

### **New Strategies in Diagnosis and Treatment of Eye Disease**

Presented by: Krieger Eye Institute

### **Practice Management**

Presented by: Dr. Kaplan

### **Secondary Glaucoma**

Presented by: Izak F. Wessels, M.D.

**Review of Ocular Pharmacology**

Presented by: Izak F. Wessels, M.D.

**Review of Neuro-Ophthalmology Parts 1 and 2**

Presented by: Izak F. Wessels

**Managing Uvitis: The latest in diagnosis and therapy**

Presented by: Izak F. Wessels, M.D.

**Current Trends in Glaucoma Management**

Presented by: Gayle C. Howard, M.D., Ph.D.

**Integrating the OCT III Into Your Practice and an Update on ICL's**

Presented by: Gayle Howard, M.D., Daniel Bregman, M.D., Eric Kostamas, M.D., Charlene Chisum, O.D.

**Clinical Grand Rounds I and II**

Presented by: Dr. Patrick Shorter, Dr. Robin Brady, Richard Phillips, OD, FAAO

**Observation of Glaucoma Surgery and Anterior Segment Clinic**

Presented by: Amanda Berry, M.D., Gayle Howard, M.D., Dr. Daniel Bregman, M.D.

**Observation of Cataract Surgery**

Presented by: Dr. Mike Davis, Dr. Pete Davis

**Refractive Surgery with the ICL**

Presented by: Daniel K. Bregman, M.D.

Dr. Richt asked Ms. Lannan to send him all continuing education course approval requests for review and approval/denial.

Dr. Spivey stated that since Dr. Foster rolled off the board, the board needs to appoint a new control substance advisory committee member.

Dr. Abernathy made a motion, seconded by Dr. Richt, to nominate Dr. Orgain for the committee. The motion carried.

**Review and Respond to Correspondence**

Ms. Lannan stated she received a request from ARBO to verify the social security number, name and office address of optometrists licensed in Tennessee.

Ms. Lannan said she discussed this issue with Ms. Armstrong and it was determined this would be work performed for ARBO which the staff cannot do. Ms. Lannan further stated she cannot disclose social security numbers.

Dr. Richt stated he is on the ARBO Board and asked Ms. Lannan to give him the information for discussion at their next meeting.

**Schedule 2007 Board Meeting Dates**

The following dates were scheduled for the Optometry Board's 2007 Meetings:

November 29 is the next meeting.

February 28, 2007

May 23, 2007

September 14, 2007 – Gatlinburg, TN

November 9, 2007

With no other board business to conduct, Dr. Abernathy made a motion, seconded by Dr. Orgain, to adjourn at 12:18 p.m. The motion carried.

**Ratified by the Board of Optometry at the November 29, 2006 board meeting.**