

TENNESSEE BOARD OF OPTOMETRY

DATE: November 29, 2006

TIME: 9:00 a.m.

LOCATION: Health Related Boards Conference Room
227 French Landing, Suite 300
Heritage Place MetroCenter
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Scott Spivey, OD, Chair
Jerry Richt, OD, Secretary
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
Robbie Bell, Director
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Rules Coordinator
Lakita Taylor, AARB 1

Dr. Spivey called the meeting to order at 9:06 a.m. A sufficient number of board members were present to constitute a quorum.

Review/Ratify September 29, 2006 board meeting minutes

Upon review of the September 29, 2006 board meeting minutes, Dr. Abernathy made a motion seconded by Dr. Tharp, to approve the minutes as written. 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 (OGC)

Ms. Armstrong stated the rules 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.

Ms. Armstrong stated the rule amendments pertaining to continuing education, petitions for stay and reconsideration, and practice in or in conjunction with retail merchants were sent to rulemaking hearing August 25, 2006, adopted by the Board September 29, 2006 and are waiting delivery to the Attorney General for review.

Ms. Armstrong said there is one (1) open case pertaining to the Optometry board in OGC.

Report from Jerry Kosten, Rules Coordinator

Mr. Kosten discussed the amendment to Rule 1045-2-.03 which requires including the jurisprudence examination with the application, making the examination available online, deleting the examination fee, and passing the jurisprudence examination at ninety percent.

Mr. Kosten discussed the amendment to Rule 1045-2-.05 which requires those who are therapeutically certified to complete a minimum of twenty (20) of the thirty (30) hours of continuing education in courses pertaining to ocular disease and related systemic disease, and at least one (1) of these twenty (20) hours shall be a course designed specifically to address prescribing practices.

Mr. Kosten discussed the economic impact of proposed rule amendments on small businesses.

Upon discussion, Dr. Abernathy made a motion, seconded by Dr. Tharp, to accept the amendments as written and send the rules to rulemaking hearing. The motion carried.

Ms. Bell discussed a letter submitted to the Board by the NAOO regarding the amendment to Tenn. Comp. R. & Regs. 1045-2-.16 pertaining to practicing optometry in or in conjunction with a retail store or other commercial establishment that was adopted by the Board its September 29, 2006, meeting. The NAOO was requesting that the Board review the rule amendments and provide clarification about the rule's application. Ms. Armstrong advised the Board that the amendments were submitted to the Attorney General for review/approval, and that it would not be appropriate to alter the language unless corrections to the rule language were necessary. Upon discussion, the Board decided to table the subject until the next meeting, and respond to the letter as part of its general review of correspondence.

Discuss enforcement of T.C.A. §63-8-113(c)(6) and -125

Ms. Armstrong stated a letter summarizing the Board's law and rules as it related to the Lenscrafters case had been mailed to all licensees.

The Board discussed sending a formal letter to the Attorney General requesting assistance with enforcement of the law and to hire a private law firm to help pursue legal action against retail stores violating the law.

Ms. Bell emphasized that DOH/HRB investigations are complaint driven, and require members of the public and the profession to come forward with information about alleged violations. Ms. Bell also noted that resources, in terms of staff and funding, are issues to be considered. Ms. Bell requested that the topic be tabled for future discussion.

Investigative Report

Ms. Phelps reviewed the Investigative Report stating there are twelve (12) complaints year to date in Investigations against optometrist. Ms. Phelps said eight (8) have been closed, four (4) with no action, two (2) with a letter of concern, one (1) with a letter of warning, and one (1) referred to the Office of General Counsel.

Disciplinary Report

Ms. Phelps reviewed the Disciplinary Report stating there are currently two practitioners being monitored.

Ms. Phelps stated if the disciplinary practitioners are in non-compliance with the orders she would file a complaint against them to bring them before the board for additional action.

Financial Report

Ms. Lannan reviewed the Financial Report reflecting the board had a cumulative carryover of \$176,225.68 as of June 30, 2006.

Administrative Report

Ms. Lannan said the administrative report indicates there are 1092 active optometrists, 808 retired, 436 failed to renew and 174 deceased.

Ms. Lannan stated of the 87 optometrists who renewed their licenses between September 2006 and November 2006, 29 renewed online.

Ms. Lannan stated the benchmark for renewal processing is 10 days, with the board averaging 3.68 days, and the benchmark for application processing is 100 days, with the board averaging 100.2 days.

Ms. Bell stated practitioners will be required to submit monthly reports of drugs they dispense, excluding samples, and register with the Board of Pharmacy.

Ratify Newly Licensed Optometrists

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

Stephanie L. Bestwina, OD
Beleta D. Evans, OD
Lavanya Tammareddi, OD

The motion carried.

Ratify Reinstated Optometrists

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

Thomas C. Coleman, OD
Alan S. Presson, OD

The motion carried.

Consider/Ratify Professional Practice Name Requests

Upon review, Dr. Tharp made a motion, seconded by Dr. Abernathy, to approve **Smokey Mountain Optical** in Sevierville, TN. The motion carried.

Upon review, Dr. Tharp made a motion, seconded by Dr. Abernathy, to approve **Midway Eyecare, P.C.** in Bristol, TN. The motion carried.

Upon review, Dr. Orgain made a motion, seconded by Dr. Abernathy, to approve **Shelbyville Eyecare** in Shelbyville, TN. The motion carried.

Review Licensure Files

Upon review of the application of **Thomas Walls**, requesting waiver of parts I, II, and III of the NBEO, Dr. Richt made a motion, seconded by Dr. Abernathy, to waive parts I, II, and III and approve Dr. Walls for licensure by reciprocity. The motion carried.

Upon review of the reinstatement application of **Steven Sutton**, Dr. Abernathy made a motion, seconded by Dr. Tharp, to delay approval of Dr. Sutton's reinstatement until receipt of 2005 continuing education. The motion carried.

Review continuing education courses for approval

Upon discussion, Dr. Orgain made a motion, seconded by Dr. Spivey, to appoint Dr. Richt to initially approve all continuing education courses. The motion carried.

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

The Alabama Optometric Association

Scheduled: October 27-29, 2006

14 hours DTM

Corneal Consultants

Presented by: Bernard Chang, MD

1 hour DTM

Glaucoma Discussion and Case Analysis

Dry Eye Update

Infectious Ulcer vs. Sterile Infiltrates

Presented by: Dr. Jim Williamson

4 hours DTM

Baker Donelson

Presented by: Philip R. Baker

East Tennessee Optometric Society

Nerve Fiber Analyzers

Presented by: Dr. Vic Khemsara

1 hour DTM

Co-managing patients with Verisys, Rezoom, and Crystalens intraocular implants

Presented by: Dr. Les Campbell

1 hour DTM

The Hughes Eye Center

Presented by: Peter Andrews, MD and Seth Yoser, MD

2 hours DTM

Toyos Clinic

Scheduled: April 15, 2006

4 hours DTM

The Regional Eye Center

Presented by: Charles Bice, Jr., MD, FACS

Campbell, Cunningham, & Taylor, P.C.

Grand Rounds with Cataract Post Ops and LASIK surgery with Dr. Matthew Bharami

Presented by: Leslie B. Cunningham, MD and Dr. Matthew Bharami

3 hours DTM

Grand Rounds with Glaucoma Patients with Dr. Matthew Bharami

Presented by: Vic Khemsara, MD
2 hours DTM

Introduction to Topography – No Peaking Allowed

Presented by: Richard W. Phillips, OD, FAAO

CE Courses

Presented by: Ania M. Hamp, OD, FAAO and Jason Hendrix, OD

Tennessee Optometric Association

Patient Selection for Refractive and Cataract Procedures

Presented by: Dr. James C. Loden

Facial Rejuvenation and Beyond

Presented by: Deborah D. Sherman, MD

Diagnosis and Management of Macular Holes

Presented by: Edward F. Cherney, MD

Primary Eyecare Group, P.C.

Nutraceuticals for Optometric Practice

Presented by: David W. Nelson, OD, MBA

Southeast Eye Specialists

Presented by: Darryl Mann, OD, Robin Brady, OD, John Bierly, MD, and Edward Peterson, MD
2 hours DTM

SETOS

Scheduled: October 10, 2006

1 hour DTM

Florida Optometric Association

Presented by: William H. Benson, MD, Albert D. Woods, MS, OD, FAAO,
Michael Chaglasian, OD, and John A. Lebow, OD, FAAO

Ms. Lannan requested the board to notify her by email of all continuing education prior to meetings to allow for organization of audits.

Election of Officers

Upon discussion, Dr. Orgain made a motion, seconded by Dr. Abernathy, to re-elect Dr. Richt as Secretary. The motion carried.

Upon discussion, Dr. Orgain made a motion, seconded by Dr. Abernathy, to re-elect Dr. Spivey as Chair. The motion carried.

Upon discussion, Dr. Orgain made a motion, seconded by Dr. Spivey, to elect Dr. Tharp as Vice-Chair. The motion carried.

The Board requested Consumer board member, Pier Briley, be replaced. Ms. Armstrong stated she will consult Ms. Bell for available options.

With no other business to discuss, Dr. Tharp made a motion, seconded by Dr. Abernathy, to adjourn at 11:52 p.m. The motion carried.

Ratified by the Board of Optometry at the February 28, 2007 board meeting.