

TENNESSEE BOARD OF OPTOMETRY

DATE: February 28, 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, Chair
Linda Tharp, OD, Vice-Chair
Jerry Richt, OD, Secretary
Eddie Abernathy, OD
Richard Orgain, 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, AARBI

Dr. Spivey called the meeting to order at 9:02 a.m. A sufficient number of board members were present to constitute a quorum.

Review November 29, 2006 Minutes

Upon review of the November 29, 2006 board meeting minutes, Dr. Tharp made a motion, seconded by Dr. Orgain, 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

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 the Attorney General for review on November 2, 2006, where they remain.

Ms. Armstrong stated the rule amendments pertaining to the jurisprudence exam and continuing education went to rulemaking hearing on January 18, 2007 and will be presented to the board for adoption on February 28, 2007.

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

Report from Jerry Kosten, Regulations Manager

Mr. Kosten discussed rulemaking hearing for Rule 1045-2-.03 which requires including the jurisprudence examination with the application, removing the examination fee, and passing the jurisprudence examination at ninety percent.

Mr. Kosten discussed rulemaking hearing for 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.

Upon discussion, Dr. Abernathy made a motion, seconded by Dr. Tharp to accept the rules that went to rulemaking hearing. The motion carried. A roll call vote was conducted and all board members answered in the affirmative.

The board discussed a letter submitted by the NAOO regarding the amendment to Rule 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 on September 29, 2006. Ms. Armstrong advised the board that the amendments were submitted to the Attorney General for review/approval and it would not be appropriate to alter the language unless corrections to the rule language were necessary. Upon discussion, the board decided to allow the rule to remain as it is.

The board discussed updating the jurisprudence exam to correspond with the new rule changes. Mr. Kosten stated he will take a look at the exam and make necessary changes and bring it before the board at their next meeting for their approval.

Investigative Report

Ms. Armstrong reviewed the investigative report stating there are currently fifteen (15) complaints year to date in Investigations against optometrists. Ms. Armstrong 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. Armstrong reviewed the Disciplinary Report stating there are currently two (2) practitioners being monitored.

Ms. Armstrong stated if the disciplinary practitioners are in non-compliance with the orders a complaint would be filed 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 \$156,002.97 as of June 30, 2006.

Administrative Report

Ms. Lannan said the administrative report indicates there are currently 1085 active optometrists, 815 retired, 443 failed to renew and 177 deceased.

Ms. Lannan stated of the 142 optometrists who renewed their licenses between November 17, 2006 and February 16, 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.

Discussion by HRB Director, Robbie Bell

Ms. Bell discussed options the board had regarding the removal and/or resignation of board members. Ms. Bell stated the board's chair may contact a member that does not attend meetings and encourage him/her to attend meetings or resign. Upon discussion Dr. Spivey stated he would contact consumer member, Pier Briley.

Ms. Bell asked the board to consider discussion of developing a policy that addresses consequences and/or enforcement of violating the rules of this board at the next meeting. Upon discussion, Dr. Richt made a motion, seconded by Dr. Orgain, to send a letter to the Attorney General's office requesting assistance in enforcement of T.C.A 63-8-125. The motion carried.

Ms. Armstrong stated she would address a letter regarding assistance in enforcing T.C.A. 63-8-125.

Ratify Newly Licensed Optometrists

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

Laura F. Belka, OD
Brad A. Bestwina, OD
Benjamin J. Bittner, OD
Selene A. Burke, OD
Jeffrey K. Butts, OD
Paul C. Day, OD
Michelle L. Presson, OD
Jennifer M. Smith, OD
Marc B. Taub, OD
Thomas H. Walls, Jr., OD

The motion carried.

Ratify Reinstated Optometrists

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

Melissa G. Repko, OD

The motion carried.

Consider/Ratify Professional Practice Name Requests

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

Robert S. Simon, OD, PC
Franklin, TN

Bellevue Eyecare Center
Nashville, TN

NuVue Eyecare
Nashville, TN

The motion carried.

Review Licensure Files

Upon review of the application of **Thomas Walls, OD**, requesting a waiver of parts I, II, and III of the NBEO, Dr. Tharp made a motion, seconded by Dr. Richt, to approve the waiver request. The motion carried.

Upon review of the reinstatement application of **Amanda Cox, OD**, indicating an expired CPR certification, Dr. Spivey made a motion, seconded by Dr. Tharp, to approve Dr. Cox for reinstatement pending completion of a CPR course. The motion carried.

Review Continuing Education Courses for Approval

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

The University of Georgia

2007 Winter Seminar in Optometry

8 hours Diagnosis

VRF Eye Specialty Eye Group

New Treatments for Maculopathy

1 hour Diagnosis

Allied Eye Associates

This Year in Archives of Ophthalmology

2 hour DTM

Individual Approval for Lisa Rhodes

Coding & Billing

6 hour Practice Management

Heart of America Contact Lens Society

46th Annual Heart of America Congress

Southeast Eye Specialists

Ocular Pharmacotherapeutic Update

2 hour DTM

The motion carried.

Correspondence

Ms. Armstrong discussed a letter from Dr. Richt regarding disciplinary action against practitioners and public disclosure after compliance with the action. Ms. Bell stated it is the public's right to have the most accurate data on the website pertaining to practitioners and the removal of a practitioner's professional history is not allowed.

With no other board business to conduct, Dr. Tharp made a motion, seconded by Dr. Abernathy, to adjourn the meeting at 10:45 a.m. The motion carried.