BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
MINUTES

DATE:	April 8, 2026
TIME:	9:00 A.M. CST
LOCATION:	Health Related Boards Poplar Room 665 Mainstream Drive Nashville, TN 37243
BOARD MEMBERS PRESENT:	Thomas Cooper, D.N.P., Consumer Member Zachary McCarty, O.D., Vice Chair Linda Tharp, O.D., Secretary-Treasurer James Venable, O.D., Chair Kenneth Young, O.D.
BOARD MEMBERS ABSENT:	None
STAFF PRESENT:	Kimberly Wallace, Regulatory Board Administrative Director Melinda Dutton, Regulatory Board Administrative Assistant Mark Waters, Deputy General Counsel

Call to Order

Dr. Venable called the meeting to order at 9:00 a.m. CST. A roll call was conducted, and a quorum was present, with Dr. Thomas Cooper, Dr. Zachary McCarty, Dr. Linda Tharp, Dr. James Venable, and Dr. Kenneth Young present.

Board staff from the Administrative Office, including Ms. Kimberly Wallace and Ms. Melinda Dutton, and from the Office of General Counsel, Mr. Mark Waters, were also present.

Mr. Waters presented the Conflict of Interest Statement and Open Meetings Act Notice to the Board, as follows:

Conflict of Interest

PURPOSE: To assure that the individual interests of board members do not conflict with or have the appearance of conflicts with their responsibilities to the Board to which they are appointed.

A circumstance in which a board member's individual interest impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions or to provide full unbiased service to the Board.

It is the duty of this Board to protect the health, safety, and welfare of the citizens of Tennessee and that the administration of this solemn responsibility is dependent upon avoiding even the appearance of impropriety.

Any board member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussion or vote on the matter and shall leave the hearing room during the discussion or vote.

If you have a personal or financial interest in the outcome of any issue or matter before this Board that may suggest a bias on your part, you are asked to state that interest on the record so a determination can be made as to whether there exists a need for recusal.

It is improper for any board member having a conflict of interest to attempt to influence another board member at any time, including prior to the discussion on the matter for which the conflict exists.

Open Meetings Act

Pursuant to the Open Meetings Act, Board business may only be discussed by the Board members during the meeting. Members should not discuss the Board's business at any time other than during the open Board meeting. The prohibition applies to phone calls, e-mails, and text messages. Board members should also ensure that all comments during the meeting are stated for all to hear; private conversations between or among members during the meeting are inappropriate.

An executive session convened by the Board for the purpose of discussing an applicant's health conditions, including mental health conditions and substance use disorders revealed during an application process, is not a public meeting as defined in T.C.A. § 8-44-102. However, during the executive session the Board may not vote on the matter at issue until the open Board meeting.

No conflicts were noted by any Board Members.

Rulemaking Hearing – 1045-02 General Rules Governing the Practice of Optometry

The Rulemaking Hearing was called to order. Mr. Mark Waters, Deputy General Counsel with the Department of Health's Office of General Counsel served as moderator of this rulemaking hearing. Board Members Dr. Thomas Cooper, Dr. Zachary McCarty, Dr. Linda Tharp, Dr. James Venable, and Dr. Kenneth Young were present.

This rulemaking hearing took place pursuant to Tennessee Code Annotated, Section 4-5-204, in the Poplar Conference Room, 665 Mainstream Drive, Nashville, Tennessee.

The purpose of this rulemaking hearing was to solicit comments on rules proposed by the Board in order to amend Rule 1045-02-.05, Continuing Education and Rule 1045-02-.07, Diagnostic and Therapeutic Certification.

Pursuant to T.C.A. §4-5-204, the following is a summary of the factual information on which the amended rules contained in the notice of rulemaking are based:

The rule amendments safeguard the public by requiring continuing education from accredited providers and establishing uniform standards to ensure licensees are qualified to practice at the highest level, including through diagnostic and therapeutic certification.

A rule is an agency or board statement of general applicability that implements or prescribes law or policy, or describes the procedures or practice requirements of the agency or board. Proposed rules are filed with the Office of the Secretary of State, and notice is provided to the public for comment, followed by a rulemaking hearing. After the hearing and adoption of the proposed rules, the rules are submitted to the Governor's Office for approval and then to the Attorney General for review of legality. If approved, the rules are filed with the Secretary of State for publication and submitted to the Government Operations Committee of the General Assembly. The rules become effective 90 days after filing with the Secretary of State.

Those members of the public wishing to speak were instructed to sign up at the table by the door. Only those who have signed up were be permitted to speak. Mr. Waters placed copies of the Notice of Rulemaking and tracked changes of the proposed rule amendments on the table with the sign in sheet and Board members were provided the Notice of Rulemaking of the proposed rule amendments on their iPads and paper copies were also available.

The notice of rulemaking hearing which included the entire text of the proposed rules was published on November 26, 2025, on the Tennessee Administrative Website.

Ms. Wallace stated that additional notice was given to the affected individuals or groups as follows:

- The Notice of Rulemaking Hearing was posted to the Board's website on the "About" page as well as on the Calendar of Events page adjacent to the Public Notice for the 4/8/26 Board meeting
- Morrison Capital Strategies
- The American Optometric Association (AOA)
- The TN Dispensing Opticians Association (TDOA)
- The TN Association of Optometric Physicians (TAOP)
- The Association of Regulatory Board of Optometry (ARBO)
- Southern College of Optometry (SCO)

Mr. Waters read the substance of the proposed rules into the record.

Rule 1045-02-.05 Continuing Education
Continuing education requirements are being revised for licensees who renew on or after January 1, 2027. Licensees are being required to complete 40 hours within 24 months, with up to 30 hours allowed in virtual formats. The required hours in ocular and related systemic disease are being reduced from 25 to 20. A centralized tracking system is being required for submission and verification of CE. Course approval is being tied to approved vendors and COPE accreditation, and prior detailed provisions, including grand rounds, specific multimedia formats, Board pre-approval submission requirements, enumerated approval categories, subject-matter classifications,

record retention requirements, and provider appeal processes, are not being retained in the revised rule.

Rule 1045-02-.07 Diagnostic and Therapeutic Certification
Diagnostic and therapeutic certification provisions are being reorganized and clarified. Requirements for passage of NBEO examinations, including the Injectable Skills Examination, are being retained for applicants. It is being clarified that therapeutic certification includes certification to use injectable pharmaceutical agents. Reinstatement applicants are being required to meet the same requirements as new licensure applicants. Existing provisions related to education, examination, and certification are being maintained with clarification and reorganization.

The Board heard public comments, as follows:

In Person Comments:
- Dr. Stephanie Price, TN Association of Optometric Physicians (TAOP)
- Patrice Vaughn, TN Association of Optometric Physicians (TAOP)
- LeRhonda Walton-Hill, signed up for comment, but then chose not to make comment

The Board discussed in-person versus virtual continuing education learning environments. The Board reviewed the amendments presented in the rulemaking package with considerations of the ability to obtain hours virtually, the progression of other states moving in the direction of virtual learning, learning styles, the use of virtual learning, the experience of in-person learning, and the Board's experiences with feedback from licensees regarding their ability to obtain in-person requirements were discussed.

The Board noted that the proposed rule changes as written would not require licensees to obtain continuing education via virtual formats, licensees would be able to elect getting all of their credits in person, if they so choose; the proposed amendments would allow the option for a greater number of hours to be obtained virtually.

Written Submissions of Comments were received prior to the hearing, as follows:
- TN Association of Optometric Physicians (TAOP)

A motion was made by Dr. Young
To approve changes in the rulemaking package to rule 1045-02-.05(1)(a) to allow a licensee to obtain up to 20 of the 40 hours in a virtual format (synchronous or asynchronous)
With a second made by Dr. McCarty
Discussion: None

A roll call vote was conducted, as follows:
Dr. Cooper: AYE
Dr. McCarty: AYE
Dr. Tharp: AYE
Dr. Venable: AYE

Dr. Young: AYE

The motion passed unanimously by roll call vote.

The Board discussed the references to the names of the examinations in rule 1045-02-.07 (1)(a) and (b).

A motion was made by Dr. Venable
To approve changes in the rulemaking package to rule 1045-02-.07(1)(b) to remove the specific names of the three parts of the NBEO Examinations and refer to the examinations in the rules as "Part I", "Part II", and "Part III"; will maintain the reference specific to the "Injectable Skills Examination (ISE) or its successor" in the language.
With a second made by Dr. Tharp
Discussion: None

A roll call vote was conducted, as follows:
Dr. Cooper: AYE
Dr. McCarty: AYE
Dr. Tharp: AYE
Dr. Venable: AYE
Dr. Young: AYE

The motion passed unanimously by roll call vote.

A motion was made by Dr. Venable
To approve changes in the rulemaking package to rule 1045-02-.07(1) to remove (a) in its entirety and in the rewriting of (b) to remove any reference to a date of graduation.
With a second made by Dr. Cooper
Discussion: The Board discussed applicants who did not complete successfully the ISE but who are licensed to practice in another state and that this change would require successful passage of the ISE to qualify for licensure in TN. This would eliminate the opportunity for a waiver of the ISE.

A roll call vote was conducted, as follows:
Dr. Cooper: NAY
Dr. McCarty: NAY
Dr. Tharp: NAY
Dr. Venable: NAY
Dr. Young: NAY

The motion failed unanimously by roll call vote.

A motion was made by Dr. McCarty
To approve changes in the rulemaking package to rule 1045-02-.07(1)(b) to incorporate language from the Board's current Policy Statement on Injectable Certification and Licensure regarding the opportunity for a waiver of the ISE for those applicants whose initial date of licensure was prior to 2012 and submit the required supporting documentation listed in the policy statement; and in rule 1045-02-.07(1)(a) to remove the specific names of the three parts of the NBEO Examinations and refer to the examinations in the rules as "Part I", "Part II", and "Part III"; will maintain the reference specific to the "Injectable Skills Examination (ISE) or its successor" in the language.
With a second made by Dr. Tharp
Discussion: None

A roll call vote was conducted, as follows:
Dr. Cooper: AYE
Dr. McCarty: AYE
Dr. Tharp: AYE
Dr. Venable: AYE
Dr. Young: AYE

The motion passed unanimously by roll call vote.

The Board discussed the availability of waivers for parts of the NBEO and/or the ISE.

A motion was made by Dr. McCarty
To approve changes in the rulemaking package to rule 1045-02-.07(1) as read.
With a second made by Dr. Tharp
Discussion: None

A roll call vote was conducted, as follows:
Dr. Cooper: AYE
Dr. McCarty: AYE
Dr. Tharp: AYE
Dr. Venable: AYE
Dr. Young: AYE

The motion passed unanimously by roll call vote.

Public Comment was made by Dr. Stephanie Price, TN Association of Optometric Physicians (TAOP).

A motion was made by Dr. Venable
To approve changes in the rulemaking package to rule 1045-02-.07(2) for the final phrase to read "…. Completion of (1)(a) and (1)(b)".
With a second made by Dr. Tharp

Discussion: None

A roll call vote was conducted, as follows:
Dr. Cooper: AYE
Dr. McCarty: AYE
Dr. Tharp: AYE
Dr. Venable: AYE
Dr. Young: AYE

The motion passed unanimously by roll call vote.

A motion was made by Dr. McCarty
To approve the amended rulemaking package as discussed.
With a second made by Dr. Young
Discussion: None

A roll call vote was conducted, as follows:
Dr. Cooper: AYE
Dr. McCarty: AYE
Dr. Tharp: AYE
Dr. Venable: AYE
Dr. Young: AYE

The motion passed unanimously by roll call vote.

The rulemaking hearing and comment period were thus concluded.

Mr. Waters presented the Regulatory Flexibility Analysis and Economic Impact Statement to the Board for their consideration.

A motion was made by Dr. Tharp
To approve the Regulatory Flexibility Analysis and the Economic Impact Statement as presented
A second was made by Dr. Young
Discussion: None
The motion passed unanimously by voice vote.

Receive Reports and/or Requests from the Division of Health Licensure and Regulation

There were no financial reports for the Board to review in this meeting.

Applicant Interviews/File Reviews/Waivers and Other Requests

CE Controlled Substance Prescribing Course Request – Varney and Kinzer

A request for approval of CE credit for controlled substance prescribing was submitted by Brittany Varney, O.D., and Eilene Kinzer, O.D., of the University of Pikeville for the Board's consideration of acceptance for meeting TN's CE requirements.

A motion was made by Dr. McCarty
To approve the controlled substance prescribing was submitted by Brittany Varney, O.D., and Eilene Kinzer, O.D., of the University of Pikeville
A second was made by Dr. Cooper
Discussion: It was noted the course has already obtained COPE approval.
The motion passed unanimously by voice vote.

Practice Name Request – Riverview Eye Care, PLLC, Benjamin Swartz, O.D. License #3754

Dr. Benjamin Swartz, License #3754 requested approval for a practice name of Riverview Eye Care, PLLC, d/b/a Riverview Eye Care

A motion was made by Dr. Tharp
To approve the practice name of Riverview Eye Care, PLLC, d/b/a Riverview Eye Care
A second was made by Dr. Young
Discussion: None
The motion passed unanimously by voice vote.

Presentation of Orders and OGC Disciplinary Items

Consent Orders
None

Agreed Orders
None

Orders of Compliance
None

Requests for Order of Modification
None

Receive Reports and take action as needed regarding CSMD Committee Reports

There were no reports of CSMD business presented in this meeting.

Consent Agenda

The Board's consent agenda included the following items:

- Approval of Meeting Minutes, February 18, 2026
- Ratification of Licensure Files
- Approval of Agreed Citations
  - CE – Jessica Bearer, O.D., Lic #3784
  - CE – Jamie White, O.D., Lic #2225
- Departmental Reports
  - Administrative Office
  - Office of General Counsel
  - Office of Investigations
- Notices – None

A motion was made by Dr. Tharp
To approve all items on the consent agenda as presented.
A second was made by Dr. Young
Discussion: None
The motion passed unanimously by voice vote.

Discuss and take action as necessary regarding Rulemaking, Rule Amendments, and Policies

Review and discuss new and proposed legislation, and consider approval of draft rule language

The Board noted there is optometry-related legislation moving through the current legislative session, inclusive of HB1952/SB2076.

Review of Correspondence

None

Discuss and take action as necessary regarding requests and reports from ARBO

Update 1st Quarter 2026

There was no action for the Board to take on this item.

Comments on KY Emergency Regulation

There was no action for the Board to take on this item.

The Board discussed ARBO's concerns regarding licensure issued in KY during the Covid-19 pandemic as it relates to the passage of the NBEO examinations.

The Board discussed their rules and the examination requirements in this regard.

Conference/Event Reports and Upcoming Events Review

None

Discuss Old/New Board Business

None

Public Comment

Ms. Wallace reviewed the Public Comment policy, wherein, any individual wishing to make a public comment at a board meeting must submit a request to do so in writing, it must include the specific topic from the published agenda/sunshine notice for the meeting for which the individual wishes to make comment and must be received by the Administrative Office at least ten (10) business days prior to the date of a meeting.

Should the agenda be amended after initial publication, the member of the public wishing to address the Board on an amended agenda item must give their written notice no less than twenty-four (24) hours prior to the meeting.

The email address for submission of a request to make public comment for this Board is: Unit3HRB.Health@tn.gov.

There were no requests for public comments made for this meeting, other than those that were addressed during the rulemaking hearing.

Dr. Venable notified the Board that he anticipates moving out of TN by the end of 2026, at which point he will step down from the Board at such time as he is no longer a permanent TN resident.

Adjourn

There being no further business to be heard, a motion was made by Dr. Tharp to adjourn.
A second was made by Dr. Young
Discussion: None
The motion passed unanimously by voice vote.

The meeting adjourned at 11:09 am CST.

These Minutes were ratified by the Board on 07/08/2026.

Board Chair

08 July 2024

Date