

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: January 13, 2016

TIME: 9:00 A.M., CST

LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Dennis E. Mathews, O.D., Chair
David K. Talley, O.D.
Jennifer G. Uhl, O.D.
Torrey J. Carlson, O.D.
Brad S. Lindsey, O.D.

BOARD MEMBERS

ABSENT: Edie Clemons, Citizen Member

STAFF

PRESENT: Yvette Hernandez, Board Administrator
Teddy Wilkins, Unit Director
Matt Gibbs, Assistant General Counsel

Dr. Mathews, Chair, called the meeting to order at 9:09 a.m. A roll call vote was conducted and a quorum was present.

Dr. Mathews welcomed the Board's new members: Torrey Carlson, O.D., Brad Lindsey, O.D., and Jennifer Uhl, O.D.

Election of Officers

Dr. Mathews made a motion, seconded by Dr. Lindsey, to nominate Dr. Talley for chair. The motion carried.

Dr. Mathews made a motion, seconded by Dr. Carlson, to nominate Dr. Lindsey for vice chair. The motion carried.

Dr. Lindsey made a motion, seconded by Dr. Carlson, to nominate Dr. Uhl for secretary. The motion carried.

Minutes

Upon review of the October 16, 2015 minutes, Dr. Mathews made a motion, seconded by Dr. Uhl, to approve the minutes as written. The motion carried.

Investigative Report

Ms. Dorroh stated there are currently no complaints in Investigations against Optometrists and that two (2) practitioners are currently being monitored.

Office of General Counsel Report

Mr. Gibbs stated there are no cases open for discipline; however, there is legislation which will be discussed later in the meeting.

Consent Order

Mr. Gibbs presented a Consent Order for **Nicholas Vincent Motto, O.D.**, for violation of TENN. CODE ANN. §63-8-101 et. seq. and TENN. COMP. R.& REGS., 1045-01-.01 et. seq.

Mr. Gibbs stated that Dr. Motto prescribed controlled medication to a patient and failed to maintain a record of the diagnosis, prognosis, treatment performed, and medication ordered for a person who was a patient. Dr. Motto was reprimand of his license and was assessed a civil penalty in the amount of five hundred dollars (\$500.00).

Dr. Mathews made a motion, seconded by Dr. Uhl, to accept the consent order. The motion carried.

Dr. Motto's attorney, Jim Dreaden, Esq., addressed the Board stating that Dr. Motto is currently residing in Connecticut and has been a model citizen and professional since the incident. Mr. Dresden said Dr. Motto appreciates the Board's action.

Dr. Talley said to wish Dr. Motto well.

Legislation

Mr. Gibbs stated that he just received the proposed legislation and he and John Williams, attorney for the Tennessee Association of Optometric Physicians (TAOP) discussed it briefly.

Mr. Gibbs said Ms. Martha Gentry, an attorney in Nashville who specializes in health care, is also an excellent resource for information.

Mr. Gibbs said SB1567/HB1469 contains civil immunity for the dispensing of pre-owned eye glasses to an individual, who is fourteen years of age or older, who has been prescribed the eye glasses free of charge, and dispensed by an ophthalmologists or optometrists.

Mr. Gibbs said the proposal is in the section of the code that removes civil liability for free clinics and sponsoring organizations that provide the dispensing of eye glasses.

Dr. Talley stated he thinks most doctors that donate glasses or work in free clinics do not dispense eye glasses and leaves that up to the expertise of dispensing opticians.

John Williams stated the sponsors are Senator Ken Yeager and Representative Ron Travis who are both in the Roane County area. Mr. Williams said he distributed the bill to the Government Affairs Committee.

Dr. Talley said if they try to help a patient who has no money and we can get a prescription close to what they need we give it to them.

Financial Report

Ms. Vanessa Crutcher reviewed the report stating the Board has payroll expenditures of \$58,469.08; direct expenditures of \$129,727.08; allocated expenditures of \$48,865.05; total expenditures of \$178,592.13; board fee revenue of \$209,051.29; current year net of \$30,459.16; and, a cumulative carryover of \$660,321.33.

Administrative Report

Ms. Hernandez said that as of January 7, 2016, there were 1,213 licensed optometrists.

Ms. Hernandez stated that as of October, November and December 30, 2015 there were seven (7) newly licensed, four (4) retired Optometrists and fourteen (14) expired Optometrists.

Ms. Hernandez said of the thirty-five (51) Optometrists who renewed their licenses in October, twenty-eight (28) renewed on-line at eighty percent (80%); of the fifty-five (55) who renewed their licenses in November, thirty-two (32) renewed on line at fifty-eight percent (58%); and, of the thirty-nine (39) who renewed their licenses in December, twenty-four (24) renewed on line at sixty-two (62%).

The Board reviewed the remaining meeting dates for 2016; April 6, 2016, July 13, 2016 and October 16, 2016.

Ms. Wilkins stated that the October meeting is held Gatlinburg at the TAOP conference and the exact date may not be correct.

Ms. Wilkins stated the ARBO contract which tracks continuing education for Optometrists expires on October 5, 2016 and asked the Board to renew the contract.

Dr. Lindsay made a motion, seconded by Dr. Carlson, to renew the ARBO contract. The motion carried.

Approve/Deny and Ratify New Licensure Files

Dr. Uhl made a motion, seconded by Dr. Lindsey, to approve the following newly licensed Optometrists:

Dara Auyeung
Julianne Koch
John H.K. Lorey
Frederick Warren Martin
Deanna Michelle Paul-Blanc
Nisha Indu Prakash

The motion carried.

Approve/Deny Reinstatement Applications

Dr. Lindsey made a motion, seconded by Dr. Uhl, to approve the following reinstated Optometrist:

Narges Kasraie

The motion carried.

Cardiopulmonary Resuscitation (CPR) Certification Policy Statement

Mr. Gibbs reviewed a draft of the CPR Policy Statement, as requested by the Board at the last meeting, which allows re-certification to be obtained online by ProCPR, Inc. and International CPR Institute, Inc.

Dr. Mathews made a motion, seconded by Dr. Uhl, to approve the policy statement. The motion carried.

Ms. Wilkins stated it will be posted on the Board's website by the end of the day and licensees who opted in to receive push notification will receive the policy statement.

The Board requested that the policy statement be mailed to all licensed optometrists with a cover letter informing them they must obtain CPR certification and can obtain re-certification online.

Mr. Gibbs stated there are three (3) levels of law that Boards deal with: statutes that come from the legislation, rules that are promulgated by boards, and policies. Mr. Gibbs said it is important to get something on the books regarding recertification and suggests placing the CPR requirements in the rules for the next rulemaking so there is no question as to whether or not it should be followed.

Correspondence

The Board reviewed a letter from **Robert E. Fisch** requesting a waiver of Part III of the National Exam Scores which were not given in 1959.

Upon discussion, Dr. Lindsay made a motion, seconded by Dr. Mathews, to send Dr. Fisch a letter waiving Part III of the national exam and request that he provide documentation that he has taken a course for injectable certification. The motion carried.

The Board reviewed a letter from **James Lee Harper** requesting a waiver of Part III of the National Exam Scores which were not given in the 1970's.

Upon discussion, Dr. Lindsay made a motion, seconded by Dr. Mathews, to approve Dr. Harper's request. The motion carried.

The Board reviewed a letter from **Doug Hassenpflug, O.D.** requesting approval of the professional practice name **Mobile Vision Professionals** and approval to do in home care.

Mr. Gibbs stated there is nothing in the statute or rules regarding or prohibiting mobile practice.

Dr. Mathews made a motion, seconded by Dr. Lindsay, to approve Dr. Hassenpflug for a mobile practice. The motion carried.

Dr. Talley requested that Mr. Gibbs contact Dr. Hassenpflug to request a more detailed clarification of why he wants to use the practice name Mobile Vision Professionals.

The Board reviewed a letter from the **Kentucky College of Optometry** regarding their pre-accreditation classification of preliminary approval by the Accreditation Council on Optometric Education (ACOE).

The Board reviewed a letter from **Southern College of Optometry** requesting approval to offer Two (2) Part Injections Certification Lecture and Lab.

Upon discussion, Dr. Mathews made a motion, seconded by Dr. Uhl, to grant the approval for three (3) years from January 13, 2016. The motion carried.

Discuss Legislation and take action if needed regarding rulemaking, hearing, rule amendments and policies

Mr. Gibbs stated there is nothing more to report at this time.

Discuss and take action if needed regarding rulemaking, rule amendments and policies

Mr. Gibbs stated he has nothing to discuss but reminded the Board that he would like the CPR policy to become a rule at the next rulemaking hearing.

Discuss Other Board Business

Mr. Gibbs said he was approved to attend the **Federation of Association of Regulatory Boards (FARB)** forum at the October 2016 meeting.

Mr. Gibbs stated that FARB is a group which represents a lot of different trade practices and put out a lot of good material.

Dr. Talley asked if the staff has received an invitation to the **ARBO** meeting which has their annual meeting in conjunction with the AOA national meeting June 26-28, 2016 in Boston, MA.

Mr. Mathews said at the last meeting the Board approved two (2) members to go to the FARB forum and two (2) to go to the ARBO meeting.

The Board elected to send Dr. Mathews and one other Board member to the ARBO meeting.

John Williams, Tennessee Association of Optometric Physicians (TAOP) stated that Gary Odom asked him to address the Board regarding the Well-Child program as he continues to receive complaints against Well-Child.

Mr. Gibbs reminded the Board that if they requested Well-Child to attend a meeting to discuss their practice and did not like their answers, there is a potential that all Board members would have to be replaced, including himself, to conduct a Contested Case Hearing.

Dr. Mathews suggested that Dr. Odom tell callers that is not in the purview of the TAOP and suggest they file a formal complaint to the Board.

Mr. Williams said he did not know that Well-Child had a license to practice in Tennessee.

Mr. Gibbs stated that the UAPA defines license as any grant of permission and because Well-Child came in and asked to practice in a mobile unit that is a license.

Mr. Gibbs said there were no benchmarks set when Well-Child was approved.

Dr. Talley asked Mr. Williams if he and TAOP could come up with some guidelines for granting mobile licenses for the Board to review.

Adjourn

With no other Board business to conduct Dr. Mathews made a motion, seconded by Dr. Uhl, to adjourn. The motion carried.

Ratified by the Board of Optometry on April 6, 2016