

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** April 6, 2016  
**TIME:** 9:00 A.M., ET  
**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Dennis E. Mathews, O.D., Chair  
Jennifer G. Uhl, O.D.  
Torrey J. Carlson, O.D.  
Brad S. Lindsey, O.D.  
Edie Clemons, Citizen Member

### **STAFF**

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

Dr. Mathews called the meeting to order. A roll call was conducted and a quorum was present.

### **Minutes**

Upon review of the January 13, 2016 minutes Dr. Lindsey made a motion, seconded by Dr. Uhl, to approve the minutes as written. The motion carried.

### **Investigative Report**

Ms. Dorroh stated there are no complaint cases in their office against Optometrists.

Ms. Dorroh stated they are currently monitoring two practitioners. Ms. Dorroh stated one (1) practitioner will be compliant in 2017 and one (1) is making payments through the Attorney General's Office.

### **General Counsel Report**

Mr. Gibbs stated there are no cases open for discipline in the Office of General Counsel and there are no pending rule changes.

HB1469/SB1567 was discussed at length during the January meeting. This board suggested that dispensing optician be added to the bill and it was amended by the legislature and added to the language. The bill was signed into law by the Governor on March 31, 2016.

### **Administrative Report**

Ms. Hernandez stated there are 1,212 licensed Optometrists as of April 5, 2016. Ms. Hernandez said eight (8) Optometrists have been licensed since the last meeting. Ms. Hernandez stated twenty-three (23) Optometrists renewed their licenses in January with 43% renewing on-line; twenty-five (25) renewed their licenses in February with 55% renewing on-line; nineteen renewed their licenses in March with 49% renewing on-line. Ms. Hernandez said 4 Optometrists retired their licenses in January; 0 retired their licenses and 2 expired their licenses in February; and, 1 retired their license and 2 expired their licenses in March.

### **Approve/Deny and Ratify New Licensure Files**

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

**Megan D. Kortum**

**Jigna A. Patel**

The motion carried.

### **Approve/Deny Reinstatement Applications**

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

**Nixon Daniel Dodd**

**Jennifer Supple Jones**

**Celeste Renee Joon**

**Stephanie Judkins Price**

The motion carried.

### **Request for Business Name – Dr. Douglas Hassenpflug**

Dr. Hassenpflug stated he put in a request for a practice name in January and requested permission to go into homes outside skilled nursing facilities. There was some question on the business name Mobile Visual Professions.

Dr. Hassenpflug said he used the name Mobile Visual Professions so clients would not think he was in a brick and mortar building. Dr. Hassenpflug said he will not be providing care in a mobile vehicle but will be providing services in client's homes.

Mr. Gibbs said the statute and rules are clear that advertising cannot be fraudulent, deceptive or misleading to the public. Mr. Gibbs stated he doesn't think practicing in a mobile unit is forbidden. I understand the misleading concerns but after speaking with Dr. Hassenpflug don't have concerns.

Mr. Gibbs said practicing in a mobile unit would need the Board's prior approval.

Dr. Hassenpflug said it's unusual to get prior approval from a Board for a business name. He said most states do not require that but have guidelines in place as to what you can and cannot do.

Mr. Gibbs said the requirement to get a business name approval is dictated by the legislature and the Board has no authority to circumvent that legislative mandate.

Dr. Lindsay made a motion, seconded by Dr. Carlson, to approve the business name Mobile Visual Professions. The motion carried.

The Board requested that Dr. Hassenpflug submit a request for a name change should he change his mode of practice.

### **Presentation from Dr. Mitchell Mutter, Medical Director of Special Projects**

Dr. Mitchell Mutter, Medical Director of Special Projects gave a presentation of the Chronic Pain Guidelines Symposia held at Vander University/Belmont University.

Dr. Mutter stated there were eight (8) regulatory Boards that participate in the CSMD, they have DEA numbers and the payment for the infrastructure is paid for by the eight Boards.

Dr. Mutter stated that pain medicine specialist is defined by T.C.A. §63-1-301(9) as having a subspecialty certification in pain medicine as accredited by the Accreditation Council for Graduate Medical Education (ACGME) through either the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA, or is eligible to sit for the board examination offered by ABMS or AOA. Dr. Mutter said the statute also requires specialists to hold an unencumbered Tennessee license, maintain the minimum number of continuing medical education (CME) in pain management to satisfy retention of ABMS or AOA certification. Dr. Mutter reviewed the Tennessee Chronic Pain Guidelines and asked the Board to vote to approve the policy changes on the guidelines.

Dr. Uhl made a motion, seconded by Dr. Lindsey, to approve the changes. The motion carried.

Dr. Mutter asked the Board to appoint a member to serve on the CSMD Committee. Dr. Mutter said the CSMD meets quarterly and at the end of the year provides a legislative report to the legislature about what happened during the calendar year. The Committee meets in Nashville.

Dr. Uhl made a motion, seconded by Dr. Carlson, to appoint Dr. Lindsey to the CSMD Committee. The motion carried.

**Discuss and take action if needed regarding rulemakings, hearings, rule amendments and policies**

Mr. Gibbs said OGC drafted a lapsed license policy to make all Health Related Boards consistent and are trying to streamline lapsed license discipline to make sure the violations are the same, or as close as possible.

Mr. Gibbs said T.C.A. §63-11-218 gives licensees sixty (60) days to reinstate, after which time the license is revoked. Mr. Gibbs stated the \$100 fine for each month the license is in a lapsed license status is the same.

Ms. Wilkins asked the Board to delete the reference regarding approval from the Board's consultant in number three (3) as the Board does not have a consultant.

Upon discussion, Dr. Uhl made a motion, seconded by Dr. Lindsey, to approve the amended policy upon deleting the reference to Board consultant. The motion carried.

**Other Board Business**

Dr. Lindsey stated that he received information that a provider offers a Vision Service Plan (VSP) to optometrists and fees will be reduced by twenty percent (20%) if they purchase a certain dollar amount.

Mr. Gibbs stated he will discuss this with Dr. Lindsey after the meeting.

Dr. Mathews said that he and Dr. Carlson will be attending the ARBO meeting on June 26-28 which will take place in Boston.

With no other Board business to conduct, Dr. Lindsey made a motion, seconded by Dr. Uhl, to adjourn at 10:15 a.m. The motion carried.

*Ratified by the Board on July 13, 2016*