

Tennessee Board of Optometry



Newsletter



2015

A Regulatory Agency of the State of Tennessee

Fall

665 Mainstream Drive, Nashville, TN 37243 • <http://tn.gov/health> (615) 741-5735 or 1-800-778-4123
Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except State and Federal holidays) Fax: (615) 532-5369

THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE

2016 Board Meeting Dates

January 13, 2016
9:00 a.m., Poplar Room

April 6, 2016
9:00 a.m., Iris Room

July 13, 2016
9:00 a.m., Poplar Room

October, 2016
To be announced



All board meetings will be held at 665 Mainstream Drive, Nashville TN, unless otherwise noted.

Live Streaming Video

If you would like to see your board “in action” but can’t attend a meeting in person, you can now watch the board meeting on your computer through live streaming video. The link is:
<https://web.nowuseeit.tn.gov/Mediasite/Catalog/Full/98fe21d561e9489487745f0c7da678b221>. After you access the page, go to the board meeting you wish to view and click on that particular link.

Legislative Updates

Board of Optometry
Legislative Update - 2015

Public Chapter 154

This act allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health. Today the Commissioner of Health or his designee already has this authority but must go to the facility to review the medical records. This act took effect on April 16, 2015.

Public Chapter 94

This act defines “abuse” and “neglect” for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Dept. of Health. It does not impact the definitions within the statutes that govern the Dept. of Intellectual and Developmental Disabilities nor the Dept. of Human Services. It also increases the time within which placement on the registry may be appealed from 30 to 60 days. For rulemaking purposes, this bill became effective on April 10, 2015. All other provisions become effective on July 1, 2015.

Public Chapter 502

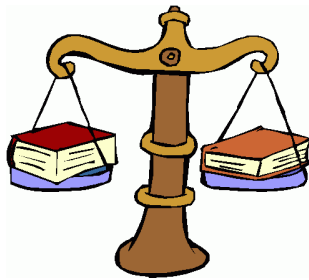
This act allows the Joint Government Operations Committee (the legislative committee that reviews all rules) to stay a rule up to 75 days instead of 60 days. Present law authorizes the Joint Government Operations Committee to consider the following factors when reviewing rules: authority, clarity, consistency, justification, necessity and reference. This act adds arbitrariness and capriciousness as two new considerations.

Public Chapter 268

This act makes disclosures of protected healthcare information permissible in medical malpractice lawsuits and became effective on April 24, 2015.

[Public Chapter 349](#)

This act makes all rules with the secretary of state after January 1, 2014 permanent. This act also schedules Board of Optometry rule 1045-02-.17 to expire on July 1, 2015.



RULE AMENDMENTS

Chapter 1045-02 General Rules Governing the Practice of Optometry Amendments

Rule 1045-02-.01 Fees is amended reducing the application fee from \$300.00 to \$250.00. The renewal fee has been reduced from \$330.00 to \$275.00.

Rule 1045-02-.05 Continuing Education is amended by changing the CE cycle from a calendar year to a renewal month year. Effective January 1, 2016, an Optometrist with a renewal date in the year 2016 and beyond must complete thirty (30) hours of Board approved continuing education during the twenty-four (24) months that precede the licensure renewal month.

Further, all licensees holding a current Tennessee license shall complete a minimum of two (2) of the thirty (30) required hours of continuing education related to controlled substance prescribing, which must include instruction in the department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol and may include topics such as medicine addiction, risk management tools, and other topics approved by the Board. Any one (1) or two (2) hour course designed specifically to address prescribing practices must be pre-approved by the Board.

Also amended, for those who are therapeutically certified, a minimum of twenty (20) of the thirty (30) hours of continuing education is required in courses pertaining to ocular disease and related systemic disease, as described in subparagraph (2)(e). At least two (2) of these twenty (20) hours shall be a course or courses designed specifically to address prescribing practices.

Each licensee shall maintain current certification in cardiopulmonary resuscitation (CPR). Such certification shall be obtained from a course approved or offered by the American Heart Association, the American Red Cross, or any other entity approved by the board.

Rule 1045-02-.07 Diagnostic and Therapeutic Certification is amended to read: no therapeutically certified optometrist shall use pharmaceutical agents by injection except to counter anaphylaxis until they have received approval from the board. The board will not approve the use of injections until the optometrist demonstrates to the board's satisfaction sufficient educational training and/or clinical training, and submits proof of current certification in cardiopulmonary resuscitation (CPR). The education must be obtained from a course approved or offered by the American Heart Association, the American Red Cross, or any other entity approved by the board.

(These rules will become effective October 27, 2015. To view the amended rules, visit:

<http://share.tn.gov/sos/rules/1045/1045.htm>)

Professional Privilege Tax

TENN. CODE ANN. §67-4-1701, et seq., requires the payment of an annual professional privilege (occupation) tax. The law requires your licensing board to refuse to allow you to renew your professional license if you fail to pay your professional privilege tax. Upon receipt of certification from the Department of Revenue that a licensee is in arrears more than 90 days, the law requires that your ability to renew your license be held in abeyance until our office receives a written tax clearance from the Department of Revenue. Avoid any interruption in your ability to practice your profession by remitting your tax to the Department of Revenue in a timely fashion.

<http://tn.gov/revenue/topic/professional-privilege-tax>

If you have moved out-of-state, but maintain a license, you are still responsible for paying the Professional Privilege Tax. If your license is in "active" status as of June 1 of any year, no matter if you live in Tennessee or out-of-state, you are required to pay the yearly professional privilege tax.

Note: The Board of Optometry does not assess this tax.

Electronic Notification for Licensed Health Professionals

NOTICE TO ALL LICENSED HEALTHCARE PROFESSIONALS – ELECTRONIC NOTICE OPTION

On January 1, 2013, a new law became effective requiring all Tennessee health professional boards to provide electronic notices to healthcare professionals they license. The law gives healthcare professionals the option of being notified electronically of the following: (1) Renewals of license, certification or registration; (2) Any fee increases; (3) Any changes in state law that impact the license holder; and (4)

Any board meeting where changes in rules or fees are on the agenda. If a healthcare professional “opts in”, the Department of Health will also be able to alert him or her of critical public health matters impacting Tennessee. Please visit apps.tn.gov/hlrs/begin.jsp and complete the registration process to opt in. Upon receipt of a current email address, those who opt in will begin to receive ALL notices electronically rather than through the United States mail. Please note opting in means license renewal notification will be delivered electronically approximately 45 days in advance of the expiration date. The electronic notice will direct the licensee to the appropriate Web page to renew. For professions that do not permit licensees to renew their licenses online, a paper renewal will continue to be provided. For more information, contact the Health Professional Boards office at 615-741-5735 or toll-free at 1-800-778-4123.

Renew Your License Online



Practitioners may access the online service at <https://apps.tn.gov/hlrs/> to renew their licenses up to 70 days prior to the expiration date.

Click the “Licensing Renewal” link where you can renew your license and update your professional license information. *Licensees are responsible for renewing their licenses on time and keeping the Board apprised of current information. It is a violation of the law and of the Board’s rules to practice on an expired license.*

-Step 1: Login - Select our board and your profession and enter your license number.

-Step 2: Update your Information - Change your home and/or office address.

-Step 3: Enter your renewal information - Answer all necessary questions, as if you were completing your hard-copy form.

-Step 4: Payment - Enter your credit card information through the secure site and choose “submit”.

If you have met all of the criteria necessary, your renewal certificate will be mailed to you in approximately one week. Updated license information will be available on the department’s web site within two business days.

Retirement of License

If you are not practicing in Tennessee and do not wish to renew your license, it is suggested you retire your license rather than have it fall into failed to renew status. A retirement form may be obtained at our website at:

<http://tn.gov/health/article/OPT-applications>

If you do not have access to the internet, you may request a retirement form be mailed to you. (See Board address on page 4.)

Office of Investigations



The Office of Investigations is responsible for receiving and processing all complaints for the licensure boards. To file a complaint, please contact the Office of Investigations at 1-800-852-2187 or visit our website where you may download and print out the complaint form.



Have you moved/changed your name?

Must be reported in writing or by e-mail to the board’s office within 30 days! Please include the following:

- your name and license number;
- your profession;
- your old address and phone number;
- your new address and phone number, e-mail address, and/or your fax number;
- your signature!
- If your name has changed due to marriage or divorce, you must send a copy of the document that made the change in status.

Keeping the board’s administrative staff up to date on your location facilitates the timely notification to you of important information such as your application for licensure renewal and important statutory and rule changes.

A form for the change of address/name can be found at:

<http://tn.gov/health/article/OPT-applications>

You may fax your change to the board's administrative office at (615) 532-5369 or by mail at: 665 Mainstream Drive, Nashville, TN 37243.

Practitioner Profile

When you notify the board of an address or name change, please remember to update your practitioner profile.

Lapsed License

The Tennessee Board of Optometry recognizes that a licensee may unintentionally allow his or her license to expire. State statute prohibits a licensee from working as an Optometrist unless he or she has an active license. Thus, the Board has adopted the following procedures for reinstatement of an expired license:

1. Upon recognition that his or her license has expired, the licensee must stop practicing immediately and contact the Board's administrative office and request a reinstatement application.

2. The licensee must complete the reinstatement in its entirety along with a detailed work history from the date the license expired. The application must be signed, notarized, and returned to the Board's administrative office along with the applicable fee and proof of documentation of continuing education requirements taken within the previous twelve (12) months.

3. Once the completed reinstatement application and all required documentation is received, the board administrator may immediately reinstate the license only if the license has been in an expired status for a period of three (3) months or less.

4. If the reinstatement application received indicates in the work history that the individual has worked more than three (3) months on an expired license, the license will not be issued until the licensee has paid a penalty in the amount of \$100.00 for each month worked in excess of the three (3) months from the expiration date of the license.

The assessment of a civil penalty is considered formal discipline that is reportable on the Tennessee Department of Health's website.

[Discipline for lapsed licenses is reportable to the national databanks as well as the Department's Disciplinary Action report.](#)

To Contact This Board Call:

**(615) 741-5735 local or (800) 778-4123
nationwide or write to:**

**Tennessee Board of Optometry
665 Mainstream Drive
Nashville, TN 37243**

BOARD MEMBERS

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