

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: April 14, 2021
TIME: 9:00 A.M., CT
LOCATION: Health Related Boards
WebEx- Teleconference
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Christopher Cooper, O.D, Vice Chair
Tonya Reynoldson, O.D, Secretary-Treasurer
Linda Tharp, O.D., Chair
Kenneth Young, O.D
Kurt Steele, O.D

BOARD MEMBERS

ABSENT: Consumer Member – Vacant

STAFF PRESENT:

Lyndsey Boone, Board Manager
Maria Johnston, Board Administrator
Kaitlin Parham, Associate General Counsel
Eric Winters, Associate General Counsel

Call to Order

This meeting was convened electronically, via WebEx, due to the gathering restrictions resulting from the COVID-19 pandemic. This meeting was called to order by Board Chair, Dr. Linda Tharp at 9:00 AM CST.

Necessity of Meeting

A roll call of the Board Members and Board staff present was conducted by Lyndsey Boone, Board Manager, with a quorum of Board Members present.

- Dr. Linda Tharp, Board Chair
- Dr. Chris Cooper, Board Vice Chair
- Dr. Tonya Reynoldson, Board Sec/Treas.
- Dr. Kurt Steele
- Dr. Kenneth Young
- Consumer Member - VACANT

- Board Administrator, Ms. Maria Johnston
- Board Attorney, Mr. Eric Winter
- Board Attorney, Ms. Kaitlin Parham

After conducting the roll call, Ms. Boone introduced Ms. Maria Johnston, Optometry Board Administrator.

Ms. Boone requested that each Board Member and Staff Member confirm they were able to hear one another. All Confirmed.

- Dr. Tharp
- Dr. Cooper
- Dr. Reynoldson
- Dr. Steele
- Dr. Young
- Ms. Johnston
- Mr. Winters
- Ms. Parham

Purpose of Meeting and Necessity of Teleconference

Ms. Boone informed all present that prior to proceeding with the electronic meeting, certain criteria for continuing with an electronic meeting must be met.

First, Ms. Boone confirmed that each of the Board Members and Staff Members participating throughout today's meeting were able to hear the response given by each and every other participant.

- Dr. Tharp
- Dr. Cooper
- Dr. Reynoldson
- Dr. Steele
- Dr. Young
- Ms. Johnston
- Mr. Winters
- Ms. Parham

Next, Ms. Boone informed all present that the purpose of this meeting was to ratify licenses - including new licenses and reinstated licenses - to ratify orders received after the Board's last meeting, and to consider other time sensitive matters. Because this Board was unable to convene in a physical location today to consider these matters - in light of the COVID-19 pandemic, for which the TN Governor and Mayor of Nashville have recommend limiting the

number of attendees at meetings at this time - this WebEx remote meeting was necessary.

A motion was made by Dr. Tharp to proceed with the electronic meeting, with a second made by Dr. Young.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN <input checked="" type="checkbox"/> ABSENT
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

In addition, all Board Members were asked to acknowledge whether they had received, prior to this meeting, copies of all the materials and documents that are to be discussed at this meeting.

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

All Board Members present confirmed that they did receive the materials prior to the meeting for review purposes.

Finally, only certain matters are proper for a teleconference; accordingly, Dr. Cooper made a motion, with a second made by Dr. Tharp, that the matters to be discussed in this meeting met the following requirements:

The subject matter requires timely action;

The physical presence of all members is not possible considering the period of time required for action; and

The participation by some or all of the members of the Committee by electronic means is necessary.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
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Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Public Comment

It was noted that Public Comments would be heard during this meeting. Instructions were provided for all attendees via the WebEx system and phone call-in options. It was reminded that the Board may only take action on items that are listed on the agenda. Ms. Boone also noted that, as always, prior to the date of any Board Meeting, any member of the public is welcome to submit a written comment or inquiry to the Board via email at Unit3HRB.Health@tn.gov or via postal mail addressed to the Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243.

Conflict of Interest Statement

Mr. Winters reviewed the Conflict of Interest statement and Open Meetings Act statement, as follows:

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

Pursuant to the Open Meetings Act, Committee business may only be discussed by the committee members during the meeting. Members should not discuss the committee's business at any time other than during the open Committee meeting. The prohibition applies to phone calls, emails, and text messages. Committee member 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.

Approve Minutes from January 06, 2021 Board Meeting

A motion was made by Dr. Cooper to make a correction to the January 6, 2021, Board Meeting Minutes with a second made by Dr. Young.

Discussion: None OR As Follows

Dr. Cooper noted on page 12 the correction would be to remove "twice yearly" from the Strategic Planning Taskforce motion.

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Approve Minutes from February 03, 2021 Rule Review Taskforce Meeting

A motion was made by Dr. Cooper to approve the February 03, 2021, Scope of Practice Taskforce Meeting Minutes as written with a second made by Dr. Reynoldson.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Receive Reports and /or Requests from the Office of Investigations

Lori Leonard provided reports to the Board. The currently monitored practitioners report and investigative reports were presented.

CURRENTLY MONITORED

PRACTITIONERS PERIOD: As of 04/07/2021

Total # Currently Monitored Practitioners	1
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PERIOD: 2021 Calendar

Year through 04/07/2021

COMPLAINTS

New Complaints	Number of Complaints
Unprofessional Conduct	4
Medical Record Request	1
COVID-19	2
Total # New Complaints	7
Closed Complaints	
Closed BIV, EMS, HCF, AW	0
Closed – Letter of Concern	0
Closed – Warning Letter	0
Total # Closed Complaints	0
Total # Currently Open Complaints	11

Ms. Leonard reminded the Board and the public that the letters of warning and the letters of concern are not reportable to the National Practitioner Data Bank (NPDB) and therefore, they are not considered formal discipline.

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

Fiscal Director, Ms. Alicia Grice, presented the FY2021 Mid-Year reports to the Board.

Highlights include:

- Total Expenditures \$79,201.50
- Total Board Fee Revenue \$107,030.85
- Current Year Net \$27,829.35
- Cumulative Carryover \$758,345.62

Ms. Grice provided a review of the cumulative carryover funds, and potential fee reduction scenarios for the board's consideration.

A motion was made by Dr. Tharp for scenario number 3 to reduce renewal and application fees to \$150 with a second made by Dr. Reynoldson.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Discuss Legislation and take action if needed

There were no legislative items for review at this meeting.

Administrator's Report

Ms. Johnston presented the Administrator's report, as follows:

PERIOD: As of 04/06/2021

Total # Currently Licensed Optometrists	1,352
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LICENSE STATUS SINCE THE LAST BOARD MEETING

PERIOD: 01/04/2020 – 04/06/2021

New Optometry Licenses	10
Renewed Licenses – Total	164
Paper Renewals	48
Online Renewals	116
Licenses Renewed Online as % of Total Renewals	71%
Retired Licenses	3

Expired Licenses	10
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Ms. Johnston also presented the dates for the 2021 and 2022 Board Meetings, as follows:

- July 14, 2021
- October 6, 2021 (if unable to hold meeting in Gatlinburg on October 8, 2021)
- January 5, 2022
- April 6, 2022
- July 6, 2022
- October 12, 2022

Ms. Boone reviewed the ability for licensees to renew online and applicants to apply online. She also presented the Board phone & email contact information of 615-532-5090 and Unit3HRB.Health@tn.gov.

OGC Report and Requests

Mr. Winters presented the OGC report; there were no other legal items to review in this meeting other than that the telehealth rules and contact lens examination amendment are currently going through the internal review process, as are the Scope of Practice rules redlines that were approved at the October 2020 Board meeting. As of 04/01/2021, there are no open discipline cases with OGC.

Business Name Request – Eyes on Knoxville Family Optometry

The Board has received a business name request from Dr. Karin Rodrigues Moore to open a new practice location in Knoxville, TN with the name of Eyes on Knoxville Family Optometry.

A motion was made by Dr. Tharp to approve the Business Name Request for Eyes on Knoxville Family Optometry, with a second made by Dr. Young.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES

Business Name Request – Lifestyle Eye Care, PLLC

The Board has received a business name request from Dr. Trent Martin to open a new practice with the name of Lifestyle Eye Care, PLLC. His request states that no physical location has been confirmed as of yet.

A motion was made by Dr. Cooper to approve the Business Name Request for Lifestyle Eye Care, PLLC, with a second made by Dr. Steele.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Ratification List – Newly licensed, Reinstatements, and Closed/Withdrawn File

It was noted that all files on the ratification list have been reviewed and found complete and in good order according to the Rules for new licensure and reinstatement of license. There were not any closed or withdrawn files for the Board's consideration today.

A motion was made by Dr. Reynoldson to approve the ratification list as presented, with a second made by Dr. Steele.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Newly Licensed

Licenses issued 01/04/2021 – 04/06/2021

License #	Name License	Expiry Date
3661	Bowen, Jacob Reed	4/30/2022
3666	Buchanan, Sarah	10/31/2022
3654	Butler, Lindsey Holcomb	11/30/2023
3657	Collins, Miranda	9/30/2022
3659	Donigian, Abigail Mae	5/31/2022
3664	Ivergo, Alyssa	8/31/2022
3653	Lyons, Audrey	7/31/2022
3667	Randolph, Katherine	3/31/2022
3655	White, Lauren	5/31/2022
3660	Zollinger, Shannon Marie	5/31/2023

Reinstatements

Licenses issued 01/04/2021 – 04/06/2021

License #	Name License	Expiry Date
2874	Rogers, Alecia Walton	5/31/2023
3062	Tonks, Meredith L.	2/28/2023

Taskforce/Committee Reports

Taskforce Organizational Summary

Board advisory attorney, Eric Winters, clarified the purpose and processes regarding Taskforces as follows.

First, it is the duty of the Board to make rules and policies for the proper performance of Board duties to carry out the purposes and enforcement of the laws regulating optometry.

That being said, Boards may utilize a Taskforce to assist the board in its performance of its duties, including providing suggestions for rule revisions. With the Board's approval of a Rule's Taskforce at the January meeting, the Taskforce should be used to assist the Board in streamlining the rulemaking process.

Though, it should be clear the Taskforce is working at the specific direction of the Board itself. The Taskforce's actions should not have the appearance of acting as an entity unto itself. With that in mind, it is the Board's responsibility to determine which specific rules the Taskforce should focus its attention. Furthermore, it is the Board's responsibility to approve the amount of

Taskforce meetings to meet the Board's goals. The Board should be conscientious of the expenditures of time and monetary expenses involved when determining the amount of Taskforce meetings. Accordingly, at the January meeting, the Board stated the Taskforce would meet 2 times a year.

Next, with the Board authorizing the Taskforce to focus on a predetermined rule or section of the rules for revision, the Taskforce can prepare to present their ideas at the Taskforce meeting. Not only will this allow the Taskforce meetings to be productive and pinpointed towards the Board's specific objectives, but also aid the Taskforce to fulfill its purpose within the previously approved 2 meetings a year.

Lastly, after the Taskforce has provided its suggestions for rules revision, the Board can choose to accept, amend, or reject the Taskforce's recommendations.

Since the next Taskforce meeting is set for September 15th, it may be best for the Board to think about what rule they would like the Taskforce to review, and provide recommendations at the July meeting. This would allow the Board time to think about what rule they would like to assign to the Taskforce, while still providing time for the Taskforce to prepare accordingly before the September meeting.

The goal in providing this summary to the Board today is to help the Board understand the structure and process for administering a Taskforce in the most efficient and effective manner. A Taskforce should be formed for no other purpose than that of providing an opportunity to conduct a meeting that focuses on one particular topic on a more in-depth level than time typically allows during a Board Meeting, and then move the results of that discussion back to the Board at its next meeting, where the Board functions in their authority regarding any action on that specific topic.

Rules Review Taskforce

A motion was made by Dr. Cooper for the Taskforce to work on the Rules & Regulations and focus on items that directly impact patient care for the September Taskforce meeting. The first set of revisions for Tennessee Board of Optometry should include Chapters 1045-02 –

- .05 Continuing Education;
 - .07 Diagnostic and Therapeutic Certification;
 - .08 Corporate or Business Names and Advertising;
 - .09 Ocular and Contact Lens Prescriptions and Office Equipment;
 - .11 Scope of Practice;
 - .14 Optometric Records;
 - .15 Consumer Right-To-Know Requirements; and
 - .16 Tamper-Resistant Prescriptions;
- by Dec 5, 2021 for discussion at the January 5, 2022 Board meeting.

Given the advance 30-day document deadline prior to a meeting, Dr. Cooper would like the Taskforce to meet in July or August 2021.

A motion was made by Dr. Cooper, with a second made by Dr. Steele.

Discussion: None OR As Follows

Dr. Tharp asked Dr. Cooper, if this is too robust for the September 15th meeting for the Taskforce.

Dr. Cooper asked for confirmation that the number of times a Taskforce meets is determined by the Board, and Mr. Winters confirmed, also stating that it has been suggested administratively that two meetings may be sufficient, going on to note that the current motion on the floor assigns 8 sections of Rule to be reviewed, which was not very specific, and the intent for a Taskforce is to review one section or small area of a section of Rule at a time so as to write a draft during a Taskforce meeting.

Dr. Cooper stated that his motion was intended to authorize the Taskforce to meet in a manner to be able to complete the first set of revisions by December, and stated that, in his opinion, the Rules and Regulations have not kept pace with rapidly changing technology.

Ms. Boone suggested to focus on one meeting at a time, and determine next steps at the end of each meeting based upon what was accomplished.

Lyndsey Boone clarified that the current open motion is for the Taskforce meeting scheduled for September 15th to cover Rules 1045-02-.05, .07, .08, .09, .11, .14, .15, and .16.

Dr. Tharp confirms this is correct.

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES

Discussion: None OR As Follows

A motion was made by Dr. Steele to allow the Taskforce to determine at the end of the September meeting if another meeting is necessary, with a second made by Dr. Cooper.

Discussion: None OR As Follows

Mr. Winters confirmed, yes this is acceptable, however, the Taskforce is not to act as an entity unto itself, and it is best for the Board to keep control of the actions of the Taskforce under their direction.

Dr. Steele agrees and wants to amend his motion to read that at the end of the September Taskforce meeting if one more meeting is needed to complete the task, then they can make that decision.

Dr. Cooper asked Dr. Steele if he would consider a revision to his motion, to hold the Taskforce meeting earlier with the option to cancel the September meeting if need be and therefore be able to meet the Sunshine requirements of public notification for a June or July Taskforce meeting.

Dr. Steele amends the motion to allow one earlier meeting in July and only hold the September meeting if necessary.

Lyndsey Boone suggests that the decision should involve Kimberly Wallace. Leave as a generality to schedule an additional meeting.

Dr. Steele withdraws his motion and amends it.

Dr. Steele amends his motion to read that the Taskforce can determine after the September meeting if they need to have another meeting and to have the date approved through the Administrative office, with a second made by Dr. Cooper.

Discussion: None OR As Follows

A roll call vote was conducted:

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

CSMD Report

Dr. Reynoldson provided the Board a summary of the CSMD Committee meeting from February 2, 2021. Highlights included discussion of pain management clinic inspections, grants regarding the CSMD project, and controlled substance prescription and usage rate changes.

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

Commissioner's CE Policy

Ms. Boone provided an update regarding the Commissioner's Policy on CE for 2021, as follows:

The Commissioner of the TN Department of Health has suspended the audit of in-person-live hours through December 2021. The policy has been updated on the Board website. This does not change the number of CE hours required for each profession, but rather, extends the ability to obtain those CE hours via non-in-person or non-live methods such as online and interactive virtual formats.

It is important to note, per the last sentence of the policy, for any licensee whose CE cycle crosses over from 2021 into 2022, unless they have obtained all of their CE hours by December 31, 2021, they will be subject to the CE requirements as written in the rules, inclusive of the live/in-person hours.

Policy: The Commissioner has been designated the authority through Executive Order 50, and through incorporation into later Orders, to waive in-person/live continuing education requirements. For the Commissioner's audit of continuing education credits/hours required to be obtained in any period that encompasses the calendar year of 2020 or 2021, all continuing education credits/hours that are obtained through non in-person/live methods during 2020 or 2021 will be accepted as proof of completing any continuing education requirements that are a condition of renewing and reinstating a license, certification or registration. The Commissioner will not audit the in-person or live event component for hours obtained during this time. The audit process will otherwise remain unchanged. Beginning January 1, 2022, any continuing education credits/hours taken in calendar year 2022 must be obtained as required by each individual profession's rules. For boards requiring in-person/live credits/hours, the 2021/2022 audit cycle will include review for that requirement unless all hours for the 2021/2022 cycle were obtained in 2021.

Optometry CE Policy Amendment

During a recent review of policies, Ms. Wallace and Mr. Winters discovered that the Board's CE Policy statement was in need of a revision to bring it into alignment with the current Rules, in regards to the number of CE required for each renewal cycle, as well as the notification method for those licensees who are found out of compliance with the rules.

The Revised Policy reads as follows:

Tennessee Board of Optometry Policy on Continuing Education Violations

The rules of the Tennessee Board of Optometry require each licensee to complete forty (40) hours of approved continuing education (CE) during the during the twenty-four (24) months that precede the licensure renewal month.

In accordance with Tennessee Rules and Regulations 1045-02-.05, if a licensee is found to be deficient in the number or type of required CE hours for a reporting period, the Board will issue a Notice to the last known address of the individual stating the facts or conduct which warrant the intended action. The licensee has thirty (30) days from the date of the Notice to provide proof of completion of the deficient hours.

If the licensee fails to provide proof of completion of the deficient hours within thirty (30) days as specified in the Notice, the licensee may enter into an Agreed Citation and be

assessed a civil penalty in the amount of one hundred dollars (\$100.00). Additionally, the licensee may be required to complete the deficient hours as well as complete six (6) additional Board approved CE hours, all within ninety (90) days of ratification of the Agreed Citation by the Board or be subject to additional disciplinary action.

The assessment of a civil penalty is considered formal discipline. As a result, the discipline will be reported on the Board's website and reported to the National Practitioner Data Bank.

Amended by the Board of Optometry on the 14th Day of April, 2021.

Amended by the Board of Optometry on the 10th Day of December, 2010.

Adopted by the Board of Optometry on the 5th day of November, 2008.

A motion was made by Dr. Cooper to approve the policy as presented, with a second made by Dr. Reynoldson.

Discussion: None OR As Follows

A roll call vote was conducted:

As I state your name, please voice your vote on the motion.

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

The motion passed. YES NO

Correspondence Review

ARBO 2020 Year in Review

This item was presented for the Board's information, and the Board Members had no questions or follow-up action for this item.

COPE Extension of Rules Modification

This item is similar to one the Board reviewed in a previous meeting, in that COPE has temporarily modified its rules to allow COPE Administrators and Providers to present CE activities through an interactive online format and give live COPE CE credit through December 31, 2021. With the TN Commissioner's Policy on CE that was presented earlier in today's meeting, licensees should have every opportunity to obtain their required CE credits through calendar year 2021.

Conference/Event Reports

ARBO Annual Meeting – Virtual Event, June 19-20, 2021

The Board approved a list of potential attendees, as follows:

- Dr. Cooper YES NO
- Dr. Steele YES NO
- Dr. Tharp YES NO
- Dr. Reynoldson YES NO
- Dr. Young YES NO

Dr. Tharp would like to have up to two (2) Board Administrators and one (1) Board Attorney also attend, if possible

A motion was made by Dr. Young to approve the list of Board Members, Legal and Administrative staff as presented to attend the ARBO Annual Meeting, with a second made by Dr. Tharp.

Discussion: None OR As Follows

A roll call vote was conducted:

- | | | | | |
|----------------|---|-----------------------------|----------------------------------|----------------------------------|
| Dr. Cooper | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Reynoldson | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Steele | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Tharp | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |
| Dr. Young | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> RECUSED | <input type="checkbox"/> ABSTAIN |

The motion passed. YES NO

Discuss Old & New Board Business

The Administrative Office did not have any new or old business to present today and neither did any of the Board Members.

A reminder was given that, anyone wishing to introduce a new topic for board business can submit documents to the Board Administrative Office no less than 30 days prior to any board meeting for review. Any new business items suggested in today's meeting can be requested to be added to the agenda for the next meeting so that it can be properly noticed on the Public Notice. The board cannot take action on any items that were not previously scheduled on today's agenda.

Call for Public Comment

Notice was given for one final opportunity for the Board to accept Public Comments before the close of the meeting. reminders of how to submit a comment in the virtual environment were given, and it was noted that the Board may only take action on items that are listed on today's agenda.

As a reminder, the public is always welcome to submit comments to the Board in writing prior to any Board Meeting via email at Unit3HRB@tn.gov or by postal mail to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243.

Adjournment

With no further business to conduct, a motion was made by Dr. Steele to adjourn, with a second made by Dr. Reynoldson.

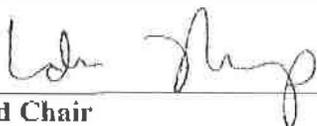
Discussion: None OR As Follows

Dr. Cooper	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Reynoldson	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Steele	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Tharp	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN
Dr. Young	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> RECUSED	<input type="checkbox"/> ABSTAIN

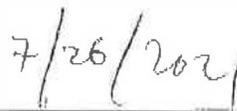
The motion passed. YES NO

The meeting of the Board of Optometry was adjourned at 10:56 AM CST.

These Minutes were Ratified by the Board on July 14, 2021.



Board Chair



Date