

**TENNESSEE BOARD OF OPTOMETRY
MINUTES**

DATE: April 2, 2025
TIME: 9:00 A.M. CST
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Zachary McCarty, O.D.
Kurt Steele, O.D.
Linda Tharp, O.D.
James Venable, O.D.
Kenneth Young, O.D.

BOARD MEMBERS

ABSENT: Consumer Member – Vacant

STAFF

PRESENT: Kimberly Wallace, Regulatory Board Administrative Director II
Maria Johnston, Regulatory Board Administrative Assistant II
Kathy Trawick, Associate General Counsel

Call to Order

Dr. Tharp called the meeting to order at 9:02 a.m. CST. A roll call was conducted, and a quorum was present, with Dr. Kurt Steele, Dr. Linda Tharp, Dr. Zachary McCarty, Dr. James Venable, and Dr. Kenneth Young present. The Consumer Member seat is vacant.

Board staff from the Administrative Office, including Ms. Kimberly Wallace and Ms. Maria Johnston, and from the Office of General Counsel, Ms. Kathy Trawick, were also present.

Ms. Trawick 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.

Discuss and Take Action as necessary regarding Legislation

There were no legislative items for the Board to review in this meeting.

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

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

Presentation of Orders and OGC Disciplinary Items

Consent Orders

None

Agreed Orders

None

Orders of Compliance

None

Requests for Order of Modification

None

Applicant Interviews/File Reviews/Waivers and Other Requests

Practice Name Request – Wise Vision Care, PLLC; Timothy Wise, Lic. #1181

A motion was made by Dr. Steele

To approve the practice name request for Wise Vision Care, PLLC; Timothy Wise, Lic. #1181

A second was made by Dr. McCarty

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

Practice Name Request – Victory Vision, PLLC; Victoria Howard, Lic. #3524

A motion was made by Dr. Venable

To approve the practice name request for Victory Vision, PLLC; Victoria Howard, Lic. #3524

A second was made by Dr. Young

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

CE Waiver Request – Austin Swain, O.D., Lic. #3333

Austin Swain, O.D., Lic. #3333 made a request to the Board provide either an exemption from the in-person hours or an extension to complete the required the in-person hours for his CE Cycle ending 02/28/2025 in conjunction with his license expiration date of 03/31/2025.

Dr. Swain informed the Board via letter that he has plans to attend the SCO Spring CE event scheduled for April 5-6 and if granted an extension, requests those hours be used towards meeting his requirement.

Dr. Swain was notified by the Administrative Office of the Board's CE Waiver Rule requirement and did not provide supporting documentation for the need for a waiver or extension.

A motion was made by Dr. Venable

To approve the CE extension request for Austin Swain, O.D., Lic. #3333 to complete at the SCO event, pending the receipt of supporting medical documentation by April 15th by the Administrative Office.

No 2nd and the motion failed.

A motion was made by Dr. Venable restating his original motion

To approve the CE extension request for Austin Swain, O.D., Lic. #3333 to complete at the SCO event, pending the receipt of supporting medical documentation by April 15th by the Administrative Office.

A second was made by Dr. McCarty

Discussion: None OR As Follows

A roll call vote was conducted

- Dr. McCarty AYE NAY
- Dr. Steele AYE NAY
- Dr. Tharp AYE NAY
- Dr. Venable AYE NAY
- Dr. Young AYE NAY

The motion passed majority roll call vote.

Ms. Trawick clarified that the documentation must include information that the medical condition Dr. Swain has experienced would prevent him from attending in-person CE.

CE Waiver Request – John Gentry, O.D., Lic. #827

John Gentry, O.D., Lic. #827 made a request to the Board provide an exemption from the in-person hours for his CE Cycle ending 02/28/2025 in conjunction with his license expiration date of 03/31/2025.

Dr. Gentry previously received a waiver from the Board on 04/5/2023 due to medical reasons wherein he was approved to use 18.25 hours of Non-COPE CE towards meeting his CE Cycle of 3/1/2021 – 2/28/2023.

A motion was made by Dr. Venable

To approve the CE waiver request of the in-person requirement for John Gentry, O.D., Lic. #827
A second was made by Dr. Young
Discussion: None OR As Follows
The motion passed unanimously by voice vote.

Receive Reports and take action as needed regarding CSMD Committee Reports

No reports were presented. Neither Dr. McCarty nor Dr. Tharp were available to attend the February 2025 meeting.

Consent Agenda

** Copies of the Ratification List and Departmental Reports are attached to these Minutes.*

The Board's consent agenda included the following items:

- Approval of Meeting Minutes, January 8, 2025
- Ratification of Licensure Files
- Approval of Agreed Citations - None
- Departmental Reports
 - Administrative Office
 - Office of General Counsel
 - Office of Investigations
- Notices
 - NBEO Modernization Efforts
 - NBEO Statements Regarding Exam Scores

A motion was made by Dr. Venable
To approve all items on the consent agenda as presented.
A second was made by Dr. Steele
Discussion: None OR As Follows

Dr. McCarty opened discussion on the NBEO Part II exam technical errors that occurred and recapped that some scores released were reported incorrectly initially and then re-reported, which has a direct effect on licensure candidates. Dr. Venable noted the corrective actions taken by the NBEO and the timing of the Part II Exam. Dr. Tharp noted that the person with the NBEO who caused the error was released from their duties, candidates were given the opportunity to re-test at no charge, and new software has been implemented to prevent future occurrences.

The motion passed unanimously by voice vote.

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

Rule 1045-02 – Retrospective Rule Review Follow-Up

In follow-up to the previous meeting discussions regarding the Retrospective Rule Review, Ms. Trawick presented questions from one of the internal reviewers on the Board's previous rule drafting work and redlines specific to Rule 1045-02-.03(3) regarding the jurisprudence exam.

In addition, Rule 1045-02-.04(5)(a) regarding the payment of past due renewal fees was discussed, to bring the rule into alignment with T.C.A. 63-1-107(d) for fee limitations for late renewal fees.

A motion was made by Dr. Venable

To revert Rule 1045-02-.03 to its original state with just two changes to Rule 1045-02-.03 (3)(a) and (3)(g) to provide the jurisprudence exam instead of mailing the jurisprudence exam, as well as Rule 1045-02-.04(5)(a) to change it to match the statute as presented in the meeting.

A second was made by Dr. McCarty

Discussion: None OR As Follows

A roll call vote was conducted, as follows:

- Dr. McCarty AYE NAY
- Dr. Steele AYE NAY
- Dr. Tharp AYE NAY
- Dr. Venable AYE NAY
- Dr. Young AYE NAY

The motion passed unanimously by roll call vote.

Review of Correspondence

There were no correspondence items for the Board to review in this meeting.

Conference/Event Reports and Upcoming Events Review

There were no conference or event items for the Board to review in this meeting.

Discuss Old/New Board Business

There were no old or new business items not already discussed elsewhere on the agenda for the Board to review in this meeting.

Dr. Venable asked for a reminder of what is entailed in a license retirement. Ms. Wallace and Ms. Trawick reviewed the retirement, expiration, and reinstatement procedures.

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.

A written request for public comment was received by the Administrative Office for this meeting, which was from Patience Long, Executive Director of the TN Association of Optometric Physicians (TAOP), who requested to make comment on agenda item # 8 Retrospective Rule Review Follow-Up. This comment item was addressed at that point in the agenda.

TAOP requested the opportunity to make public comment on the Retrospective Rule Review item and their representative, Ms. Stephanie Price was given the opportunity, however declined to make public comment.

Adjourn

There being no further business to be heard, a motion was made by Dr. Steele to adjourn.

A second was made by Dr. Young

Discussion: None OR As Follows

The motion passed unanimously by voice vote.

The meeting adjourned at 10:05 am CST.

These Minutes were ratified by the Board on 07/09/2025.



Board Chair/Acting Chair

7/9/25

Date

ATTACHMENTS TO BOARD MINUTES

**Optometry Ratification List
Newly Licensed
December 27, 2024, to March 17, 2025**

| <u>License#</u> | <u>Name</u> | <u>License Expiry Date</u> |
|-----------------|--------------------------|----------------------------|
| 3938 | Awad Omar Q | 4/30/2027 |
| 3935 | Katsadouros Kayla Tucker | 5/31/2026 |
| 3936 | Nguyen Tram | 4/30/2027 |
| 3937 | Ramos Greyson | 4/30/2027 |
| 3933 | Reed Anna Hulsey | 2/28/2026 |

**Reinstatement from Retired/Expired
December 27, 2024, to March 17, 2025**

| <u>License#</u> | <u>Name</u> | <u>License Expiry Date</u> |
|-----------------|-------------------------|----------------------------|
| 3542 | Amin Parth | 12/31/2026 |
| 3009 | Mcgriff Wilson Walter | 6/30/2026 |
| 1856 | Overley Alison Mcdonald | 4/30/2027 |

**Voluntarily Retired
December 27, 2024, to March 17, 2025**

| <u>License#</u> | <u>Name</u> | <u>License Retired Date</u> |
|-----------------|---------------------------|-----------------------------|
| 923 | Baggett James E | 7/31/2025 |
| 3142 | Christensen Michael T | 7/31/2025 |
| 726 | Kolarik Michael T | 3/31/2025 |
| 1633 | Odes Barbara Joan | 3/31/2025 |
| 2966 | Plaxco Steven Lawrence JR | 4/30/2025 |
| 804 | Rogers Jean A | 5/31/2025 |

ADMINISTRATOR REPORT BOARD OF OPTOMETRY

This is an administrative report from Maria Johnston, Board Administrator. The information in this report is to keep the Board informed of all fundamental activities relative to licensure for Optometry.

STATISTICAL INFORMATION

Listed below are the total numbers of active, retired and failure to renew licensees for the Board of Optometry:

As of March 17, 2025

| |
|--------------------|
| Optometrist |
| Licensed – 1,381 |

LICENSED STATUS SINCE PREVIOUS MEETING

| December 27, 2024, to March 17, 2025 |
|---|
| New Licensed – 5 |
| Reinstatement – 3 |
| Retired – 6 |
| Closed Applications - 0 |
| Paper Renewal – 36 |
| Online Renewal – 116 |

TRAVEL AND LODGING

- The current mileage rate is \$0.67 cents per mile
- The current meals and incidentals rate is \$64.50 per day for an overnight stay
- The current maximum reimbursable rate for hotel lodging in Nashville for upcoming meetings dates, in 2024 is as follows (rate re-sets each October)
 - April 2025 - \$217
 - July 2025 - \$217
 - October 2025 (rate re-sets each October)

UPCOMING BOARD MEETING DATES:

- July 9, 2025
- October 8, 2025



STATE OF TENNESSEE

DEPARTMENT OF HEALTH

665 MAINSTREAM DRIVE, 2ND FLOOR
NASHVILLE, TENNESSEE 37243
TELEPHONE: (615) 741-1611
FACSIMILE: (615) 532-3386 or (615) 532-7749

RALPH ALVARADO, MD, FACP
COMMISSIONER

BILL LEE
GOVERNOR

katherine.trawick@tn.gov

To: Tennessee Board of Optometry

From: Katherine Trawick, Associate General Counsel

Date: March 19, 2025

Re: Office of General Counsel Report for April 2, 2025 Meeting

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.

CONFLICT OF INTEREST: 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.

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Rule Activity

The rulemaking package regarding amendments to Rules .05 (Continuing Education) and .07 (Diagnostic and Therapeutic Certification) continues in the internal review process. This is the package that the Board held up to revise the language on approved continuing education. It is now back in the internal review process.

The rulemaking package that updates the parameters for advertising optometric services and removes redundant language has been approved by the Attorney General and will be filed with the Secretary of State. The package should be set for Gov Ops and become effective within the next couple of months.

The retro respective rule package is in the internal review process.

Disciplinary Activity

As of March 24, 2025, the Office of General has no open complaints against the board's licensees.

Disciplinary Coordinator's Report

Total number of Optometrists being monitored for discipline: 1

- Reprimand: 0
- Probation: 0
- Suspension: 1
- Revoked/Surrendered: 0



Tennessee Department of Health Board Statistical Complaint Report

Parameters selected: Lic Type: 18 - OPTOMETRY, 1812 - Optometrist; Case Type: CMP - Complaint; Calendar year: 2025

License Type: 18 - OPTOMETRY

| Complaint Activity | Dec 2024 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD |
|---------------------------|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| New Complaints Opened | | 1 | 0 | 1 | | | | | | | | | | 2 |
| Total Closed Complaints | | 4 | 0 | 0 | | | | | | | | | | 4 |
| 9 - Complaint Closed | | 2 | 0 | 0 | | | | | | | | | | 2 |
| 94 - Closed - Warning Ltr | | 2 | 0 | 0 | | | | | | | | | | 2 |
| Currently Open Complaints | 5 | 2 | 2 | 3 | | | | | | | | | | |

ANALYSIS OF NEWLY OPENED COMPLAINTS

| By Allegation | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 26-Unprofessional Conduct | 1 | 0 | 1 | | | | | | | | | | 2 |
| Total: | 1 | 0 | 1 | | | | | | | | | | 2 |

| By Region | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD |
|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| EAST | 0 | 0 | 0 | | | | | | | | | | 0 |
| MIDDLE | 1 | 0 | 1 | | | | | | | | | | 2 |
| WEST | 0 | 0 | 0 | | | | | | | | | | 0 |
| Out of State | 0 | 0 | 0 | | | | | | | | | | 0 |
| Unknown | 0 | 0 | 0 | | | | | | | | | | 0 |
| Total: | 1 | 0 | 1 | | | | | | | | | | 2 |



Tennessee Department of Health Board Statistical Complaint Report

License Type: 1812 - Optometrist

| Complaint Activity | Dec 2024 | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD |
|---------------------------|----------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| New Complaints Opened | | 1 | 0 | 1 | | | | | | | | | | 2 |
| Total Closed Complaints | | 4 | 0 | 0 | | | | | | | | | | 4 |
| 9 - Complaint Closed | | 2 | 0 | 0 | | | | | | | | | | 2 |
| 94 - Closed - Warning Ltr | | 2 | 0 | 0 | | | | | | | | | | 2 |
| Currently Open Complaints | 5 | 2 | 2 | 3 | | | | | | | | | | |

ANALYSIS OF NEWLY OPENED COMPLAINTS

| By Allegation | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD |
|---------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 26-Unprofessional Conduct | 1 | 0 | 1 | | | | | | | | | | 2 |
| Total: | 1 | 0 | 1 | | | | | | | | | | 2 |

| By Region | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | YTD |
|--------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| EAST | 0 | 0 | 0 | | | | | | | | | | 0 |
| MIDDLE | 1 | 0 | 1 | | | | | | | | | | 2 |
| WEST | 0 | 0 | 0 | | | | | | | | | | 0 |
| Out of State | 0 | 0 | 0 | | | | | | | | | | 0 |
| Unknown | 0 | 0 | 0 | | | | | | | | | | 0 |
| Total: | 1 | 0 | 1 | | | | | | | | | | 2 |