

**TENNESSEE BOARD OF OPTOMETRY
MINUTES**

DATE: October 8, 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.
Linda Tharp, O.D.
James Venable, O.D.
Kenneth Young, O.D.

BOARD MEMBERS

ABSENT: Thomas Cooper, D.N.P., Consumer Member

STAFF

PRESENT: Kimberly Wallace, Regulatory Board Administrative Director
Melinda Dutton, Regulatory Board Administrative Assistant
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. Linda Tharp, Dr. Zachary McCarty, Dr. James Venable, and Dr. Kenneth Young present. Dr. Thomas Cooper was absent.

Board staff from the Administrative Office, including Ms. Kimberly Wallace, and Ms. Melinda Dutton, 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

Ms. Trawick provided information to the Board regarding PC347 HB826/SB895 and PC127 HB1074/SB1063 in response to questions the Board posed at a previous meeting.

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

Deputy Director and Interim Fiscal Director, Ms. Kyonzte Hughes-Toombs was present to provide the Board with the preliminary FY2025 reports, with highlights as follows:

- Total Revenue: \$176,680.88
- Total Expenditures: \$263,727.70
- Change in Position: (\$87,046.82)

- Reserve Balance: \$536,033.86
- Revenue is not two times greater than expenses for two consecutive fiscal years.
- Reserve balance exceeds two times the three-year average of operating expenditures for two consecutive years.
- Technology Projections: (\$62,431.12)

It was noted that the Board's last fee decrease, effective 06/24/24, decreased the application fee by \$100 and was implemented as a strategic measure to decrease the reserve balance and resulted in the Total Expenditures exceeding the Total Revenue for FY2025. There may be need to increase the fee at some point in the future as the Reserve Balance decreases. The Fiscal Director will monitor and advise the Board as needed.

It was noted that the line item 721 "Training of State Employees" in the amount of \$35,000.00 is actually the fees paid to ARBO for the contracted OE Tracker and audit services. It has historically always been reflected on this line item, even though it is not related to any type of employee training.

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

CE Waiver/Extension Request – Caleb Mergener, O.D. License #3778

Dr. Mergener requested an extension of his CE Cycle for the period of 08/01/2023 – 07/31/2025 for 22 hours of live CE with 10 hours of Ocular/Systemic Disease courses, providing him until the end of April 2026 to complete the requirement.

He completed 45 hours during his CE Cycle, however, only completed 3 hours in person and 42 hours were completed via multi-media. This is due to his status as active-duty military with overseas deployment.

A motion was made by Dr. Venable

To approve a waiver of the in-person requirement for the CE Cycle and accept all hours completed in a virtual format.

A second was made by Dr. Young

Discussion: ☒ None OR ☐ As Follows

The motion passed unanimously by voice vote.

CE Waiver Request – Nathan Dederman, O.D. License #3451

Dr. Dederman requested a waiver of the in-person CE hour requirement for four (4) hours of his CE Cycle for the period of 09/01/2023 – 08/31/2025.

He completed 54.5 total hours during his CE Cycle, however, only completed 21 hours in person and 33.5 hours were completed via multi-media. This is due to his status as active-duty military at a basic training site working with all new recruits.

A motion was made by Dr. Venable

To approve a waiver of the in-person requirement for the CE Cycle and accept all hours completed in a virtual format.

A second was made by Dr.

Discussion: ☒ None OR ☐ As Follows

The motion passed unanimously by voice vote.

CE Waiver/Extension Request – Wayne Serin, O.D. License #3791

Dr. Serin requested an extension of thirty (30) days for his CE Cycle of 07/01/2023 – 06/30/2025 to obtain one (1) additional in-person CE hour, which he completed on 07/22/2025 at SCO.

A motion was made by Dr. Venable

To approve the extension for 30 days through 07/31/2025 and accept the one (1) hour course completed within 30 days after the end of his CE Cycle.

A second was made by Dr. Young

Discussion: ☒ None OR ☐ As Follows

The motion passed unanimously by voice vote.

CE Course Inquiry – University of Pikeville KY College of Optometry

The Board reviewed the inquiry submitted by the University of Pikeville KY College of Optometry.

The Administrative Office previously notified the school that based on the Board's rules and associated vendor list published on their website, no prior course approval or COPE approval is required for courses sponsored by an Optometry College accredited by the Accreditation Council on Optometric Education (this school is accredited by the ACOE), and that all COPE courses are accepted by the Board.

The Board concurred with the information already provided by the Administrative Office and referred the school back to the Policy Statement on Injectable Certification and Licensure. There was no further action by the Board.

Receive Reports and take action as needed regarding CSMD Committee Reports

Dr. McCarty stated the next meeting date for the CSMD will be in 2026.

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, July 9, 2025
- Ratification of Licensure Files
- Approval of Agreed Citations
 - CE –Christopher Cooper, O.D., License #1862
 - CE Agreed Citation Correspondence – Christopher Cooper
- Departmental Reports
 - Administrative Office
 - Office of General Counsel
 - Office of Investigations
- Notices
 - ACOE – Optometric Technician Program Phase-Out
 - ACOE – Call for Comments
 - ACOE – Notice of Changes

- Verlan Kliewer
- Innovative Readiness Training Program

A motion was made by Dr. Young
To approve all items on the consent agenda as presented.
A second was made by Dr. Venable

Discussion: ☐ None OR ☒ As Follows

It was clarified the Kiewer document had no specific request and appears to be a vendor solicitation.

The motion passed unanimously by voice vote.

Review of NBEO Sample State Report

The Board reviewed a sample copy of the revised version of the NBEO Official Score Report that is received by the Administrative Office in conjunction with license application files.

The Board acknowledged that a PASS score/notice on the PEPS Overall score fulfills the licensure requirement of passing the NBEO Part III Exam, and the “PEPS Patient Encounters” and “PEPS Skills” notices are for select states (FL, SC were noted) that have additional requirements specific to these items.

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

Rule 1045-02-.05 and Rule 1045-02-.07

Ms. Trawick presented notice to the Board that the rulemaking package that includes these two sections of the rules is continuing in the review process.

The Board reviewed the redline draft version of the rules that are currently in the internal review process.

Patience Long, Executive Director of the TN Association of Optometric Physicians (TAOP), made public comment on these rules; TAOP is in favor of a balanced approach to online and in-person CE requirements. They wish to see a 50/50 split of in-person and virtual hours.

Rule Changes Effective 08/04/2025

The Administrative Office received several inquiries regarding the rules changes that went into effect on 08/04/2025, with questions surrounding the optometrist’s responsibilities in taking and documenting certain measurements and other newly added requirements for prescriptions written by optometrists.

The Board reviewed the language of the current rules and also discussed drafting a policy statement to assist licensees in understanding the new rules.

The Board entertained public comment, as follows:

Patience Long, Executive Director of the TN Association of Optometric Physicians (TAOP), deferred to Dr. Garrett Shepard, who made comment on TAOP's behalf, expressing concern over delayed filling of prescriptions and requested clarification on the rule requirements of a prescription.

Joy Beth Foster, President of the TN Dispensing Opticians Association submitted written request to comment but was not present; Jay Taylor, past president of the TDOA was present and spoke to the Board regarding clarity of the type of lens being prescribed and the inter-pupillary distance (PD) measurements having the opportunity to be altered, when needed.

Dr. Christopher Cooper, made note on the scope of protection for the public. Working collaboratively with the dispensing opticians enhances their work. He supports interpretative policy for getting language out to the public.

Ashley Swinger, licensed dispensing optician, made public comment, noting her experience with filling prescriptions since the new rule went into effect.

LeRhonda Walton-Hill, licensed dispensing optician, made public comment regarding the ability for prescriptions to be changed during the filling of a prescription.

Dr. Garrett Shepard made additional public comment, with a recommendation of "dispense as written" or "fully written" to be added to the rule, if that is the Board's intent.

Mr. Jay Taylor made additional comment regarding the drafting of the policy language.

Dr. Garret made additional public comment, noting on pharmaceutical prescriptions the ability to includes notations of "dispense as written".

The Board drafted a policy statement to provide interpretation and clarity to the rules, which will be posted to the Board's website.

A motion was made by Dr. McCarty

To approve the policy statement as written during the meeting

A second was made by Dr. Young

Discussion: ☐ None OR ☒ As Follows

The Board accepted public comment from LeRhonda Walton Hill, licensed dispensing optician, who made comment regarding the PD being dispensed as written when included on the prescription.

The motion passed unanimously by voice vote.

Review of Correspondence

Correspondence items Regarding Rule Changes Effective 08/04/2025

The Board acknowledged the receipt of correspondence items regarding the Rules Change that became effective on 08/04/2025.

Conference/Event Reports and Upcoming Events Review

There were no conferences or event reports for the Board to review in this meeting.

Election of Officers

A motion was made by Dr. Tharp

To approve officers and representatives including:

- Chair: Dr. James Venable
- Vice Chair: Dr. Zach McCarty
- Secretary-Treasurer: Dr. Linda Tharp
- CSMD Rep: Dr. Kenneth Young (Primary), Dr. James Venable (Secondary)

A second was made by Dr. McCarty

Discussion: ☒ None OR ☐ As Follows

The motion passed unanimously by voice vote.

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.

Ms. Wallace made a reminder that for any applicant or licensee wishing to meet with a member of the Administrative Office staff for application document items, they must schedule an appointment. Individuals seeking to make payments or drop off paperwork may do so without an appointment at the Cash Office during regular business hours and do not need to meet with Administrative Office board staff to make payments or drop off paperwork.

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.

Written requests for public comment were received by the Administrative Office for this meeting from:

- Patience Long, Executive Director of the TN Association of Optometric Physicians (TAOP), who requested to make comment on agenda items 9.a Rule 1045-02-.05 and Rule 1045-02-.07, 9.b Rule Changes Effective 08/04/2025, 10a Correspondence Items Regarding Rule Changes Effective 08/04/2025
- Joy Beth Foster, President of the TN Dispensing Opticians Association, who requested to speak on Item 9.b Rule Changes Effective 08/04/2025
- Dr. Christopher Cooper, who requested to speak on Item 9.a Rule 1045-02-.05 and Rule 1045-02-.07, 9.b Rule Changes Effective 08/04/2025

These public comments were heard by the Board at the points on the agenda at which each item was reviewed. The Board also received other public comments as noted earlier in these Minutes.

Adjourn

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

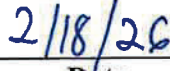
A second was made by Dr. Young

Discussion: ☒ None OR ☐ As Follows

The motion passed unanimously by voice vote.

The meeting adjourned at 12:06 pm CST.

These Minutes were ratified by the Board on 01/07/2026.

	
_____ Board Chair	_____ Date

Ratification List

June 30, 2025 – September 22, 2025

Closed Applications

Hahn, Chase

Newly Licensed

3944	Daniel Joshua Lee
3965	Distin Christopher
3966	Eylander Nathan
3964	Foose Emily
3959	Hatridge Kari
3960	Herron Tallis Catherine
3943	King Lauren Ashlyn
3963	Mccaig Kayla
3961	Mona Mohammad
3969	Nguyen Katherine
3956	Patterson Megan Michelle
3968	Saman Arsany
3970	Schade Genevieve
3958	Simmons Kennedy
3962	Singh Navneet
3967	Wilson Dane Ryan
3508	Boyd Clayton Tyler Dr.

Reinstated License

3133	Hornby Charles M
2470	Vogt Glynnetta Shepherd

ADMINISTRATOR REPORT

BOARD OF OPTOMETRY

This is an administrative report from Melinda Dutton, 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 September 22, 2025

Optometrist
Licensed – 1,382

LICENSED STATUS SINCE PREVIOUS MEETING

June 30, 2025 to September 22, 2025
New Licensed – 17
Reinstatement – 2
Retired – 11
Closed Applications - 1
Expired - 8
Paper Renewal – 41
Online Renewal – 118

TRAVEL AND LODGING

- The current mileage rate is \$0.70 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 2025 and 2026 are as follows (rate re-sets each October)
 - October 2025 - \$248
 - January 2026 - \$217
 - April 2026 - \$217
 - July 2026 - \$217

UPCOMING BOARD MEETING DATES:

- January 7, 2026
- April 8, 2026
- July 8, 2026
- October 7, 2026



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

katherine.trawick@tn.gov

BILL LEE
GOVERNOR

JOHN R. DUNN, DVM, PhD, EMBA
COMMISSIONER

To: Tennessee Board of Optometry

From: Katherine Trawick, Associate General Counsel

Date: September 16, 2025

Re: Office of General Counsel Report for October 8, 2025

CONFLICT OF INTEREST

PURPOSE: To ensure 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.

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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.

The package on rules 1045-08-.08, .09, .18, & .19 became effective 08/05/2025

The package with the retrospective changes continues in the internal review process.

Disciplinary Activity

As of September 16, 2025, the Office of General Counsel 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	1	3	6	2	0				16
Total Closed Complaints		4	0	0	0	4	0	0	4	0				12
9 - Complaint Closed		2	0	0	0	4	0	0	4	0				10
94 - Closed - Warning Ltr		2	0	0	0	0	0	0	0	0				2
Currently Open Complaints	5	2	2	3	5	2	5	11	9	9				

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
24-Malpractice/Negligence	0	0	0	0	0	0	0	1	0				1
26-Unprofessional Conduct	1	0	1	1	0	2	4	1	0				10
28-Medical Record Request	0	0	0	0	0	0	2	0	0				2
47-Outside INV Scope	0	0	0	1	1	1	0	0	0				3
Total:	1	0	1	2	1	3	6	2	0				16

By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
EAST	0	0	0	0	0	1	2	0	0				3
MIDDLE	1	0	1	0	0	1	1	2	0				6
WEST	0	0	0	1	0	0	1	0	0				2



Tennessee Department of Health Board Statistical Complaint Report

License Type: 18 - OPTOMETRY

By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Out of State	0	0	0	0	0	0	0	0	0				0
Unknown	0	0	0	0	0	0	1	0	0				1
Total:	1	0	1	1	0	2	5	2	0				12



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	1	3	6	2	0				16
Total Closed Complaints		4	0	0	0	4	0	0	4	0				12
9 - Complaint Closed		2	0	0	0	4	0	0	4	0				10
94 - Closed - Warning Ltr		2	0	0	0	0	0	0	0	0				2
Currently Open Complaints	5	2	2	3	5	2	5	11	9	9				

ANALYSIS OF NEWLY OPENED COMPLAINTS

By Allegation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
24-Malpractice/Negligence	0	0	0	0	0	0	0	1	0				1
26-Unprofessional Conduct	1	0	1	1	0	2	4	1	0				10
28-Medical Record Request	0	0	0	0	0	0	2	0	0				2
47-Outside INV Scope	0	0	0	1	1	1	0	0	0				3
Total:	1	0	1	2	1	3	6	2	0				16

By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
EAST	0	0	0	0	0	1	2	0	0				3
MIDDLE	1	0	1	0	0	1	1	2	0				6
WEST	0	0	0	1	0	0	1	0	0				2
Out of State	0	0	0	0	0	0	0	0	0				0



**Tennessee Department of Health
Board Statistical Complaint Report**

License Type: 1812 - Optometrist

By Region	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Unknown	0	0	0	0	0	0	1	0	0				1
Total:	1	0	1	1	0	2	5	2	0				12