

## TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

**DATE:** October 6, 2021

**TIME:** 9:00 A.M. CT

**LOCATION:** Health Related Boards  
Poplar Room  
665 Mainstream Drive  
Nashville, TN 37243

### BOARD MEMBERS

**PRESENT:** Christopher Cooper, O.D  
Tonya Reynoldson, O.D  
Linda Tharp, O.D., Chair  
Kenneth Young, O.D

### BOARD MEMBERS

**ABSENT:** Kurt Steele, O.D  
Consumer Member – Vacant

### STAFF

**PRESENT:** Kimberly Wallace, Regulatory Board Administrative Director  
Maria Johnston, Regulatory Board Administrative Assistant  
Eric Winters, Associate General Counsel

### Call to Order

Dr. Tharp, Board Chair, called the meeting to order at 9:02 a.m. CST. A roll call was conducted, and a quorum was present.

### Call for Public Comment

Ms. Wallace made it known that Public Comments would be heard in this meeting and directed interested individuals to sign-in on the register provided by the front door and the individual would be called upon at the appropriate time in the meeting. Ms. Wallace also noted that there are two separate sign-in registries at the front door, one for the items on the full Board meeting and another specifically for the rulemaking hearing. As a reminder, Public Comments can also be submitted in writing and sent by mail to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN, 37243 or submitted via email to [Unit3hrb.health@tn.gov](mailto:Unit3hrb.health@tn.gov).

### Conflict of Interest

Mr. Winters reviewed the Conflict of Interest and Open Meetings Act statements with the Board, 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, 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.

Dr. Tharp thanked everyone who has participated in making the meeting possible.

Mr. Winters thanked the Board's previous attorney, Ms. Kaitlin Parham, for her work on the rulemaking package that is being presented in this meeting.

### **Rulemaking Hearing**

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

Rule number 1045-02-.08 Corporate or Business Names and Advertising

Rule number 1045-02-.19 Telehealth in the Practice of Optometry

Mr. Winters called Rulemaking Hearing to Order at 9:07 a.m. CST, and conducted it as follows.

Mr. Winters introduced himself as Associate General Counsel with the Department of Health's Office of General Counsel and noted that he would serve as moderator of this rulemaking hearing. He then asked the agency representatives who were present to introduce themselves for the record. Ms. Wallace, Unit 3 Director, and Maria Johnston, Board Administrator, introduced themselves.

Mr. Winters continued:

It is October 06, 2021. This rulemaking hearing is taking place pursuant to Tennessee Code Annotated, Section 4-5-204, in the Poplar Conference Room, 665 Mainstream Drive, Nashville, TN.

The purpose of this rulemaking hearing is to solicit comments on rules proposed by the Board in order to amend Rule numbers 1045-02-.08 and 1045-02-.19.

Pursuant to T.C.A. §4-5-204, the following is a summary of the factual information on which the amended rules contained in the notice of rulemaking are based:

The Board of Optometry is adding the following rule: 1045-02-.19 Telehealth in the Practice of Optometry. Additionally, the Board is amending the following rule: 1045-02-.08(3)(a)(2)(ii)(VI).

The Board is adding a rule on optometric telehealth because there is new technology available that enables optometrists to see patients electronically. Telehealth technology also allows implementing specific telehealth rules for optometrists, since T.C.A. § 63-1-155 is more general and applies to all

of the health related boards. The Tennessee Board of Medical Examiners and Tennessee Board of Dentistry also have recently implemented rules on telehealth. Furthermore, many surrounding states have already implemented specific optometric telehealth rules/statutes.

The telehealth rules will not apply to those licenses who do not wish to practice telehealth. It is up to the licensee's discretion whether or not they would like to purchase the necessary technology to provide telehealth optometric services to patients.

The Board is also amending 1045-02-.08(3)(a)(2)(ii)(IV). The Board is amending this rule because it is outdated, and not the current standard of care for the contact lens examinations. The rule is changing from "a minimum of two follow up visits over a minimum of two (2) months which shall occur prior to determining the contact lens prescription. At each visit visual acuity and biomicroscopic evaluation of the eyes with and without lenses will be performed" to "Medically necessary follow-up examinations."

A rule is defined as an agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements of the agency. Proposed rules are filed with the office of the Secretary of State, notice is given to the public for comment, and a rulemaking hearing is held. Upon conclusion of the hearing and adoption of the proposed rules, the rules are forwarded to the Attorney General's Office for review of legality. If approved, they are filed with the Secretary of State, which is responsible for publication, and the government operations committee of the General Assembly. The rules must stay in the Secretary of State's office for 90 days, the end of which time will be the effective date.

Those members of the public wishing to speak should sign up at the table by door. Only those who have signed will be permitted to speak. Mr. Winters will gather that list and will call the names off the list.

The notice of rulemaking hearing included the entire text of the proposed rules and was published on June 29, 2021, on the Tennessee Administrative Website.

Mr. Winters asked Ms. Wallace, what additional notice was given to the affected individuals or groups? Ms. Wallace responded that notice was made available to all licensees and the public via the Public Notice and the Notice of Rulemaking Hearing, which were posted through the Board's website and online Calendar of Events. Notice was also made via email to representatives of the TN Association of Optometric (TAOP), Southern College of Optometry (SCO), and the Association of Regulatory Boards of Optometry (ARBO). That concludes the list of notifications.

Mr. Winters continued

As the agency hears public comment on the proposed rules, I as moderator reserves the right to limit such comments if they become repetitive. Please limit your comments accordingly.

Mr. Winters then read the substance of the propose rules into the record.

There were no comments offered from the public members in attendance, and the Administrative Office did not receive any written comments for presentation on this item.

That concludes this rulemaking hearing and the comment period. Thank you for being here today.

A motion was made by Dr. Young to accept the rulemaking package as presented. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously, by roll call vote, as follows:

- Dr. Tharp: AYE
- Dr. Cooper: AYE
- Dr. Young: AYE
- Dr. Reynoldson: AYE

Mr. Winters reviewed the next steps for the rulemaking package as moving through the Attorney General's Office, the Government Operations Committee, and the Office of the Secretary of State before becoming effective.

### **Discuss and Consider Approval of Meeting Minutes**

#### **Minutes from the July 14, 2021 Board Meeting**

A motion was made by Dr. Reynoldson to approve the Minutes from the July 14, 2021 Board Meeting, as written. A second was made by Dr. Young. Discussion on the motion: Correct the date on the July Minutes from July 15<sup>th</sup> to July 14<sup>th</sup>. The motion passed unanimously.

#### **Minutes from the September 8, 2021 Taskforce Meeting**

A motion was made by Dr. Cooper to approve the Minutes from the September 8, 2021, Taskforce Meeting, as written. A second was made by Dr. Young. There was no discussion on the motion. The motion passed unanimously.

### **Receive Reports and/or Request from the Office of Investigations**

#### **Report of Complaints & Currently Monitored Practitioners**

Courtney Lily was present to provide the investigative reports to the Board and she and Mr. Winters provided follow-up details regarding the ongoing monitoring for Dr. Timothy Fox, who's license has been indefinitely suspended, until or unless he becomes compliant with a previous disciplinary order.

Courtney Lily presented reports to the Board of the currently monitored practitioners report and investigative report, as follows:

#### **CURRENTLY MONITORED PRACTITIONERS PERIOD: As of October 2021**

<b>Total # Currently Monitored Practitioners</b>	<b>1</b>
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#### **PERIOD: 2021 Calendar Year Complaints**

<b>New Complaints</b>	<b>Number of Complaints</b>
Unprofessional Conduct	8
Medical Record Request	1

COVID-19	2
Malpractice	1
Violation of Order	1
CE Violation	1
Outside INV Scope	1
<b>Total # New Complaints</b>	<b>15</b>
<b>Closed Complaints</b>	
Closed BIV, EMS, HCF, AW	0
Insufficient Evidence	1
Closed – No Action	6
Closed – Letter of Concern	5
Closed – Warning Letter	0
<b>Total # Closed Complaints</b>	<b>12</b>
<b>Total # Currently Open Complaints</b>	<b>3</b>

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

#### Financial Report/Update

Alicia Grice commented that the State has not closed out Fiscal Year 2021 yet and the process is taking a bit longer than in years past. The information was pulled as of the middle of July, there are adjustment periods that are not reflected in this report. This is a preliminary report and once they close Fiscal Year 2021 a final report will be shared with the Board Staff. The Fiscal Year runs from July 1, 2020 to June 30, 2021.

Dr. Tharp asked Ms. Grice to define visual investigator. Ms. Grice explained that the visual investigator system has been put in place of the Office of Investigations, it's a digital case management system.

Ms. Grice then presented the Fiscal Year 2021 preliminary reports to the Board, with highlights including:

- Total Expenditures \$183,622.57
- Board Fee Revenue \$188,465.00
- Current Year Net \$4,842.43
- Cumulative Carryover \$730,628.79

Ms. Wallace pointed out that the chart that shows the dollar value on the line graph with an amount close to \$40,000 looks like there has been a lot of Training for State Employees. however, line item actually contains the cost for the annual ARBO charges.

### **Discuss and take action as necessary regarding Legislation**

There were no legislative items for the Board to review.

### **Receive Reports and/or Requests from the Board Administrative Office**

#### Administrative Report

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

**PERIOD: As of 09/08/2021**

<b>Total # Currently Licensed Optometrists</b>	1,361
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**LICENSE STATUS SINCE PREVIOUS MEETING PERIOD:**

**July 7, 2021 – September 28, 2021**

New Licenses	16
Retired Licenses	5
Closed Licenses	3
Expired Licenses	7
Paper Renewals	48
Online Renewals	110

Ms. Johnston also presented the dates for the 2022 Board Meetings, as follow:

- January 5, 2022
- April 6, 2022
- July 6, 2022
- October 12, 2022

**Receive Reports and/or Request from the Office of General Counsel**

Mr. Winters presented the OGC report to the Board as follows:

Rule Activity

The Scope of Practice rules approved at the October 2020 meeting are in internal review. Additionally, the Application and Renewal Fee decrease rules approved at the April 2021 meeting are in internal review.

Disciplinary Activity

There is currently no disciplinary activity besides the Agreed Citations being presented by the Board administrative staff.

Legislation

There is no legislation pertinent to the Board to be discussed.

Contested Cases

There were no Contested Cases for the Board to review at this meeting.

Consent Orders

There were no Consent Orders for the Board to review at this meeting.

Declaratory Orders

There were no Declaratory Orders for the Board to review at this meeting.

Agreed Orders

There were no Agreed Orders for the Board to review at this meeting.

Agreed Citation – CE – Channappa, Shirnil #2169

Dr. Channappa was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. She is deficient twenty-six (26) continuing education hours, has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete all twenty-six (26) continuing education hours plus an additional six (6) penalty continuing education hours within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Reynoldson to approve the Agreed Citation, as written, for Shirnil Channappa. A second was made by Dr. Young. Discussion on the motion: Dr. Cooper noted the Agreed Citation template had a typo, as it had a reference to the Dispensing Opticians Board.

The motion was withdrawn and the Agreed Citations for Dr. Channappa, Dr. Gallaher, Dr. Hillis, Dr. Horner, Dr. Johnson, and Dr. Sands will be corrected and re-issued due to a typographical error, then reviewed at the next meeting after receipt.

Agreed Citation – CE – Gallaher, John #1493

Held for reissue.

Agreed Citation – CE – Hillis, Randy #2055

Held for reissue.

Agreed Citation – CE – Horner, Samuel #963

Held for reissue.

Agreed Citation – CE – Johnson, Paula #2423

Held for reissue.

Agreed Citation – CE – Sands, Wesley #2840

Held for reissue.

Agreed Citations – Lapsed License – Fort, Jason #3536

Dr. Fort was in violation of TCA 63-8-120 and Rule 1045-02-.04 for practicing on a lapsed license for one (1) month. He paid a Civil Penalty in the amount of one-hundred dollars (\$100).

A motion was made by Dr. Cooper to approve the Agreed Citation, as written, for Jason Fort. A

second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

### Applicant Interviews/File Reviews/Waivers & Other Requests

#### CE Waiver Request – Albert Chen

Dr. Albert Chen has requested a waiver of the continuing education requirements for 2019 and 2020 due to his military deployments to Korea and then Kuwait/Jordan and is having difficulty in accessing the online continuing education offerings from the places he has been stationed. Dr. Chen has provided a copy of his deployment orders.

A motion was made by Dr. Cooper to approve the CE waiver request for 2020 – 2021, for Dr. Albert Chen. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

#### CE Waiver Request – Jeffrey Goldstein

Dr. Jeffrey Goldstein has requested, by way of his attorney, a waiver of the continuing education requirements for 2020 due to medical reasons.

A motion was made by Dr. Young that medical documentation be provided to support the continuing education waiver request for Dr. Jeffrey Goldstein. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

#### NBEO Part III Waiver Request – Jason Witters

Dr. Jason Witters submitted a letter requesting the Board waive the NBEO Part III Exam in conjunction with his application for licensure. Dr. Witters was present to discuss his application and qualifications with the Board. He has worked as a practitioner for 38 years, graduated in 1982, and held licenses without discipline or complaint in Ohio and Colorado. He passed the NBEO Part 1, 2A and 2B initially. Dr. Witters took the ISE in May 2021 in preparation of pursuit for a Tennessee license.

Ms. Wallace reviewed historical precedence of the Board approving requests for waiver of parts of the NBEO from 2007 to 2019, referencing the Minutes from May 20, 2019 and the request of Dr. Gregory Moore and February 28, 2007 for Dr. Thomas Walls where the Board granted waivers that were similar in nature.

A motion was made by Dr. Cooper to approve the NBEO Part III waiver request for Dr. Jason Witters. A second was made by Dr. Young. There was no discussion on the motion. The motion passed unanimously.

#### Business Name Request – Wesley Chamberlin, OD, TN Doctors of Optometry, PLLC d/b/a/ Visionworks Doctors of Optometry, PLLC

Dr. Wesley Chamberlin submitted a business name approval request for TN Doctors of Optometry, PLLC d/b/a/ Visionworks Doctors of Optometry, PLLC.

A motion was made by Dr. Reynoldson to approve the business name request for Dr. Wesley



Chamberlin. A second was made by Dr. Young. There was no discussion on the motion. The motion passed unanimously.

Business Name Request – Torrie Garner, OD, Bluff City Vision Care, LLC

Dr. Torrie Garner submitted a business name approval request for Bluff City Vision Care, LLC.

A motion was made by Dr. Young to approve the business name request for Dr. Torrie Garner. A second was made by Dr. Cooper. There was no discussion on the motion. The motion passed unanimously.

Business Name Request – Trent Martin, OD, Lifestyle Vision

Dr. Trent Martin submitted a business name approval request for Lifestyle Vision.

A motion was made by Dr. Young to approve the business name request for Dr. Trent Martin. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

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

Ms. Wallace commented that all files on the ratification list have been reviewed and found complete and in good order according to the Rules for new licensure, closure of licensure, and reinstatement of license.

<b>Newly Licensed</b>		
<b>Licenses issued 07/07/2021 – 09/28/2021</b>		
<b>License #</b>	<b>Name License</b>	<b>Expiry Date</b>
3707	Clark, Alexia S.	01/31/2023
3709	Dunning, Madison I.	07/31/2024
3700	Fidler, Jacqueline	07/31/2024
3706	Johnson, Sophia	05/31/2024
3702	Morgan, Michael	01/31/2024
3713	Prattas, Vassiliki N.	01/31/2024
3705	Ridge, Emily C.	09/30/2022
3710	Seros, Eliza A.	01/31/2024
3698	Shin, Pearl	12/31/2022
3711	Spivey, Brooke	01/31/2024
3708	Stonecypher, Linnea	01/31/2024
3673	Whitcomb, Kelsey	12/31/2023

### Reinstatement from Expired

License #	Name License	Expiry Date
3536	Fort, Jason A.	03/31/2023
3550	Hart, Amber L.	03/31/2023
1147	Hathcoat, Gary V.	04/30/2024
2302	May, Kristopher A.	03/31/2024

### Closed Applications

File #	Name
3671	Artim, Gregory J.
3670	Reed, Kimberly K.
3672	Rubino, Jane

A motion was made by Dr. Reynoldson to approve the ratification list as presented for new licenses, reinstated licenses, and closed/withdrawn files. A second was made by Dr. Cooper. There was no discussion on the motion. The motion passed unanimously.

### Receive Reports and take action as needed regarding Taskforce/Committee Reports

#### CSMD Report

Dr. Tharp informed the Board that the CSMD has not met since the last Board Meeting, but she will be attending the upcoming CSMD Meeting that will be held on October 12th.

#### Rules Review Taskforce Report

Dr. Cooper provided an update to the Board that the Rules Review Taskforce met on September 8, 2021, to review Rule 1045-02-.08 Corporate or Business Names and Advertising and Rule 1045-02-.09 Ocular and Contact Lens Prescriptions and Office Equipment. The meeting was very productive.

The Taskforce meets again on December 01, 2021, to complete their review and plan to have redlined rules for the Board's consideration at its January 5, 2022, meeting.

Dr. Cooper recommends the Taskforce also be charged with reviewing the following: Rule 1045-02-.07 Diagnostic and Therapeutic Certification on December 01, 2021.

A motion was made by Dr. Cooper for the Board to review Rule 1045-02-.14 Optometric Records, Rule 1045-02-.15 Consumer Right-To-Know Requirements, and 1045-02-.16 Temper Resistant Prescriptions. in their January 05, 2022 meeting and for the Taskforce to review Rule 1045-02-.07 Diagnostic and Therapeutic Certification in addition to completing their work on Rule 1045-02-.08 Corporate or Business Names and Advertising, and Rule 1045-02-.09 Ocular and Contact Lens Prescriptions and Office Equipment in the meeting on December 01, 2021. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

## Correspondence Review

### ARBO White Paper, Licensure Exams

This item was presented for the Board's review with no action required. This is a white paper that ARBO has prepared which discusses items such as actions throughout the pandemic, and matters related to testing.

### Six-Time Limit Policy

This item has been submitted for the Board's information by the NBEO with no action required. They are making notification of a change to their six-time limit appeals process.

### Letter from Dr. Venable, SCO

This item consists of a letter and a paper submitted for the Board's review by Dr. James Venable of Southern College of Optometry. Dr. Venable was present to address the Board regarding his submission.

Dr. Venable is seeking clarification from the Board as to whether or not the Tennessee Practice Act will allow or prevent a licensed allopathic physician or osteopathic physician to allow a student and/or intern to perform ASOL procedures under their direct supervision.

Mr. Winters reviewed the Board's statutes and cannot find anything that regulates the courses offered by a school. He would suggest that this request be taken up by the BME. The Tennessee Optometric Practice Act does not mention students, or the courses being offered by optometric schools, it only references the optometrists/licenses themselves.

The Board has instructed Mr. Winters to prepare a letter in response to Dr. Venable's request in accordance with his findings as presented, which he will send to the Board Chair Dr. Tharp for signature.

## Conference/Event Reports and Upcoming Events Review

There were no conference or event reports or upcoming events to review in this meeting. Due to a scheduling conflict, Mr. Winters was unable to attend the recent FARB Regulatory Conference.

### Board Election of Officers

At this time the current officers are:

- President, Dr. Tharp
- Vice-President, Dr. Cooper
- Secretary-Treasurer, Dr. Reynoldson

These are the three (3) positions to be elected for the new calendar year.

Nominees:

- President: Dr. Cooper was nominated by Dr. Young, with a second by Dr. Tharp.
- Vice President: Dr. Young was nominated by Dr. Reynoldson, with a second by Dr. Tharp.

- Secretary-Treasurer: Dr. Reynoldson was nominated by Dr. Tharp, with a second by Dr. Cooper.

A motion was made by Dr. Tharp to approve Dr. Cooper as President, Dr. Young as Vice President, and Dr. Reynoldson as Secretary-Treasurer. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

#### CSMD Representative Election

Dr. Steele was nominated by Dr. Reynoldson, with a second by Dr. Young. There was no discussion on the motion. The motion passed unanimously.

Ms. Wallace appreciated all those that will be vacating their positions and those that have accepted the roles for the new year.

#### Discuss Old & New Board Business

Ms. Wallace noted there have been no new or old business items presented for review on today's agenda.

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

##### Board Policy on Injectable Certification and Licensure – Administrative Clarification

Ms. Wallace informed the Board that the Administrative Office has noticed an uptick in applicants who have been previously licensed in other states but are not certified in injectables. The rules make it clear that having injectable certification is a requirement for licensure and the Board has implemented a policy that speaks to those applicants who were licensed in another state prior to the inclusion of the ISE section of the NBEO.

Ms. Wallace and Mr. Winters have reviewed the rules in this area and would like to note for the benefit of current and future applicants that having injectable certification will be treated as any other application requirement and documentation must be submitted prior to the application expiration date. Extensions cannot be given to hold an application open for an applicant to obtain their injectable certification past the normal application expiration date. Applicants are expected to have obtained the injectable certification prior to applying for licensure in Tennessee as they would any other educational or examination requirement.

To assist individuals in the application process, the Administrative Office has worked with the LARS team to implement a new suitability question at the beginning of the online application process that asks the individual if they are injectable certified or not. If they answer "no", the LARS system will not allow them to apply at that time, and instead, they are provided with the language from the Board's Injectable Policy and the Administrative Office's phone number so that they can call and discuss their injectable status with the Administrative Office staff before proceeding and they can be given proper guidance. This same information has been incorporated into the email responses provided to individuals asking about the application processes via email. This should help direct individuals to hold off on applying prior to earning their injectable certification, therefore, helping them avoid having an application expire if they have not met this requirement.

In addition, the Board does not maintain a list of provider/course specific for obtaining injectable certification. In accordance with the Board's rules and policy, the Board can accept either optometry school pre-2012 transcripts showing injectable certification, a passing ISE score, or injectable certification obtained through programs offered by accredited colleges and universities, or other board-approved providers, but the policy specifically calls for "injectable certification." This is different from simply taking an injectable CE course, so it's important to remember that an applicant must earn injectable certification, not just basic CE credits.

The Board thanked the Administrative Office for working on these updates and providing these communications and notifications to applicants.

A motion was made by Dr. Young to amend the Board's Policy Statement on Injectable Certification and Licensure so the first sentence will read, "All new applicants for licensure must complete parts one (1), two (2), three (3) of the NBEO exam, unless granted a waiver in accordance with Rule 1045-02-.03(5), as well as the Injections Skills Exam (ISE) by the NBEO." A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

### **Rule Number 1045-02-.05 Continuing Education**

In the Board's July 14, 2021 meeting the Board requested to begin a review of Rule 1045-02-.05 in this meeting. The Board Members were asked to submit any suggested revisions for this section to the Administrative Office.

Also, in response to a correspondence item in the last meeting from the Association of Schools and Colleges of Optometry (ASCO), which requested the Board consider implementing cultural competency training as a requirement for Tennessee optometrists, the Administrative Office reached out to ask a series of questions to several organizations the Board had named, including ARBO, COPE, ASCO and NOA looking for input on the topic of cultural competency for licensees.

In response, the Administrative Office received several COPE documents, which were provided by ARBO.

The representative from ASCO that originally wrote to the Board about cultural competency training responded that they are no longer in that position and would have someone else provide information for the Board's review, however, they have not provided any additional follow-up to date.

Ms. Wallace has had communications with the president of NOA and he has indicated they will be providing information for the Board's review, although it has not yet been received, to date.

In addition, the Tennessee Psychology Board recently implemented a rule change that included cultural diversity as a continuing education requirement. A copy of their rulemaking package was provided to the Board for their review.

Mr. Winters indicated he would take notes of the Board's review and discussion of this rule section and will compile into the redlines for the Board's review at their next meeting.

Dr. Cooper provided a working draft of recommendations he had for potential changes for the CE rules section, taking into consideration the everchanging technological landscape.

Dr. Cooper drew the Board's attention to the differences between accredited CE and approved CE and reviewed COPE's processes for accreditation.

Discussion was held to make a note that it is the responsibility of licensees to ensure that the CE courses they complete are accounted for in their OE tracker account.

Ms. Wallace provided an overview of the CE review and audit process, and the steps taken by both ARBO and the Administrative Office in the review and notice of CE deficiencies that is made to licensees.

Dr. Cooper made note of potential changes discussed today being viewed as a large shift in that all CE course content would be required to be accredited.

Discussion was held regarding the schedule of the CE cycle for licensees, and that it is not on a calendar year basis which is what is used by many other Boards in Tennessee. The Administrative Office will research historical Minutes to see when the cycle was last changed and why the Board may have made this change in the past, as they look at whether a future change to the schedule of the CE cycle should be considered.

### **Call for Public Comment**

Ms. Wallace announced one final opportunity for the Board to receive Public Comments before the meeting was adjourned. There were no public comments offered at this time. Ms. Wallace reminded everyone that Public Comments may always be submitted in writing to the TN Board of Optometry, 665 Mainstream Drive, Nashville, TN 37243 or via email at Unit3hrb.health@tn.gov.

### **Adjournment**

There being no further business, a motion was made by Dr. Reynolds to adjourn, with a second made by Dr. Cooper. There was no discussion on the motion. The motion passed unanimously.

The meeting was adjourned at 12:44 pm CST.

**These Minutes were Ratified by the Board on January 5, 2022.**

  
Board Chair

1-5-2022  
Date