

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: January 12, 2023
TIME: 9:00 A.M. CST
LOCATION: Health Related Boards
Poplar Room
665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Tonya Reynoldson, 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
Maria Johnston, Regulatory Board Administrative Assistant
Eric Winters, Senior Associate General Counsel

Call to Order

Dr. Steele called the meeting to order at 9:01 a.m. CST. A roll call was conducted, and a quorum was present.

Ms. Wallace moved on to introductions for the legal staff, Mr. Eric Winters, Board Advisory Attorney, the administrative staff, Ms. Maria Johnston, Board Administrator and herself as the Executive Director for Unit 3 of the Office of Health Related Boards.

Discuss and Consider Approval of Meeting Minutes

Minutes from the October 26, 2022, Board Meeting

A motion was made by Dr. Tharp to approve the Minutes from the October 26, 2022, Board 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

Barbara Granum, Intake Coordinator from the Office of Investigations, was present to provide the investigative reports to the Board.

PERIOD: 2022 Calendar Year Complaints

New Complaints	Number of Complaints
Total # New Complaints	18
CE Violations	5
Outside Investigative Scope	5
Unprofessional Conduct	7
Violation of Order	1
Closed Complaints	15
Closed – No Findings	3
Closed BIV, EMS, HCF, AW	9
Closed - Warning Letter	1
Complaint Closed	28

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

There were no Health Licensure and Regulation items for the Board to review.

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 January 3, 2023

Total # Currently Licensed Optometrists	1,367
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LICENSE STATUS SINCE PREVIOUS MEETING PERIOD:

October 3, 2022 to January 3, 2023

New Licenses	12
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Reinstatement	3
Retired Licenses	6
Closed Licenses	1
Expired Licenses	13
Expired Suspended	1
Paper Renewals	41
Online Renewals	102

Ms. Johnston also presented the Travel and Lodging rates, as follow:

- The current mileage rate is \$0.625 cents per mile
- The current meals and incidentals rate is \$59.25 per day for an overnight stay

The current maximum reimbursement rate for hotel lodging in Nashville for upcoming meetings dates is as follows (rate re-sets each October)

- January \$187.00
- April \$230.00
- July \$207.00

Upcoming dates for the 2023 Board Meetings, as follow:

- April 5, 2023
- July 12, 2023
- October 11, 2023

Receive Reports and/or Requests from the Office of General Counsel

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.

Rule Activity

There are three (3) rule packets that are currently in internal review: amendments to Rules .08 and .09 and new rule .09; a fee reduction under .01 and amendments to Rules .05 and .07.

Presentation of Orders, Agreed Citations, and Other Disciplinary Items

Disciplinary Activity

There are currently four (4) licensees being monitored by the Disciplinary Coordinator. Except for the Agreed Order to be presented at the January 12, 2023, meeting, there are zero (0) cases in the Office of General Counsel.

Agreed Orders

Mr. Winters presented the following Consent Order that was issued as the result of a violation of TCA 63-8-120 and Rule 1045-02-.05.

Robert L. Sams, O.D. License #361

Dr. Sams was in violation for CE cycle September 1, 2019, through August 31, 2021, a total of four (4) continuing education hours and current CPR certification. He is required to complete four (4) continuing education hours, provide current CPR certification, six (6) penalty continuing education hours, and pay a civil penalty in the amount of five hundred dollars (\$500.00).

Dr. Steele recused himself due to communication he had with Dr. Sams and the information was forwarded to the Administrative Office for handling.

A motion was made by Dr. Tharp to approve the Agreed Order, as written, for Robert Sams, O.D. #361. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously. Dr. Steele was recused.

Declaratory Orders

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

Agreed Orders

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

Agreed Citations

Ms. Wallace presented the following Agreed Citation that was issued by the Administrative Office for Continuing Education Violation.

Agreed Citation – CE – Miller, Allison #2217

Dr. Miller was in violation for continuing education of T.C.A. 63-8-119 and Rule 1045-02-.05. She is deficient for CE cycle July 1, 2020, through June 30, 2022, two (2) continuing education hours in Controlled Substance Prescribing Practices. She has paid the Civil Penalty in the amount of one-hundred dollars (\$100) and is required to complete two (2) continuing education hours in Controlled Substance Prescribing within ninety (90) days of the Agreed Citation.

A motion was made by Dr. Young to approve the Agreed Citation, as written, for Allison Miller, #2217. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously.

Orders of Compliance

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

Requests for Order Modifications

There were no Order Modifications for the Board to review at this meeting.

Final Orders

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

Applicant Interviews/File Reviews/Waivers & Other Requests

Ms. Wallace presented the following Applicant Interviews/File Reviews/ Waivers & Requests.

CE Course Approval Greg Caldwell, O.D. – Opioid Issues for the Patient & Practitioners

Dr. Young stated that before the course could be approved, the CE provider policy would need to be amended, as it only indicates two providers. Dr. Reynoldson mentioned that it is the providers of SCO and TAOP that are currently approved, and some licensees are confused when the instructor is from one of these organizations, but it is not an approved course unless it is provided by the approved provider of SCO and TAOP. She believes it must be a COPE approved course that has standards for Tennessee.

Ms. Wallace referenced the Controlled Substance Prescribing Course, Rule under Continuing Education, 1045-02-.05(1)(a) For those who are therapeutically certified, a minimum of twenty-five (25) of the forty (40) hours of continuing education is required in courses pertaining to ocular disease and related systemic disease, as described in subparagraph (2)(e). At least two (2) of these twenty-five (25) hours shall be a course or courses designed specifically to address controlled substance prescribing practices. Any course related to controlled substance prescribing practices must include instruction in the Department's treatment guidelines on opioids, benzodiazepines, barbiturates, and carisoprodol and may include topics such as medicine addiction, risk management tools, and other topics approved by the Board.

That is by rule the definition for this course.

Amended paragraph (1) one of the current policy to: (2) two hours of COPE-approved education and reference the rule and remove the second paragraph.

Mr. Winters asked for clarification, of removing the second paragraph, Dr. Reynoldson confirmed. Mr. Winters continued that the new Policy will read:

“As part of the continuing education requirements to maintain licensure in the State of Tennessee, optometrists shall complete two (2) hours of (COPE) approved Council on Optometric Practitioner Education continuing education in controlled substance prescribing education, pursuant to Rule 104502.05(1)(a).”

A motion was made by Dr. Reynoldson to approve the amended policy as stated. A second was made by Dr. Tharp. There was no discussion on the motion. The motion passed unanimously, with recusal by Dr. Venable, as SCO is his employer, and he did not want to vote in a matter that could present a conflict of interest.

A motion was made by Dr. Steele to approve Dr. Caldwell's course through April 18, 2023, when his current COPE approval expires, then the course would have to fall under the amended board policy. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously, with recusal by Dr. Venable, again, as SCO is his employer, and he did not want to vote in a matter that could present a conflict of interest.

CE Extension Request – Le, Carrie #3236

Dr. Le provided supporting medical documentation to the Board and requested an extension for nine (9) in-person continuing education hours to February 28, 2023, for her continuing education period from February 1, 2021, to January 31, 2023.

Dr. Venable made a motion to approve the extension to February 28, 2023, to complete nine (9) in-person continuing education. A second was made by Dr. Young. There was no discussion on the motion. The motion passed unanimously.

File Review – Serin, Wayne #3791

Dr. Young recused due to Dr. Serin having reached out to him several times with correspondence on this item prior to board review. All such correspondence was forwarded to the Administrative Office.

A phone call was placed to Dr. Serin as he could not be present for the meeting. Ms. Wallace introduced herself and provided introductions to Dr. Serin.

Ms. Wallace explained to the Board, Dr. Serin's file could not be administratively approved. This interview is a prerequisite for licensure for the following reasons:

- 1) All new applicants for licensure must complete parts one (1), two (2), and three (3) of the National Board of Examiners in Optometry (NBEO) examination, unless granted a waiver in accordance with Rule 1045-02-.03(5).
- 2) Prior discipline on California License #5773

Dr. Venable noted Dr. Serin's clinical competency, however, there was a lack of minor surgical procedures education. Dr. Serin stated he believed it was covered in the injection course and in Washington State where he attended a course in 2004 covered it as well.

Dr. Venable referenced TCA 63-8-102 E(i)(1) and (2), Dr. Serin stated he took a course in Oregon that covered these procedures and were also in compliance with Alaska laws, he would need to check with the provider. Dr. Venable reviewed the documentation of the Oregon course completion document Dr. Serin provided with his application, and it did not mention these surgical procedures. Dr. Venable asked if Dr. Serin had performed any of these procedures, Dr. Serin replied he had not.

Dr. Steele asked Dr. Serin to discuss the previous California license disciplinary item and why he should be issued a license in Tennessee. Dr. Serin stated he was practicing in California, and he was asked to oversee the care of patients in a nursing home, to which he agreed. With doctor's orders, he

performed eye exams with an assistant. Dr. Serin did this for a couple of years. He received an accusation in the mail, he was surprised when he received the accusation. He then hired legal counsel.

Dr. Venable summarized that Dr. Serin was sanctioned due to failure for complete records of examinations. Dr. Serin concurred this was an accurate summary. He did not leave entire records, only summary sheets in the nursing home records. Dr. Venable noted it was a record-keeping issue occurring over 33 years ago. Dr. Serin concurred.

A motion was made by Dr. Venable to approve the application contingent upon completion of a course with wet lab practicum that would prove his competence in the surgical procedures as outlined in Tennessee law. The motion failed.

Dr. Venable stated he based his motion on the only course Dr. Serin mentioned for surgical procedures, it did not actually contain surgical procedures training in the outline provided, it only mentioned injectable procedures and Dr. Serin stated he had not performed any of these surgical procedures. Dr. Venable notes that any new licenses should be documented as having been trained on these procedures. Dr. Serin stated he would be willing to take such a course, asked for a license and one year to complete the course. Dr. Venable noted that SCO does offer such a course as continuing education. The Board would require him to complete the course prior to licensure.

A motion was made by Dr. Venable to approve the application contingent upon completion of a course with wet lab practicum that would prove his competence and successfully demonstrate in the surgical procedures as outlined in Tennessee Code Annotated 63-8-102(2) a through e and must be completed within 12 months. A second was made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously with recusal by Dr. Young.

Ratification of Licensure Files – 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.

Board of Optometry
Ratification List for 10/3/2022 to 1/3/2023
Newly Licensed

License #	Name	License Expire Date
3782	Barrantes, Rachel Walden	2/29/2024
3784	Bearer, Jessica Mary	9/30/2025
3787	Coccia, Thomas Ryan	4/30/2024
3786	Harrison, Casey Jones	7/31/2024
3764	Henderson, Virginia	2/28/2025
3781	Horn, Crystal Postell	6/30/225
3779	Jensen, Jennifer L	12/31/2023
3789	Johnson, Kristen Jolley	1/31/2024
3788	Kanellis, Mitchell	12/31/2024

3783	Livesay, Ryan Aubrey	8/31/2024
3785	Perez De La Pena, Obed	11/30/2023
3790	Prodan, Luiza	7/31/2024

Reinstatement from Retired / Expired

License #	Name	License Expiry Date
3527	Niswonger, Alisha Rose	4/30/2024
2655	Piper, Matthew Seth	6/30/2024
2719	Volz, Laura Ellen	6/30/2024

Closed Applications

File #	Name
3777	Nelson, Isaac

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

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

CSMD Report

There has not been a CSMD Meeting since the last Board Meeting, there is nothing to report.

Review of Correspondence and Notices

Ms. Wallace commented the next three items are informational only and no Board action is required.

Notice – New Cope Reveiwers

Dr. Amy Waymire, Dr. Halie Cottrill and Dr. Jennifer Elder.

Notice – COPE Survey

A COPE survey was sent out in October 2022 and was due November 4, 2022.

Conference/Event Reports and Upcoming Events Review

ARBO 2023 Annual Meeting

Ms. Wallace presented the upcoming ARBO 2023 Annual Meeting held June 18, 2023 to June 20, 2023 in Washington DC. The Board can elect up to three Board Members to attend.

A motion was made by Dr. Young to approve sponsorship of attendance for Dr. Reynoldson and Dr. Tharp. A second was made by Dr. Venable. There was no discussion on the motion. The motion passed unanimously.

Discuss Old & New Board Business

There were no Old & New Board Business for the Board to review at this meeting.

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

There were no Rulemaking, Rulemaking Hearings, Rule Amendments, and Policies for the Board to review at this meeting.

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. Young to adjourn, with a second made by Dr. Reynoldson. There was no discussion on the motion. The motion passed unanimously.

The meeting was adjourned at 10:14 a.m. CST.

These Minutes were Ratified by the Board on April 5, 2023



Board Chair



Date