

TENNESSEE BOARD OF OPTOMETRY MEETING MINUTES

DATE: February 26, 2014
TIME: 9:00 A.M., CST
LOCATION: Poplar Room
665 Mainstream DR
Nashville, TN

BOARD MEMBERS

PRESENT:
Jeff Foster, O.D., Chair
J. Scott Gentry, O.D., Vice-Chair
Dennis Mathews, OD-Secretary
Richard Orgain, O.D.
David Talley, O.D.

BOARD MEMBER

ABSENT:
Kimberly Button, Citizen Member

STAFF

PRESENT:
Sheri Patterson, Board Administrator
Teddy Wilkins, Unit 1 Director
John Smith, Chief Deputy General Counsel
Stefan Cange, Asst. General Counsel

Dr. Foster, Board Chair called the meeting to order at 9:01 a.m. and declared that a quorum was present.

Rulemaking Hearing

Mr. Gino Bulso, Esq. conducted the Rulemaking hearing regarding new rule 1054-02-.17: Prohibition Upon the Practice of Optometry In or In Conjunction With Any Retail Store or Other Commercial Establishment Where Merchandise Is Displayed or Offered for Sale also known as the “Two-Door Rule.”

Following Mr. Bulso’s reading of the Rule five (5) people had signed to voice public comments. Each was allowed to address the Board. They were as follows:

1. Mr. John Williams-Attorney for the Tennessee Association of Optometric Physicians-for Rule

2. Ms. Martha Gentry-National Association of Optometrist & Opticians-against Rule
3. Dr. Morton Thomas-against Rule
4. Dr. James Ducklo-against most aspects of Rule
5. Dr. Connie James-for Rule

Written concerns were submitted by the following:

1. NAOO
2. Mr. Justin Schroeder
3. Dr. Ben A. Alig
4. Dr. Michelle Harrison-Camden Eye Care
5. Dr. Cherie Archambeault
6. Dr. Torrey Carlson & Associates, PC
7. Dr. James Ducklo

After hearing all speakers and reading written concerns, Dr. Mathews made a motion that was seconded by Dr. Gentry to accept the Rule as it was presented. Results of the Board member roll call vote are as follows:

- Dr. Dennis Mathews voted yes
- Dr. Scott Gentry voted yes
- Dr. Jeff Foster voted yes
- Dr. David Talley voted yes
- Dr. Richard Orgain voted yes

The motion carried. The roll call vote was signed and delivered by Dr. Mathews.

Election of Officers

Effective immediately the Optometry Board Officers are:

- Dr. Scott Gentry-Chairman
- Dr. Dennis Mathews-Vice Chairman
- Dr. David Talley-Secretary
- Dr. Richard Orgain-Member
- Dr. Jeff Foster-Member
- Kimberly Button-Consumer Member

Minutes

Dr. Gentry made a motion, seconded by Dr. Orgain, to approve the October 18, 2013 meeting minutes as written. The motion carried.

OGC Report

Mr. Cange stated there are 2 disciplinary cases open in OGC.

Mr. Cange discussed the two (2) hour prescribing course that is required of all Boards by the commissioner. This is the basis of the June 11, 2014 rulemaking hearing.

HB 5-55 SP 220 is legislation that pertains to Optometry. It is the deletion of exemption of the grandfathering clause from practicing in conjunction with a retail establishment.

Investigative Report

Ms. Denise Moran presented the report. There are two (2) open complaints against optometrists. She also gave the Board details of what their office does.

Financial Report

Ms. Vanessa Crutcher presented the Board's financial report. She addressed concerns of Board. Projections and scenarios for possible fee reduction will be presented at the June 2014 meeting.

Administrator Report

There are currently 1196 licensed optometrists. Newly licensed are 14. Of the 125 optometrists who renewed their licenses between October 11, 2013 and February 13, 2014, 68 renewed online.

Ms. Wilkins mentioned that the Professional Privilege Tax must be paid online and that the Department of Revenue will no longer send reminders to pay the tax. We have updated our website to inform our licensees of this change.

Newly Licensed

Dr. Foster made a motion, seconded by Dr. Orgain, to approve the following newly licensed applicants:

Kathryn Beckman
Marie Bodack
Christopher Borgman
Deepa Chandrasekaran
Nora Cothran
Elizabeth Darby
Paul Grigonis
Rachel Grant
Travis Johnson
Divya Patel
Laura Pittman
Emily Presson
Jennifer Velasco
Julian Vermund

The motion carried.

Reinstatement Applications

Dr. Foster made a motion, seconded by Dr. Orgain, to approve the following reinstated applicants:

Kelly Thompson

Professional Practice Names

Angela M Patteson, OD submitted to open a practice under the name of **Angela M. Patteson, OD**. Dr. Foster made a motion that was seconded by Dr. Talley to approve. The motion carried.

Gary Vines, OD submitted to open a practice under the name of **Envision Family Eye Care, PLLC**. Dr. Talley made a motion that was seconded by Dr. Foster to approve. The motion carried.

Matthew Bohrman, OD submitted to open a practice under the name of **Matthew C. Bohrman, OD LLC** doing business as **Scenic City Eye Care**. Dr. Foster made a motion that was seconded by Dr. Talley to approve. The motion carried.

Continuing Education

The Board continued to discuss how best to meet the new statutory requirement that all licensees must have two (2) hours in Prescribing Practices. They debated if it would require one (1) two hour course or two (2) one hour courses. Mr. Cange will write a rule to be discussed at the June 11, 2014 meeting.

Dr. Sachie Craig inquired if it is approved for an optometrist to retake an identical Prescribing Practice course to meet the requirement for Continuing Education. The Board verified that this is acceptable.

Dr. Dennis Martzkin of Allied Eye submitted the request that was pre-approved by Dr. Orgain and was presented to the full Board for review. A motion was made by Dr. Orgain that was seconded by Dr. Foster to approve the request. The motion carried.

Dr. Timothy Haas requested approval of Grand Rounds. Dr. Mathews made a motion that was seconded by Dr. Talley to approve. The motion carried.

Dr. James Judd requested an extension on obtaining his Continuing Education requirements. Dr. Mathews made a motion that was seconded by Dr. Talley to approve. The motion carried.

Dr. Brad Gainous requested approval of Grand Rounds at the Loden Vision Centers. Dr. Orgain has pre-approved this and the request is presented today for full Board review. The request was approved.

File Review

None

Correspondences

Dr. Tantum with Blount County Eye. Dr. Mathews made a motion seconded by Dr. Talley to approve the request. CPT codes will be posted to Board's website to inform all licensees.

Dr. Lee with Millington Eye Care requested an extension of time to complete his continuing education. A motion was made by Dr. Mathews and seconded by Dr. Orgain to approve the request.

NBEO a motion was made by Dr. Foster that was seconded by Dr. Mathews that the letter was an informative only requiring no formal reply from the Board.

Well Child - an organization that offers free eye examinations in public schools in Tennessee to afford the underserved proper and professional eye care. Ms. Beth McCarthy and Mr. John Thompson addressed various concerns from the Board. Mr. Cange suggested that this be tabled and Well Child offered to address any submitted questions the Board may have to be addressed at the June 2014 meeting. The Board will send questions to Ms. Patterson who will forward them to Well Child.

Other Board Business

There was a discussion of sending up to three (3) Board members to the ARBO National conference in June to be held in Philadelphia, PA. The Board approved someone to be sent and that person will be determined later.

With no other Board business to discuss, Dr. Orgain made a motion that was seconded by Dr. Foster to adjourn the meeting. The meeting adjourned at 12:03 PM.