

Tennessee Board of Optometry



Newsletter



2019

A Regulatory Agency of the State of Tennessee

Fall

665 Mainstream Drive, Nashville, TN 37243 • <http://tn.gov/health> (615)532-5080 or 1-800-778-4123
Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except State and Federal holidays) Fax: (615) 532-5164

THE MISSION OF THE TENNESSEE DEPARTMENT OF HEALTH IS TO PROTECT, PROMOTE AND IMPROVE THE HEALTH AND PROSPERITY OF PEOPLE IN TENNESSEE

2020 Board Meeting Dates

January 8, 2020
9:00 a.m., Poplar Room

April 1, 2020
9:00 a.m., Poplar Room

July 8, 2020
9:00 a.m., Poplar Room

October 9, 2020
Tentative - Gatlinburg



All board meetings will be held at 665 Mainstream Drive, Nashville TN, 37243 unless otherwise noted.

Live Streaming Video

If you would like to see your board “in action” but can’t attend a meeting in person, you can now watch the board meeting on your computer through live streaming video. After you access the page, go to the board meeting you wish to view and click on that particular link. The link is: <https://web.nowuseeit.tn.gov/Mediasite/Catalog/Full/98fe21d561e9489487745f0c7da678b221>.

Board Disciplinary Action Available Online

The Tennessee Department of Health issues a monthly media release listing all disciplinary actions taken by the health related boards during the prior month. All action taken by the Professional Health Boards is viewable online at: <https://www.tn.gov/content/tn/health/health-professionals/health-professionals-boards-disciplinary-actions.html>

LAWS you need to KNOW

Legislative Updates - 2019

[Public Chapter 61](#)

This act states that an entity responsible for an AED program is immune from civil liability for personal injury caused by maintenance or use of an AED if such conduct does not rise to the level of willful or wanton misconduct or gross negligence.

This act took effect on March 28, 2019.

[Public Chapter 117](#)

This act adds a definition of “alternative treatments” to 63-1-164 pertaining to the restrictions and limitations on treating patients with opioids.

This act took effect April 9, 2019.

[Public Chapter 124](#)

This act makes a variety of small changes and additions to the TN Together opioid initiative put in place in 2018. One addition is allowing access to CSMD data to a healthcare practitioner under review by a quality improvement committee (QIC), as well as to the QIC, if the information is furnished by a healthcare practitioner who is the subject of the review by the QIC.

The requirement for e-prescribing of all schedule II substances by January 1, 2020 has been delayed to January 1, 2021 and is modified to require all schedule II through V prescriptions to be e-prescribed except under certain circumstances. The law also requires all pharmacy dispensing

software vendors operating in the state to update their systems to allow for partial filling of controlled substances. Definitions are given by this act to the terms palliative care, severe burn and major physical trauma. Along with its new definition, palliative care has now joined severe burn and major physical trauma as an exception to the opioid dosage limits otherwise required under TN Together.

An unintended consequence of last year's Public Chapter 1039 was on cough syrup. This act establishes that the law does not apply to opioids approved by the FDA to treat upper respiratory symptoms or cough, but limits such cough syrup to a 14 day supply.

Also changed from last year's act is the requirement to partial fill. Partial filling of opioids is now permissive.

Finally, the opioid limits have been simplified from the previous year's act. The twenty day supply and morphine milligram equivalent limit has been eliminated. Three day and ten day requirements remain the same. Instances such as more than minimally invasive surgery, which previously fell under the twenty day provision, now can be treated under the limits of the thirty day category.

This act took effect on April 9, 2019.

[Public Chapter 195](#)

The majority of this act pertains to boards governed by the Department of Commerce and Insurance. One small section applies to the health related boards. Currently, the health related boards have an expedited licensure process for military members and their spouses. Previously, a spouse of an active military member had to leave active employment to be eligible for this expedited process. This act removes that requirement. This section applies to all health related boards. The Commissioner of Health is permitted to promulgate rules, but rules are not needed to implement the act.

This act takes effect July 1, 2019.

[Public Chapter 229](#)

This act allows healthcare professionals to accept goods or services as payment in direct exchange of barter for healthcare services. Bartering is only permissible if the patient to whom services are provided is not covered by health insurance. All barter accepted by a healthcare professional must be submitted to the IRS annually. This act does not apply to healthcare services provided at a pain management clinic.

This act took effect April 30, 2019.

[Public Chapter 243](#)

This act mandates that an agency that requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination must provide appropriate accommodations in accordance with the

Americans with Disabilities Act (ADA). Any state agency that administers a required examination for licensure (except for examinations required by federal law) shall promulgate rules in regard to eligibility criteria. This legislation was introduced to assist individuals with dyslexia.

This act took effect May 2, 2019 for the purpose of promulgating rules, and for all other purposes, took effect July 1, 2020.

[Public Chapter 255](#)

The act permits a medical professional who has a current license to practice from another state, commonwealth territory, or the District of Columbia is exempt from the licensure requirements of such boards if: (1) the medical professional is a member of the armed forces; and (2) the medical professional is engaged in the practice of the medical profession listed in 68-1-101 through a partnership with the federal Innovative Readiness Training. The respective health boards may promulgate rules for implementation.

This act took effect April 18, 2019 for the purpose of promulgating rules, and for all other purposes, took effect July 1, 2019.

[Public Chapter 264](#)

This act permits the attorney general, reporter, and personnel to access confidential data from the Controlled Substance Monitoring Database upon request for the purposes of investigation or litigation of a civil action. Release of this information to other parties must be accompanied by an appropriate protective order. This bill was brought by the Office of the Attorney General.

This act took effect April 30, 2019.

[Public Chapter 327](#)

This act requires the Commissioner of Health, by January 1, 2020, to study instances when co-prescribing of naloxone with an opioid is beneficial and publish the results to each prescribing board and to the board of pharmacy. The findings shall be included in the chronic pain guidelines adopted by the Chronic Pain Guidelines Committee.

This act took effect May 8, 2019.

[Public Chapter 447](#)

This act permits law enforcement agencies to subpoena materials and documents pertaining to an investigation conducted by the Department of Health prior to formal disciplinary charges being filed against the provider. This bill was brought by the Tennessee Bureau of Investigation.

This act went into effect May 22, 2019.

Statistical Information Regarding Licensees As of September 30, 2019

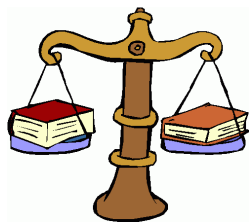
Profession	Total Number	Last 12 Months
Optometrists	1,320	62

Lapsed License Policy

The Board of Optometry (“Board”) recognizes that an individual may inadvertently allow his/her license to expire. However, applicable law prohibits an individual from working as an optometrist unless he/she has an active license. While the Board does not condone an individual working on an expired license, the Board recognizes that these inadvertent lapses can occur. As such, the Board has adopted the following procedures for reinstatement of an expired license.

1. Immediately upon recognition that his/her license has expired, the individual must cease practicing and contact the Board's administrative office to request a reinstatement application.
2. Upon receipt of the reinstatement application, the individual is to complete the application in its entirety, providing a detailed work history since the license expiration date. The application is to be signed, notarized, and returned to the Board's administrative office along with any additional information and all fees specified in the instructions. The individual must submit proof of documentation of continuing education requirements taken within the previous twelve (12) months.
3. Upon receipt of a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, the Board's administrator may reinstate a license which has been in an expired status for less than ninety (90) calendar days. Although the Board and administrative staff recognize the applicant's urgent interest in having his or her license reinstated, preferential treatment will not be given to these applicants. All applications are reviewed in the order in which they are received.
4. If the work history reflects that the individual has practiced in excess of ninety (90) calendar days, but less than six (6) months on an expired license, the Board will present to the licensee an Agreed Citation which specifies payment of a fine in the amount of \$100 per month for every month in which the individual has worked at least one day beyond the ninety (90) calendar day grace period. The individual's license will not be reinstated unless and until the Agreed Citation is executed by the licensee and payment of the fine remitted to the Board's administrative office.

- A. The licensee shall be notified that all Agreed Citations prepared in accordance with this policy shall be reportable on the Department of Health's website, its disciplinary action report issued in the month the action is taken, and to all appropriate federal databanks including the National Practitioner Data Bank.
 - B. This remedy is only available to those optometrists who have practiced on a lapsed license for less than six (6) months from the date the license went into expired status.
5. If the licensee refuses to execute the Agreed Citation and/or remit the civil penalty described therein within sixty (60) days of the date the Agreed Citation is sent to the licensee, or if the licensee practiced on a lapsed license for six (6) months or longer, the licensee shall be referred to the Office of Investigations and Office of General Counsel for formal disciplinary action. Upon a proven violation, the minimum disciplinary action for this violation shall be:
 - A. A formal and reportable Reprimand on the license;
 - B. Assessment of civil penalties in an amount to exceed \$500 per month for every month in which the individual has worked at least one day beyond the ninety (90) calendar day grace period;
 - C. Assessment of costs associated with investigating and prosecuting the matter; and
 - D. Any and all other remedies the Board deems appropriate.
 6. In the event the matter is referred to the Office of Investigations and Office of General Counsel for formal disciplinary action, the Board's administrative office shall be permitted to reinstate those applicants for whom they have received a completed reinstatement application, supporting documentation (including any required proof of continuing education), and the applicant's payment of all fees, subject to further action on the license as described in paragraph five (5) above. Though the Board's administrator may reinstate such a license upon approval from the Board's consultant, preferential treatment will not be given to these applicants. These applications will be reviewed in the order in which they are received. For those applicants who have declined an Agreed Citation, their application will be deemed received sixty (60) days from the date the Agreed Citation was sent.



RULE AMENDMENTS

The Tennessee Board of Optometry has implemented changes to its Rules, summarized as follows:

The amendment to Rule 1045-02-.04 amends the website listed in this subsection to the updated online renewal website. This subsection formerly referred licensees to "www.tennesseeanytime.org," it will now refer them to <https://apps.tn.gov/hlrs>

The amendment to Rule 1045-02-.05(1) changes total required continuing education hours from thirty (30) to forty (40). **Effective January 1, 2020, an Optometrist with a renewal date in the year 2020 and beyond must complete forty (40) hours of Board approved continuing education during the twenty-four (24) months that precede the licensure renewal month.**

The amendments to Rule 1045-02-.05(1)(a) and (c) consolidate subsections (a) and (c) into a single subsection, changing twenty (20) hours to twenty-five (25) hours, and change a continuing education requirement for therapeutically certified optometrists in ocular or systemic disease from twenty (20) to twenty five (25) hours.

The amendment to Rule 1045-02-.05(2)(c) removes an incorrect reference to one (1) hour classes regarding prescribing practices.

The amendment to Rule 1045-02-.05(2)(e)4 changes continuing education requirement for business management courses from six (6) to eight (8).

The amendment to Rule 1045-02-.05(2)(f)2 changes continuing education requirement for lecture type courses from twelve (12) to fifteen (15).

The full language of these and all Rules as well as other pertinent information can be found on the Board's website at: <https://www.tn.gov/health/health-program-areas/health-professional-boards/opt-board.html>

Professional Privilege Tax

TENN. CODE ANN. §67-4-1701, et seq., requires the payment of an annual professional privilege (occupation) tax. The law requires your licensing board to refuse to allow you to renew your professional license if you fail to pay your professional

privilege tax. **Note: The Board of Optometry does not assess this tax.** Upon receipt of certification from the Department of Revenue that a licensee is in arrears more than 90 days, the law requires that your ability to renew your license be held in abeyance until our office receives a written tax clearance from the Department of Revenue. Avoid any interruption in your ability to practice your profession by remitting your tax to the Department of Revenue in a timely fashion.

If you have moved out-of-state, but maintain a license, you are still responsible for paying the Professional Privilege Tax for applicable years. If your license is in "active" status as of June 1 of any applicable year, no matter if you live in Tennessee or out-of-state, you are required to pay the yearly professional privilege tax.

Of note, those in the Optometry profession who held a license to practice on June 1, 2019, are required to pay the \$400 tax for the 2019 year. However, fifteen professions in the state of Tennessee - including Optometry - have been removed from this tax beginning June 1, 2020, and thereafter.

Electronic Applications

Applying for initial licensure from your professional licensing board has become a bit easier. The Department of Health has made available an online application process that will allow all health care professionals to apply online for an initial license and complete (and update as necessary) a practitioner profile mandatory for certain professions. The process is user friendly and convenient and even allows you to pay for your initial application utilizing a credit card, debit card or e-check. You are also able to upload many of the documents required to complete your initial application! You may apply online at the following link:

<https://apps.tn.gov/hlrs/>

Retirement of License

If you are not practicing in Tennessee and do not wish to renew your license, it is suggested you retire your license rather than have it fall into failed to renew status. A retirement form may be obtained at our website at:

<https://www.tn.gov/health/health-program-areas/health-professional-boards/opt-board/opt-board/applications.html>

If you do not have access to the internet, you may request a retirement form be mailed to you.

Note: you cannot retire an expired license.

Renew Your License Online



Whether you receive a paper renewal form or not, you can still renew your license online. This is faster, more convenient, and you can use a credit card to pay the renewal fees. Just go to <https://apps.tn.gov/hlrs/> to renew your license. You may renew up to 45 days prior to the expiration date.

If you are a new user, you will need to first create an account. Then, you will need to onboard your license into your account and will then be able to renew electronically thereafter. *Licensees are responsible for renewing their licenses on time and keeping the Board apprised of current information. It is a violation of the law and of the Board's rules to practice on an expired license.*

-Step 1: Login – Enter your login credentials and follow any onscreen instructions for renewing.

-Step 2: Update your Information - Change your home and/or office address.

-Step 3: Enter your renewal information - Answer all necessary questions, as if you were completing your hard-copy form.

-Step 4: Payment - Enter your credit card information through the secure site and choose “submit”.

If you have met all of the criteria necessary, your renewal certificate will be mailed to you in approximately two weeks. Updated license information will be available on the department's web site within two business days.

Practitioner Profile

When you notify the board of an address or name change, please remember to update your practitioner profile online.

The Practitioner Profile can be found once you log into your account at this link:

<https://apps.tn.gov/hlrs/>

Office of Investigations



The Office of Investigations is responsible for receiving and processing all complaints for the licensure boards. To file a complaint, please contact the Office of Investigations directly at 1-800-852-2187 or visit our website where you may download and print out the complaint form, using this link:

<https://www.tn.gov/health/health-program-areas/health-professional-boards/opt-board/opt-board/complaints.html>



Have you moved/changed your name?

Updates must be reported to the board's office within 30 days! Information should include the following:

- your name and license number;
- your profession;
- your old address and phone number;
- your new address and phone number, e-mail address, and/or your fax number;
- your signature!
- If your name has changed due to marriage or divorce, you must send a copy of the document that made the change in status.

You may update this information once you log into your account at this link:

<https://apps.tn.gov/hlrs/>

While updating electronically is preferred, a form for the change of address/name can be found at:

<https://www.tn.gov/health/health-program-areas/health-professional-boards/opt-board/opt-board/applications.html>

You may fax your change to the board's administrative office at (615) 532-5164 or by mail at: 665 Mainstream Drive, Nashville, TN 37243.

To Contact This Board Call:

**(615) 532-5080 local or (800) 778-4123
nationwide or write to:**

Unit3HRB.Health@tn.gov

**Tennessee Board of Optometry
665 Mainstream Drive
Nashville, TN 37243**

BOARD MEMBERS

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