

GEORGIA STATE BOARD OF DISPENSING OPTICIANS  
Board Meeting August 11, 2004

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, August 11, 2004, at the Professional Licensing Boards Office in Macon, Georgia.

**The following Board members were present:**

Glenn Morris, Chairman  
Joe Reed, Vice Chairman  
Diane Drake  
Steve Sanford  
Thomas Schulz

**Others Present:**

Anita O. Martin, Executive Director  
Wylencia Monroe, Board Attorney

Chairman Morris established that a quorum was present, and the **Public Hearing** that was scheduled to begin at 10:00 A.M. was **called to order** at 10:00 a.m. No comments were received concerning Rule 420-4-.02, Unprofessional Conduct. Amended. The Public Hearing adjourned at 10:05 a.m. and the meeting was called to order in Open Session.

**Rule 420-4-.02, Unprofessional Conduct. Amended:** Ms. Drake made a motion to **adopt** the proposed rule amendments. The motion was seconded by Mr. Reed and approved by all Board members present, which included Mr. Morris and Schulz. (Attachment #1)

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of opticianry dispensing.

**Minutes:** Mr. Reed made a motion, Ms. Drake seconded and the Board voted to **approve** the minutes from the May 5, 2004 meeting.

**Ratify list of newly issued licenses:** Mr. Sanford made a motion, Mr. Schulz seconded and the Board voted to **ratify** the newly issued licenses.

License No.	Name	License Type
LDO-002006	Simmons, Asbury, II	Dispensing Optician
LDO-002007	Spoors, Jeanine Elizabeth	Dispensing Optician
LDO-002008	Peters, Neal Dwight	Dispensing Optician

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**E-Mail submitted by Ms. Drake regarding misinformation on website:** Ms. Drake will provide Ms. Martin with the information needed to notify the company regarding the Board's concern of the inaccuracy of statements of on-line CE programs.

**Act 624, Senate Bill No. 513 regarding the sale or dispensing of contact lenses:** The Board viewed this item as **informational**, and no action was taken.

**Advice from Ms. Monroe regarding supervision of persons dispensing optical goods and devices:** Mr. Sanford motion, Mr. Reed seconded, and the Board voted to consider revisions to Rule 420-4-.01. Two drafts will be presented at the next meeting.

**Request submitted by Pamela Sharam, O.D.:** This item was viewed as informational and no action was taken.

**Draft 2005 meeting schedule:** No action.

**Issue of 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> exam re-takes:** This item was **tabled**.

**OTHER BUSINESS:**

**Inez Lockett – Examination Testing & Development Unit:** Ms. Lockett met with the Board upon their request. The Board made the following requests/suggestions:

- o Allow candidate to choose the equipment used in the examination. The Board feels that the percentage of unsuccessful candidates may be because they are being tested on equipment that they are not familiar with. The Board voted to add the following to the application:
  - *These three types of instruments are utilized during the practical examination (list types). Examination candidates will be randomly assigned to instruments at the examination unless a request is submitted to the Board office along with this application for a specific type of instrument (from the list above). Upon receipt of a request, the Board will attempt to accommodate the request.*
- o Allow the Board member present to hear all questions asked during the examination and that the Board member be allowed to address the question if it is non-technical and cannot be answered by the examination personnel.
- o Add to the instruction sheet that a Board member is present at the examination and is available should issues arise that need Board member participation.
- o A synopsis of the examination comments received be provided to the Board after each examination.

**Revise CE rule for review at the next meeting:** Revise rules to state: Of the 10 (ten) hours required, 2 (two) must be NCLE approved, and a maximum of 2 (two) hours can be obtained on-line and no journal studies allowed.

Mr. Schulz made a motion to enter into **Executive Session** in accordance with O.C.G.A. 43-1-2(k) to deliberate on and receive information on applications and O.C.G.A. 43-1-19(h)(2) to deliberate on and receive information of disciplinary matters. The motion was seconded by Mr. Sanford and voting in favor of the motion were those present who included Glenn Morris, Diane Drake and Joe Reed. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

**Reinstatement Application submitted by S.A.W.:** Ms. Drake made a motion, Mr. Reed seconded and the Board voted to **approve** the reinstatement application.

**Application for licensure submitted by C.S.D.:** Mr. Reed made a motion, Mr. Sanford seconded and the Board voted to **approve** to sit for the exam.

**Waiver request submitted by Reinstatement applicant R.M.M.:** Ms. Drake made a motion, Mr. Schulz seconded, and the Board voted to **deny** the request and advise R.M.M. that the 10 (ten) hours of approved CE must be submitted.

**REPORTS:**

**Diane Drake, Cognizant Board Member**

- **Recommended:** After completion of investigation, refer cases #04-033, #04-034, and #04-035 to the local D.A. for prosecution of unlicensed practice and falsifying a state document.
- **Recommended:** Follow-up on H.R. case: Conduct undercover investigation. If found to be testing, refer to the Optometry Board and request they pursue unlicensed practice of Optometry. Also, send to the A.G.'s office for Notice of Hearing for Revocation.

Mr. Sanford made a motion, Mr. Schulz seconded and the Board voted to **approve** the recommendation made regarding the case presented by the Cognizant Board member.

The next Board meeting is scheduled for November 3, 2004 at 10:00 A.M.

There being no further business to come before the Board, the meeting was adjourned at 1:00 P.M.

**Minutes recorded by:** Lea Williams, Substitute Board Secretary

**Minutes reviewed and edited by:** Anita O. Martin, Executive Director