

GEORGIA STATE BOARD OF DISPENSING OPTICIANS
Board Meeting May 17, 2006

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, May 17, 2006 in Room 102 of the Secretary of State, Professional Licensing Boards Division Office in Macon, Georgia.

The following Board members were present:

Glenn Morris, Chairman
Steve Sanford, Vice Chair
Diane Drake
Thomas Schulz
Dave Meldrum

Others Present:

| | |
|-------------------------------------------|------------------------------------------|
| Brig Zimmerman, Executive Director | Serena Gadson, Applications Specialist 2 |
| Calandra Paschal, Board Secretary | Wylencia Monroe, Board Attorney |
| Jackie Turner, Enforcement Department | Wanda Martin, Enforcement Department |
| Pamela Candler, Applications Specialist 1 | Lynn Eason, Enforcement Department |

Chairman Morris established that a quorum was present, and the meeting was called to order at 9:55 a.m.

Agenda: Ms. Drake moved and Mr. Sanford seconded and the Agenda was approved.

Minutes: Ms. Drake moved and Mr. Sanford seconded and the February 15, 2006 Meeting Minutes were approved.

Mr. Schulz moved and Mr. Sanford seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k)(1)(2), O.C.G.A. §43-1-19(H)(2)&(4) and O.C.G.A. §43-1-2(k)(4) to deliberate on applications, investigations report, Attorney General's report and the Cognizant Report and to receive information on applications, investigations, Attorney General's report and the Cognizant Report. Voting in favor of the motion were those present who included Board Members Drake, Morris, Sanford, Meldrum and Schulz. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Public Hearing on Proposed Rule Changes:

420-9-.01: Continuing Education for License Renewals in March, 1985 and Renewal Years Thereafter. Amended

Glenn Morris, President, established that a quorum was present, and called the Public Hearing to order at 10:05 A.M. As there were no comments submitted and no members of the public attended the hearing, the public hearing was adjourned at 10:15 A.M.

The Board voted that the formulation and adoption of these rules 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.

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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 these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dispensing Opticians.

After discussion and consideration of the rule change, Ms. Drake moved and Mr. Sanford seconded and the Board voted to adopt the proposed rule Chapter 420-9-.01 in accordance with O.C.G.A. § 50-13-4(a)(1) as now posted:

420-9-.01 Continuing Education for License Renewals in March, 1985 and Renewal Years Thereafter. Amended

Continuing Education courses totaling at least ten (10) hours shall be required for the biennial renewal of licenses, ~~beginning with licenses to be renewed by March 31, 1985, and with each biennial renewal period thereafter.~~ Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Of the ten (10) hours, no more than two (2) hours may be obtained via the internet.

(a) The method of reporting continuing education shall be by audit as follows:

1. Each licensed dispensing optician shall be responsible for maintaining certificates of attendance (and supporting documents as appropriate) for continuing education courses taken to satisfy the requirements for continuing education for a period of four (4) years from the date of attendance;
2. The staff of the State Examining Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. This percentage shall not exceed 20% of the licensed opticians, randomly selected, in the State per biennium;
3. At the time of license renewal, licensed dispensing opticians shall certify to the Georgia State Board of Dispensing Opticians that he/she has completed the continuing education required for license renewal;
4. In the event a licensee, who is audited, fails to submit certificates of continuing education, or other documentation, of having satisfied the continuing education requirements for license renewal, the application for renewal will not be processed until all continuing education requirements are met; and
5. A licensee who fails to meet the continuing education requirements shall be subject to disciplinary actions by the Board.

Authority O.C.G.A. §§ 43-29-3, 43-29-6, 43-29-11.

Rule Change Discussion on 420-5-.01:

Rule 420-5-.01 Examination Requirements. Amended

At the request of Board member Diane Drake, the Board discussed Rule 420-5-.01 and determined a proposed change to the current rule with regard to the time frame currently required for receipt of applications prior to scheduling of exams for applicants by the administrative staff, with input from Assistant Attorney General Wylencia Monroe. Ms. Drake also had a revised copy of this proposed rule change containing numerous additional changes for the Board's consideration.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed

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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 these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dispensing Opticians.

After discussion and consideration of the rule change, and a discussion of the additional changes proposed, Mr. Meldrum moved and Ms. Drake seconded and the Board voted 4 to 1 to table the adoption of the proposed rule Chapter 420-5-.01 in accordance with O.C.G.A. § 50-13-4(a)(1), and to re-post the rule incorporating these new proposed changes, following receipt of the AG's memo of authority:

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF DISPENSING OPTICIANS
RULE 420-5-.01 Examination Requirements. Amended.**

Purpose: To update/clarify outdated rule language with regard to several areas identified by the Board.

Main Features: The proposed rule amendments include: (1) updating of rule language with regard to examinations, (2) updating of the required time frame for receipt of complete applications prior to scheduling to sit for the Dispensing Opticians Practical Exam, (3) updating of rule language regarding transcripts, (4) updating of rule language with regard to recognized school programs, (5) updating of rule language with regard to supporting affidavits required and (6) updating of rule language regarding the practical examination score.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF DISPENSING OPTICIANS
RULE 420-5-.01 Examination Requirements. Amended.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 420-5-.01 Examination Requirements. Amended is hereby revised as follows:

420-5-.01 Examination Requirements. Amended.

(1) The optical dispensing examination shall be held a minimum of twice a year. ~~The times and places shall be determined by the Board.~~

(2) Complete applications with all attachments and documents shall be filed with the Board at least ~~60~~ thirty (30) days prior to the examination. Each application must be accompanied by the following attachments:

(a) Verification of age (Birth Certificate or equivalent required);

(b) Copy of high school ~~transcript or diploma~~ or its equivalent as defined by the State Board of Education; indicating graduation date;

(c) If applying on the basis of education, the applicant must have satisfactorily completed

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a course of study in a recognized school of ~~optical~~ ophthalmic dispensing approved by the Board. College transcript, with graduation date, and copy of diploma must accompany application.

(1) A recognized school of ophthalmic dispensing is defined as one that offers an ophthalmic dispensing program issuing a diploma and/or degree that is recognized by the Georgia State Board of Dispensing Opticians:

~~(d) Applicants applying on a basis of education and experience must submit a copy of their college transcript;~~ Applicants applying on the basis of education and experience must submit a transcript and an affidavit that specifies total course study clock hours completed from a recognized accredited program, plus an affidavit of work hours completed. The total combined number of hours must be a minimum of 3000 hours;

(e) A fee established by the Board must accompany the application;

(f) Photograph of applicant within last year.

(g) Current ABO and NCLE certificates

(3) Subject matter of examination shall be related to ~~optical~~ ophthalmic dispensing.

(4) The passing score ~~is~~ for the ophthalmic dispensing ~~practical~~ examination shall be ~~70 for the ABO examination; 72 for the NCLE examination and 75. for the practical examination. Beginning with August, 1986 administration of the examination, once a candidate obtains a passing score on any part of the examination, that candidate does not have to retake that portion of the examination.~~

(5) Any false or misleading information in connection with any application may be cause for exclusion from the examination on the ground of lack of good moral character. If the Board finds that the application is complete and that all the requirements of the statute and of the regulations have been met, it shall issue to the applicant a letter which shall advise the applicant of the time, date and place of the examination. The candidate shall submit ~~his~~ their letter to the examiner upon entrance to the examination room.

(6) Licensing examinations shall be conducted in accordance with the following procedure, and any candidate violating any of such procedure, may be dismissed from the examination room or otherwise disciplined:

~~(a) no candidate shall enter the examination more than 45 minutes after the question papers have been distributed nor shall any candidate leave the examination until 45 minutes have elapsed;~~ no candidate may enter the examination room late nor leave the examination room early.

(b) during the examination no candidate shall communicate with any other candidate in any other way;

(c) a candidate shall not bring books or other help of any kind into the examination room unless directed to do so by the Board because of the character of the examination.

Executive Director Report – Brig Zimmerman

- Review of current Board Policies: A copy of the current Board Policies was distributed to each Board member for review & revision consideration, and, further discussion during the next scheduled meeting.

Enforcement Department – Lynn Eason:

- **Case No. DISP050010:**

Ms. Drake moved and Mr. Schulz seconded and the Board voted to close the case.

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Attorney General Report – Wylencia Monroe

- **Proposed amendment to Rule 420-9-.01:** Update of Authority provided

Cognizant Report – Diane Drake:

Mr. Schulz moved and Mr. Sanford seconded and the Board voted to accept the cognizant's recommendations and take the following actions:

- **Case No. DISP060022:** Refer to investigations.
- **Case No. DISP060023:** Refer to investigations.
- **Case No. DISP060024:** Refer to the Optometry Board.
- **Case No. DISP060025:** Refer to the Optometry Board.
- **Case No. DISP060026:** Close with letter of explanation and concern.

Applications:

Mr. Sanford moved and Ms. Drake seconded and the Board voted to ratify applications for licensure by application determined to have met licensure requirements/issued between Board meetings as follows:

APPROVED LICENSEES

| License # | Licensee | Issue Date |
|------------------|----------------------------|-------------------|
| LDO002085 | Arias, Gina Marie | 3/28/2006 |
| LDO002086 | Baker, Curtis Clark | 3/28/2006 |
| LDO002087 | Brooks, James G. | 3/28/2006 |
| LDO002088 | Catalano, Fredrick J | 3/28/2006 |
| LDO002089 | Dumas, Leonard Christopher | 3/28/2006 |
| LDO002090 | Harper, Diane M. | 3/28/2006 |
| LDO002091 | Hayden, Roger Lee | 3/28/2006 |
| LDO002092 | Ivey, Sharrie Diann | 3/28/2006 |
| LDO002093 | Little, Harold Warren | 3/28/2006 |
| LDO002094 | Modglin, Elesha R | 3/28/2006 |
| LDO002095 | Peck, Gregory Todd | 3/28/2006 |
| LDO002096 | Puckett, Karen L | 3/28/2006 |
| LDO002097 | Robinson, Erik Eugene | 3/28/2006 |
| LDO002098 | Sims, Frank Michael | 3/28/2006 |
| LDO002099 | Snowden, Anastasia Alysse | 3/28/2006 |
| LDO002100 | Taylor, Harold J. | 3/28/2006 |
| LDO002101 | Thomas, Samuel Dean, Jr. | 3/28/2006 |
| LDO002102 | Tomberlin, Mary Harrell | 3/28/2006 |
| LDO002103 | Harrell, James Doyal | 4/3/2006 |
| LDO002104 | Burnett, Jeffrey, Sr | 4/10/2006 |

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Mr. Schulz moved and Ms. Drake seconded and the Board voted to ratify the following reinstatements determined to have met licensure requirements/issued between Board meetings as follows:

Reinstatements:

| | | |
|-----------|-------------------------|-----------|
| LDO000310 | Underwood, Terrell T | 4/28/2006 |
| LDO000562 | Horn, Fred A., Jr. | 3/23/2006 |
| LDO001081 | Hunnicutt, Michael | 4/25/2006 |
| LDO001270 | Bachmann, Keith R | 3/27/2006 |
| LDO001550 | Willaford, James Dwayne | 3/20/2006 |
| LDO001557 | Knott, Rebecca Wilson | 4/13/2006 |
| LDO001700 | Dillow, Teresa Lynn | 3/13/2006 |
| LDO001732 | Hart, Christine Ham | 3/13/2006 |
| LDO001851 | Spires, Melissa | 4/13/2006 |
| LDO001920 | Marr, Jennifer S. | 3/13/2006 |
| LDO001948 | Coello, Leonel E. | 3/13/2006 |
| LDO001988 | Talavera, Patricia | 4/4/2006 |
| LDO002020 | Moore, Michael Joseph | 3/13/2006 |

There being no further business to come before the Board, the meeting was adjourned at 12:45 P.M.

Minutes recorded by:

Calandra Burke, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Glenn Morris
Board Chairman

Mollie L. Fleeman
Division Director

DATE SIGNED AND APPROVED: _____