

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES FOR AUGUST 30, 2006**

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, August 30, 2006, in Room 107 of the office of the Secretary of State at the Professional Licensing Boards' Office at 237 Coliseum Drive in Macon, Georgia.

The following Board members were present:

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

Others Present:

Brig Zimmerman, Executive Director	Serena Gadson, Apps. Specialist
Pamela Candler, Board Secretary	Wylencia Monroe, Board Attorney
Cathy Cox, Secretary of State	Terrell Slayton, Asst. Sec of State
Mollie Fleeman, Division Director	

Chairman Morris established that a quorum was present and called the meeting to order at 9:58 a.m.

Agenda: Mr. Sanford moved and Mr. Meldrum seconded and the Agenda was approved as submitted.

Minutes: Minutes taken at the May 17, 2006 Board Meeting were not approved as written.

Public Hearing on Proposed Rule Change:

Rule 420-5-.01 Examination Requirements Amended

Chairman Morris established that a quorum was present and called the Public Meeting to order at 10:20 a.m. There were no written comments submitted and no members of the public were in attendance at the Public Hearing. The Public Hearing was adjourned at 10:25 a.m.

Following discussion and consideration of the rule change, Ms. Drake moved and Mr. Meldrum seconded and the Board voted to adopt the following rule change.

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

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES FOR AUGUST 30, 2006**

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 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~~ 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

Ms. Monroe in her capacity as Assistant Attorney General informed the Board that the requirement outlined in "g" is not authorized by law and directed the Board to review Title 43-29-7. She also informed the Board that Section C, subsection 1 is not allowed because of format. According to Administrative Procedures Act, Subsection 1 must be followed by Subsection 2.

Ms. Drake withdrew her motion to adopt Rule 420-5-.01 as written and Mr. Meldrum withdrew his second to this motion. The Board by a majority

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES FOR AUGUST 30, 2006**

voted to *not approve* the adoption of Rule 420-5-.01 as written and discussed making additional changes.

Executive Director's Report:

Mr. Zimmerman discussed the following items with the Board:

- ❖ Mr. Sanford has been reappointed to the Board by Governor Perdue and will serve until March 15, 2010.
- ❖ Expense checks should be processed and in the mail.
- ❖ Optometry Board wanted to be certain that the Dispensing Opticians Board received a copy of their Consumer Advisory. Ms. Drake suggested that this news release be shared with www.optiboard.com
- ❖ Mr. Zimmerman received a letter from Valdosta Technical College concerning their Dispensing Optician Assistant Program beginning this fall. Valdosta is seeking Board approval of the program and the Board wanted to know if they were seeking approval for the education or the work experience. The Board wanted to know what Valdosta Technical College hopes to accomplish and requested that Mr. Zimmerman request clarification. The Board would also like to see the proposed curriculum and the Board would like to visit Valdosta Technical College to see the program in operation.
- ❖ Mr. Zimmerman reminded the Board that they received a copy of their Policies in May and asked if they had made a decision on Policy Changes. He requested that each Board Member look through the policies and be ready to discuss changes, if needed, at the next regularly scheduled meeting.
- ❖ Mr. Zimmerman stated that the Board needed to conduct an election of officers annually.

Discussion of Apprenticeships:

Ms. Drake distributed copies of the proposed Board Rule 420-8-.01 entitled Practical Training and Experience to Board Members as follows:

Rule 420-8-.01 Practical Training and Experience

In order to be admitted to the examination pursuant to that provision of O.C.G.A. §43-29-7(b)(4) which provides "practical training and experience of a grade and character satisfactory to the Board for not less than two years under the supervision of a dispensing optician, a licensed physician or a licensed optometrist: Provided, however, that any time spent in a recognized school shall be considered as a part of the apprenticeship period provided herein", the applicant must submit documentation to the Board with his/her application to establish the satisfaction of such provisions, the satisfaction of which will be determined under the following standards:

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES FOR AUGUST 30, 2006**

~~(a) "For not less than two (2) years" means two (2) calendar years and shall include, at a minimum 3,000 hours experience.~~

(a) Effective June 1, 2007, a statement of intention to qualify under the apprenticeship provision of this chapter shall be submitted in writing to the Board prior to beginning the apprenticeship.

(b) "Practical training and experience of a grade and character satisfactory to the Board for not less than two years" means two (2) calendar years and shall include, at a minimum 3,000 hours experience engaged in apprenticeship functions and must include written instructional subject matter as deemed appropriate and approved by the Board.

~~(b)~~ (c) "Under the supervision of a dispensing optician, licensed physician or a licensed optometrist" means that the appropriate licensed practitioner(s) must be on the premises where the practical training and experience is being acquired for every hour of apprenticeship sought to be considered in fulfillment of this requirement.

(d) Effective June 1, 2007 such experience and instruction must be formally certified by the supervising licensed dispensing optician, licensed physician, or licensed optometrist and must include the written plan of instruction in the subjects approved by the Board. The plan of instruction shall include at a minimum:

1. The title of the subject
2. A description of the topics presented and the instructional techniques that will be employed.
3. A list of textbooks and instructional materials.
4. A description of the method(s) of evaluation.

(e) Such instruction may be evidenced by certificates from recognized schools of opticianry with the Georgia Department of Technical and Adult Education or formal home study programs through the Career Progression Program with the National Academy of Opticianry or other programs approved in advance by the Board.

Individuals currently working to attain the experiential requirement will be given a "grace period" until June 1, 2009. Hours attained prior to registration as an Apprentice may be considered toward the 2 year/3000 hours requirement upon approval by the Board.

The application for Apprentice Registration shall be available on the Board's website at www.sos.state.ga.us/plb/opticians under the Downloadable Applications and Forms section. Additional information/assistance shall be available by calling the Georgia State Board of Dispensing Opticians t (478) 207-2440.

Authority: O.C.G.A. Secs. 43-1-25, 43-29-3, 43-29-6, 43-29-7.

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES FOR AUGUST 30, 2006**

Discussion followed concerning a possible checklist, a standardized program of study with a set of records and/or a standardized study plan. Mr. Sanford felt that an *ad hoc* committee should be created to work on an Apprenticeship Program sometime before January of 2007. Mr. Schulz explained that the purpose of this rule was excellent for individuals declaring their intention to become Licensed Dispensing Opticians and it would also give the Board an opportunity to monitor their education and experience.

The Board requested that Ms. Monroe be provided with a copy of this rule for legal authority.

Appearance of Secretary of State:

Ms. Cathy Cox, Secretary of State, Terrell Slayton, Assistant Secretary of State and Ms. Mollie Fleeman, Division Director, entered the meeting and thanked the Board for taking time out of their busy schedules to come and meet to transact the business of the Board. She offered her congratulations to the Board on the fine work that they have been doing and stated that she would really miss being the Secretary of State.

Mr. Meldrum moved and Ms. Drake 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 and the Cognizant Report and to receive information on applications, investigations report and the Cognizant Report. Voting in favor of the motion were those present who included Board Members Drake, Morris, Sanford, Schulz and Meldrum. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Enforcement Department Report:

The Enforcement Department did not provide a report for this meeting.

Attorney General Report:

Ms. Monroe stated that she did not have any cases on which to provide a report, but that she did want to have the Board examine her memorandum to Mr. Zimmerman on Proposed Amendment to Rule 420-5-.01.

Basically, she stated that according to Georgia Law, applicants for the practical examination should not be required to present certificates from the American Board of Opticianry and the National Contact Lens Examiners before they are permitted to sit for the Georgia Practical Examination. The Board, by law, can only require that the certificates from the ABO and NCLE must be provided before a license can be issued after they have passed their Georgia Practical

**GEORGIA STATE BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES FOR AUGUST 30, 2006**

Examination. There was also conversation concerning changing the title of the rule and adding the following as item (h) or possibly 7:

(h) Prior to issuance of a license, the applicant must submit current ABO and NCLE Certificates.

Cognizant Report:

There was some discussion on the role of the cognizant and misunderstanding between the Executive Director and the Cognizant. Mr. Sanford, as former cognizant informed the Board that when he was cognizant, he had the authority to make decisions on each case. Mr. Zimmerman directed the Board's attention to their policy on cognizant review and read the following to the Board:

The Board has approved one Board member to work as cognizant on behalf of the Board and to review disciplinary matters. All cases reviewed by the cognizant are eventually brought before the Board for a vote of resolution.

Mr. Zimmerman interpreted this policy to mean that the Cognizant would review each case and make a recommendation to the Board and then the Board would vote on each case separately. He stated that this is the case with the other 7 Boards for which he serves as the Executive Director.

Ms. Drake interpreted her role as cognizant in that she made a decision on each case, directed the Executive Director on the decision and that action would be taken on each case immediately upon receipt of her decision; that the Board did not have to wait until it met to vote on each case that she reviewed.

Mr. Zimmerman informed the Board that they needed to amend their policies so that the Cognizant has more authority to decide on the outcome of each case as it is reviewed.

Ms. Drake asked that a case she reviewed at the last meeting be broken down into five (5) individual cases because the possibility existed that the Respondent might not be found guilty in all of the cases.

For the purpose of voting on the cases to be presented by the Cognizant Member Mr. Morris declared the Board out of Executive Session.

Mr. Schulz moved and Mr. Sanford seconded and the board voted to take the following action on each case presented by the Cognizant member:

Case No. DISP060027	Request report from Attorney General
Case No. DISP060033	Close
Case No. DISP070001	Refer to Enforcement
Case No. DISP070002	Close

