

**GEORGIA BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES
August 14, 2013**

A meeting of the Georgia Board of Dispensing Opticians was held on Wednesday, August 14, 2013 at 10:00 a.m. in the office of the Secretary of State at the Professional Licensing Boards Division at 237 Coliseum Drive in Macon, Georgia.

Board Members Present:

Diane Drake, Chair
Glenn Morris, Vice-Chair
Lurue Lord
Dave Meldrum
Joseph Reed (via teleconference)

Administrative Staff Present:

Brig Zimmerman, Executive Director HC-1
Wylencia Monroe – Assistant Attorney General (via teleconference)
Hope Harrison, Board Support Specialist

Visitors Present:

Thomas Schulz, LDO – Opticians Association of Georgia
Michael Camp – Walmart
Farrell Holt – Walmart/Sam’s Club
David Edwards – Sam’s Club

Ms. Drake, Chair established that a quorum was present and called the meeting to order at 10:21 a.m.

Agenda: Approved with the following late agenda items:

- Affidavit of Education
- Rule Amendment 420-2-.01 Registration

Approval of Minutes:

Mr. Meldrum moved, Ms. Lord seconded, and the Board voted to approve the minutes from the May 15, 2013 Board meeting as presented. None opposed, motion carried.

Public Rules Hearing:

**Ms. Drake, Board Chair, opened the Public Rules Hearing at 10:05 a.m.
Guests present include: Thomas Schulz, Michael Camp, Farrell Holt and David Edwards.**

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF DISPENSING
OPTICIANS RULE FOR CHAPTER 420-4, CONDUCT, RULE 420-4-.02, UNPROFESSIONAL
CONDUCT**

Purpose: The purpose of this rule amendment is to add the Apprentice designation to the rule.

Main Features: The rule provides for apprentices to identify themselves as such on a name tag or similar identification.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS
TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER
420-4, CONDUCT, RULE 420-4-.02, UNPROFESSIONAL CONDUCT**

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

420-4-.02 Unprofessional Conduct.

(1) Unprofessional conduct, fraud, deceit, or misrepresentation in the practice of optical dispensing shall include but not be limited to the following:

(a) the use of the title "doctor", or any abbreviation thereof by an "optical dispenser" except by a person duly licensed to practice medicine in this State or by a person who holds an approved degree of doctor of optometry when followed by the qualification "optometrist";

(b) any conduct or advertising of a character tending to deceive or mislead the public;

~~(c) Reserved.~~

~~(c)~~ (c) aiding or abetting, either directly or indirectly in the conduct or advertising of any employer, firm or associate if such conduct or advertising conflicts with the foregoing regulations; or continuing the practice of optical dispensing with any such employer, firm or associate after the optical dispenser has received written notice from the Board of such conduct or advertising by the firm or associate;

~~(d)~~ (d) directly or indirectly participating in any manner in the division, assignment, rebate, splitting or refunding of service fees or cost of completed eye glasses, or part thereof, with a physician, optometrist or other person or persons.

(2) A licensed dispensing optician or Dispensing Optician Apprentice shall display either the title "Licensed Dispensing Optician" or "Dispensing Optician Apprentice", or, the abbreviation "L.D.O." or "D.O.A." on a name tag or other similar form of identification during times when such person is providing direct patient care.

Authority: O.C.G.A. §§ 43-1-19, 43-29-3, and 43-29-6

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to adopt Rule 420-4-.02 Unprofessional Conduct as a posted for the thirty (30) day minimum requirement. None opposed, motion carried.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF DISPENSING
OPTICIANS RULE FOR CHAPTER 420-8, PRACTICAL TRAINING AND EXPERIENCE,
RULE CHAPTER 420-8-.01, PRACTICAL TRIANING AND EXPERIENCE**

Purpose: The purpose of this rule amendment is to add language to limit the number of apprentices supervised by a single licensed optical professional and provide for reporting of changes in apprenticeship/supervision relationships.

Main Features: The rule provides for a limit of three (3) apprentices per supervising licensed optical professional, and provision to report to the Board a change in supervisors by an apprentice.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS
TO THE GEORGIA STATE BOARD OF DISPENSING OPTICIANS RULE FOR CHAPTER
420-8, PRACTICAL TRAINING AND EXPERIENCE, RULE CHAPTER 420-8-.01, PRACTICAL
TRIANING AND EXPERIENCE**

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

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:

- (a) Effective July 1, 2008, any person wishing to qualify under the apprenticeship statute shall make application to register with the Board prior to beginning the apprenticeship along with the application fee as determined by the Board. The registration shall identify the supervising licensed physician, licensed optometrist, or licensed dispensing optician and the mailing address and telephone number of the primary location where the apprenticeship training shall occur; provided, however, that in addition to the primary location, such training may be furnished at other locations under proper supervision.
- (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 studies which shall include (but not be limited to) instruction in ophthalmic optics, optical laboratory materials and techniques, eye anatomy and physiology, related laws and regulations, ophthalmic dispensing theory and application, and basic contact lens theory.
- (c) Instruction may also 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.
- (d) "Under the supervision of a licensed 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.
- (e) There may be no more than three (3) apprentices under a supervising sponsor at any given time.

Apprentices must cause a current supervising sponsor to submit to the Board in writing that they are no longer the apprentices sponsor, and the reason for the disassociation in order for an apprentice to obtain a new supervising sponsor.

In order for an apprentice's hours earned under a prior supervising sponsor to be counted, the apprentice must cause the prior supervising sponsor to sign off on a board approved form to be submitted with the application for licensure.

The forms for supervising sponsors are available on the Board's website, www.sos.ga.gov/plb/opticians.

~~(e f) Effective July 1, 2008, the board shall provide a list of textbooks and instructional materials to guide the apprentice and supervisors in providing the appropriate apprenticeship instruction. Upon completion by the applicant, such training and experience shall be certified by the supervising licensed dispensing optician, licensed physician or licensed optometrist to the board.~~

(~~f~~ g) Applicants who have received practical training and experience in the trade or occupation of dispensing optician prior to July 1, 2008, shall receive credit toward the practical training and experience requirements if they register with the board in accordance with the provisions of this rule no later than August 31, 2008 and such training and experience is deemed satisfactory by the board.

(~~g~~ h) The date that the application is received by the Georgia State Board of Dispensing Opticians will designate the actual commence date of the apprenticeship pending approval of the application.

AUTHORITY: O.C.G.A. §§ 43-29-6 and 43-29-7.

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to adopt Rule 420-8-.01 Practical Training and Experience as a posted for the thirty (30) day minimum requirement. None opposed, motion carried.

Mr. Meldrum moved, Ms. Lord seconded, and the Board voted that the formulation and adoption of rules 420-4-.02 Unprofessional Conduct and 420-8-.01 Practical Training and Experience does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-29-3, 43-29-6 and 43-29-7. Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-29-3, 43-29-6 and 43-29-7 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of dispensing opticianry.

- Board requested notification of the amendment of Rule 420-8-.01 Practical Training and Experience to be emailed to licensees.
- Mr. Thomas Schulz applauded the Board for limiting the number of apprentices with amendments to Rule 420-8-.01. He did not approve of striking the sentence regarding the Board providing a list of textbooks and instruction materials to guide the apprentice and supervisor in providing the appropriate apprenticeship instruction. The Board and Executive Director stated that a list of resource materials would be posted on the Board's website which meets the requirements of O.C.G.A. § 43-29-7. It was noted that the website is currently being updated.

The Public Rule Hearing was closed at 10:32 a.m.

Executive Director's Report:

- Board Policy Review:
 - Late Renewal Period – Continuing Education Audit
 - Licenses may be renewed between April 1st of each odd numbered year, and May 31st of each odd numbered year with payment of a late renewal penalty fee in addition to the renewal fee; and,
 - Licenses renewing between April 1st of each odd numbered year, and May 31st of each odd numbered year (i.e. the “Lapsed Late Renewal Period), following the March 31st expiration date for all licenses shall submit continuing education hour certificates of attendance for the required CED Hour for Renewal for the preceding licensure cycle.
 - Licensees are NOT to practice after March 31st of each odd numbered year until the license is renewed and reinstated. To do so is in direct violation of Georgia law.

Mr. Meldrum moved, Mr. Morris seconded, and the Board voted to adopt the above Late Renewal Period – Continuing Education Audit policy to include a fee of \$150.00 total which would include a penalty fee and renewal fee. None opposed, motion carried.

- Rule Discussion: 420-2-.01 Registration

Mr. Morris moved, Mr. Meldrum motioned, and the Board voted to post the amendments to Rule 420-2-.01 Registration for the thirty (30) day minimum requirement upon receipt of the memo of authority from the Attorney General's Office, with a public hearing to be scheduled for the next available Board meeting date. None opposed, motion carried.

- Mr. Zimmerman stated he would work to develop a list of Board approved continuing education courses for posting on the Board's website.

- Affidavit of Opticianry Education Program draft – this item was tabled and will be added to the next scheduled Board meeting.

Correspondence:

- Costco – Request for Approval of C.E. Hours: Approval stands
- NCSORB Annual Meeting notice

Application Ratify List:

Dispensing Optician

LDO002554 Prosser, Stephen Lee

Dispensing Optician Apprentice

OPTA001036 Epperson, Ashanti Lashay
 OPTA001037 Otolorin, Chioma Munachiso
 OPTA001038 Stone, Lori Jean
 OPTA001039 Woodside, Iain Redelle
 OPTA001040 Bailey, Abigail Victoria
 OPTA001041 Wilson, Sarah Anastasia
 OPTA001042 Boyette, Hannah Crosby
 OPTA001043 Yang, Ting-Ting
 OPTA001044 Tyler, Ariel Marie
 OPTA001045 Mitchell, Yolanda Michelle
 OPTA001046 Deosarran, Nicholas
 OPTA001047 Clevinger, Terri Andrews
 OPTA001048 Harvey, Katoya L
 OPTA001049 Humphries, Rebecca Vanessa
 OPTA001050 Bell, Tessa Marie
 OPTA001051 Welchel, Alicia Louise
 OPTA001052 Morgan, Bradley Wilson, II
 OPTA001053 Burkett, Michelle Lee
 OPTA001054 Miller, Dennis Ray
 OPTA001055 Santiago, Theresa
 OPTA001056 Piloto, Teresa
 OPTA001057 Graham, Kristopher Dee
 OPTA001058 Vinavong, Lisa
 OPTA001059 Daniel, Kareen Edith

Mr. Meldrum moved, Mr. Morris seconded, and the Board voted to approve the application ratify list as presented above. None opposed, motion carried.

Miscellaneous Discussion Items:

- Professional Licensing Board Survey – This item was tabled for discussion in the Executive Session portion of the meeting to seek advice from the Board Attorney.

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to enter into Executive Session in accordance with O.C. G. A. 43-1-2(k) (1) (2), 43-1-2(k) (3) (4) , 43-1-2(k) (4) and 50-14-4(b) to deliberate

on Applications, receive the Attorney General and Enforcement reports. Voting in favor of the motion were those present who included Board members: Drake, Morris, Meldrum, Lord and Reed.

At the conclusion of Executive Session on Wednesday, August 14, 2013, Ms. Drake declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session.

Applications:

Ms. Lord moved, Mr. Meldrum seconded, and the Board voted for staff to take action as directed on applicants applying for licensure presented and reviewed by the Board during the meeting. None opposed, motion carried.

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| 1. R. B. | Pending receipt of additional information |
| 2. B. P. | Pending receipt of additional information |
| 3. J. P. | Approved to sit for exam |

Attorney General’s Report:

Mr. Morris moved, Ms. Lord seconded, and the Board voted to accept the Attorney General’s report as presented. None opposed, motion carried.

Cognizant/Enforcement Report:

- DISP130015

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to accept the recommendation to close case DISP130015. None opposed, motion carried.

Miscellaneous Executive Session Items:

- May 15, 2013 Executive Session Minutes

Mr. Morris moved, Ms. Lord seconded, and the Board voted to approve the Executive Session minutes from the May 15, 2013 Board meeting as presented. None opposed, motion carried.

- Professional Licensing Board Survey and House Resolution 549 were discussed. The survey is for Board members and can be completed online through August 28, 2013.

Mr. Morris moved, Mr. Reed seconded, and the Board voted to adjourn the meeting at 12:25 p.m. to be followed by the administration of scheduled practical examinations.

Minutes recorded by:

Hope Harrison, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

DIANE DRAKE

Chair

BRIG ZIMMERMAN

Executive Director, HC1

DATE APPROVED: November 6, 2013