

GEORGIA BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES
August 13, 2014

A meeting of the Georgia Board of Dispensing Opticians was held on Wednesday August 13, 2014, beginning at 10:00 a.m. in the office of the Secretary of State, 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

Board Members Absent:

Joseph Reed

Administrative Staff Present:

Brig Zimmerman, Executive Director HC-1
Stacey Mitchell, Board Support Specialist
Tracy Allen, Licensing Analyst

Attorney General's Office Representative:

Wylencia Monroe – Assistant Attorney General

Visitors Present:

Thomas Schulz, LDO

Ms. Drake, Chair established that a quorum was present and called the meeting to order at 10:17 a.m.

Agenda:

Mr. Meldrum moved Mr. Morris seconded, and the Board voted to approve the agenda as presented with one late agenda item added: Board Rule changes. None opposed, motion carried.

Approval of Minutes:

- June 11, 2014

Mr. Morris moved, Mr. Meldrum seconded and the Board voted to approve the minutes from the June 11, 2014 Board meeting. None opposed, motion carried.

Board Chair Report:

Ms. Drake stated that she appreciated everyone for coming to the June board meeting to discuss the board rules. In addition she asked that everyone continue to review the board rules for any additional updates or changes.

Rules Discussion - Proposed Amendments-Final Discussion/Review:

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

- **420-2-.01 Registration and Reinstatement**

(1) All persons practicing as a dispensing optician shall register with the Division Director of the Professional Licensing Boards Division and shall pay a biennial registration fee on or before March 31st of the registration year. 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. Failure to register and pay the appropriate renewal fee by the deadline shall lapse said license by operation of law. Individual licenses lapsed by operation of law may be considered for reinstatement by

submission of an application approved by the Board, any supporting documents or other requirements as defined in 420-2-.01(3) below, and paying the established registration fee and an additional penalty.

(2) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice opticianry expired while serving on active duty outside the state shall be permitted to practice opticianry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location within the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(3) Reinstatement of an expired or lapsed license is at the discretion of the board. All applications are to be reviewed by a designated Board member.

(a) An applicant for reinstatement of an expired or lapsed license must submit a completed reinstatement application provided by the Board, pay the required registration fee and additional penalty fee, and comply with one of the following:

1. An application for reinstatement of an expired or lapsed license submitted **within two (2) years** of the effective date of the expiration or lapse of that license must submit evidence of completion of ten (10) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Five (5) of the ten (10) hours may be obtained online from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

2. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than two (2) years, but less than four (4) years**, of the effective date of the expiration or lapse must submit evidence of completion of thirty (30) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses. Five (5) of the thirty (30) hours may be obtained online from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

3. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than four (4) years** of the effective date of the expiration or lapse must also submit evidence of completion of thirty (30) course hours of continuing education obtained within two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses. Five (5) of the thirty (30) hours may be obtained online from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b). In addition, the following must be submitted:

(i) Verification of current ABO/NCLE Certification.

(b) If reinstatement is granted, any continued education hours credited for the reinstatement application shall not be used or applied towards the continuing education requirements for the renewal period following the date of reinstatement.

Authority: O.C.G.A. §§ 43-1-19, 43-29-6 and 43-29-10

- **420-5-.01 Application and Examination Requirements.**

(1) The optical dispensing practical examination shall be held a minimum of twice a year.

(2) Only ~~C~~complete applications, and the required fee, with all attachments and documents shall be filed with the Board at least ~~thirty (30)~~ forty-five (45) days prior to the examination will be scheduled for the next available exam date, on a first come, first served basis. Each application must be accompanied by the following attachments:

(a) Verification of age (Birth Certificate or equivalent required) A Secure and Verifiable Document and Affidavit of Citizenship as defined in Code Section 50-36-2;

(b) Copy of high school diploma or its equivalent as defined by the State Board of Education;

(c) If applying on the basis of education, the applicant must have satisfactorily completed an opticianry degree or diploma from a recognized school of ophthalmic dispensing approved by the Board as defined in 420-5-.01 (d) below. An official college transcript, and copy of diploma or degree indicating the graduation date must accompany the application.

~~(d) A recognized school of ophthalmic dispensing is defined as one that offers a Technical College System of Georgia (TCSG) approved curriculum of opticianry courses leading to a diploma, degree, or certificate that is recognized by the Georgia State Board of Dispensing Opticians. A recognized school of ophthalmic dispensing also includes opticianry programs accredited by the Commission on Opticianry Accreditation and may include other opticianry education programs recognized by the Board; A recognized school of ophthalmic dispensing as referenced in OCGA 43-29-7(b)(4), is one which provides an ophthalmic dispensing program which is accredited by the Commission on Opticianry Accreditation. The curriculum shall include approved curriculum of opticianry courses leading to a diploma, degree or certificate that is approved by the Technical College System of Georgia (TCSG). Recognition may be granted to other opticianry educational programs by the Georgia State Board of Dispensing Opticians on a provisional basis pending application, acceptable quarterly reports on progress to the board and ultimate accreditation by the Commission on Opticianry Accreditation. Failure to report acceptable progressive reports quarterly will result in withdrawal of recognition of the program by the Georgia State Board of Dispensing Opticians.~~

(e) Applicants applying on the basis of education and experience must submit a transcript and an affidavit that specifies total course clock hours completed from a program. The applicant must also furnish an affidavit of work hours engaged in ophthalmic dispensing activities approved by the Board while under the direct supervision of a Georgia licensed optician, a Georgia licensed physician or a Georgia licensed optometrist. The total combined number of hours must be a minimum of 3000 hours; and not less than two calendar years;

(f) Applicants applying on the basis of practical experience shall furnish an affidavit of work hours engaged in ophthalmic dispensing activities approved by the Board while under the direct supervision of a Georgia licensed optician, a Georgia licensed physician or a Georgia licensed optometrist. The total of hours must be a minimum of 3,000 hours and not less than two calendar years;

~~(g) A fee established by the Board must accompany the application; Applicants applying on the basis of formal home study programs through the Ophthalmic Career Progression Program with the National Academy of Opticianry or other programs approved by the board must furnish an affidavit of having successfully completed the program.~~

~~(h) A recent photograph of the applicant taken within the past year;~~

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

(4) The passing score for the ophthalmic dispensing practical examination shall be 75.

(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/her 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 the procedure may be dismissed from the examination room or otherwise disciplined:

(a) ~~n~~No candidate may enter the examination room late nor leave the examination room early;

(b) ~~d~~During the examination no candidate shall communicate with any other candidate in any way;

(c) ~~a~~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.

(7) Prior to issuance of a license, applicant must submit current ABO and NCLE certificates.

Authority O.C.G.A. §§ 43-29-7

- **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 as defined in 420-

5-01 (d) 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 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.

(f) 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.

(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.

(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.

420-9-.01 Continuing Education for License Renewals.

(1) Continuing Education courses totaling at least ten (10) hours shall be required for the biennial renewal of licenses. 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 five (5) hours may be obtained via the internet. No more than eight (8) hours of continuing education may be obtained in one twenty-four hour day.

(2) With his/her application for license renewal, each licensed dispensing optician must submit an affidavit of course hours completed as proof that his/her education requirements have been satisfied.

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

420-9-.03 Continuing Education Program Approval.

(1) The Board shall give credit for any course given by any recognized national, regional or state

dispensing society or association if such courses are made available to all licensed opticians on a reasonably nondiscriminatory fee basis.

(a) Some examples, non-inclusive, of such recognized national or regional dispensing society or association are:

- Opticians Association of America (OAA)
- National Academy of Opticianry (NAO)
- South Eastern Opticians Conference (SEOC)

(b) Some examples, non-inclusive, of such recognized state dispensing society or association are:

- Opticians Association of Georgia (OAG)
- Professional Opticians of Florida (POF)
- North Carolina Opticians Association (NCOA)
- Tennessee Dispensing Opticians Association (TDOA)
- South Carolina Association of Opticians (SCAO)

(2) Any group of ten or more licensed opticians may arrange for an education program and they must request prior Board approval.

(3) Any program other than those sponsored by a national, regional or state society or association must submit said program approval by the Board ninety (90) days prior to the program date. The request shall include the following documents or information:

- (a) Letter of request;
- (b) Copy of proposed promotional material showing the name and date of the program;
- (c) Location and time of program;
- (d) Names of instructors and vitae;
- (e) Number of credit hours applied for;
- (f) Method of notifying attendees; and
- (g) Copy of attendance certificates to be used.

(4) The certificate of attendance shall not be issued until the program is completed and the method of monitoring must be reported to the Board prior to the program date.

(5) Credit will be allowed on the basis of an hour for an hour. To receive one hour credit, an optician must attend a class for one full hour. However, the Georgia Board will accept no more than eight (8) hours of continuing education obtained in one twenty-four (24) hour day.

(6) Post-approval of continuing education courses will not be granted.

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

Mr. Meldrum moved, Ms. Lord seconded and the Board voted to post the proposed amendments to Rules 420-2-.01, 420-5-.01, 420-9-.01 and 420-9-.03 for the minimum thirty days and for a public hearing to be held for the consideration and adoption of these proposed rule amendments the next available meeting date. In addition, Rule 420-8-.01 is tabled until, or when, the other above named rule changes has become effective. None opposed, motion carried.

Additionally, Mr. Meldrum moved, Ms. Lord seconded and 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 O.C.G.A. §§ 43-1-19, 43-29-6, 43-29-7, 43-29-10 and 43-29-11.

In addition, Mr. Meldrum moved, Ms. Lord seconded and the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-29-6, 43-29-7, 43-29-10 and 43-29-11 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.

Correspondence:

- Advantage Communications – the documentation received was solicitation/sales information. No response required to be sent from the board to Advantage Communications.
- Anonymous sender – documentation was received from an anonymous sender in reference to re-exam. No response required to be sent from the board.

Ms. Lord moved, Mr. Morris seconded and the Board voted to approve the recommendations as discussed by the board for the correspondence. None opposed, motion carried.

Petition for Wavier/Variance:

- Torez, C. Rule 420-5-.01 (Referenced 43-29-7 GA Law)

Under Georgia law, applicants can only be given credit for opticianry hours upon submission of translation of the clock hours completed. Upon submission of such documentation, an applicant must complete the balance of 3,000 required after he has registered as an apprentice. The law does not permit a waiver as he has requested.

- Gosseck, S. Rule 420-8-.01(a)

Board cannot waive or vary a Georgia law, only one of its rules. An apprentice may only be given credit for hours obtained after the date of registration. The Petition is to be withdrawn.

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to accept the recommendations for the petition for waiver/variance requests. None opposed, motion carried.

Application Ratify List – May 9, 2014 - August 6, 2014:

Dispensing Optician

LDO002607	Lester-McCaskill, Anna Rene
LDO002608	Snooks, Paula Renee

Dispensing Optician Apprentice

OPTA001138	Henderson, Marcus Derrimeka
OPTA001139	Johnson, Janet Marie
OPTA001140	Obregon, Daniel Jose
OPTA001141	Duffy, Brittany Leigh
OPTA001142	Bossinger, Amanda Marie
OPTA001143	Livernois, Paige Marie
OPTA001144	Clemens, Andrea Denice
OPTA001145	Baxter, Daniel Scott
OPTA001146	Evans, Ciara Brooke
OPTA001147	Chafee, Brian James
OPTA001148	Harris, Lakisha Barnes
OPTA001149	Jenkins, Shana Faith
OPTA001150	Turpin, Mica H
OPTA001151	Christian, Amanda Rose
OPTA001152	Willingham, Karon Nicole
OPTA001153	Thompson, Ladina Christine
OPTA001154	Martin, Lindsey R
OPTA001155	Johnson, Christian Kyle
OPTA001156	Gonzalez, Maria M

OPTA001157	Perkins, Deana Mae
OPTA001158	Smith, Amanda Lynn
OPTA001159	Thurmond, Alexandra Casey
OPTA001160	Bochicchio, Christine A
OPTA001161	Honour, Ashley Leigh
OPTA001162	Marks, Jacolyn A
OPTA001163	Martin, Fred Jonathan
OPTA001164	Bailey, Thomas Oji
OPTA001165	Crosby, Joshua Caleb
OPTA001166	Tompkins, Toni L
OPTA001167	March, Alan D

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

Guest Speaker:

- Mr. Schulz, LDO, addressed the Board with statistical data obtained from the public website regarding apprentices moving to full licensure.
- Mr. Schulz, LDO, was unable to provide the requested listing of Study materials for Apprentices developed years ago and discussed last meeting.

Ms. Drake 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, conduct an applicant interview, receive the Attorney General and Enforcement reports. Voting in favor of the motion were those present who included Board members: Drake, Meldrum, Lord and Morris.

At the conclusion of Executive Session on Wednesday, August 13, 2014, 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:

G.C.	Approved to Retake Exam
L.A.	Pending- CE Hours
S.B.	Approved to sit for Exam
S.B.	Approved to sit for exam
C. S.	Pending – Referral to AG’s office
S.S.W.	Pending- CE Hours
N.S.	Pending – Additional information

Mr. Morris moved, Ms. Lord 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.

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to accept the recommendations for reinstatement applicant C.S. None opposed, motion carried.

Mr. Morris moved, Ms. Lord seconded, and the Board voted to accept the recommendations for reinstatement applicant S.S.W. None opposed, motion carried.

Cognizant/Complaint Report:

None

Ms. Lord moved, Mr. Meldrum seconded and the Board voted to approve the Cognizant report as presented. None opposed, motion carried.

Attorney General’s Report – Me. Wylencia Hood-Monroe, Esq.

- DISP130009 – Recommending rescinding of referral to AG’s office; Close case

Mr. Meldrum moved, Ms. Lord seconded and the Board voted to approve the AG’s report as presented. None opposed, motion carried.

Executive Session Minutes:

- May 14, 2014
- (There were no Executive Session minutes form the June 11, 2014 meeting; all open session discussion)

Mr. Morris moved, Mr. Meldrum seconded and the Board voted to approve the executive session meeting minutes of May 14, 2014. None opposed, motion carried.

Miscellaneous Discussion Items:

Conference call for Public hearing on proposed board rule amendments:

Mr. Zimmerman requested the possibility of scheduling a conference call meeting to conduct the public rules hearing for those rules voted on during today’s meeting after the required minimum of thirty (30) days of posting for public view is met. If not, the public hearing will be conducted next scheduled meeting date, November 19, 2014. The Board and any interested parties will be notified if the conference call meeting is scheduled. The meeting will possibly be the first or second Wednesday of September at 8:00 a.m.

Ms. Lord moved, Mr. Morris seconded, and the Board voted to adjourn the meeting at 1:50 p.m.

Minutes recorded by:

Stacey Mitchell, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

DIANE DRAKE

Chair

BRIG ZIMMERMAN

Executive Director, HC1

DATE APPROVED: November 19, 2014