

GEORGIA STATE BOARD OF OPTOMETRY

October 26, 2005

A Board meeting of the Georgia State Board of Optometry was held on Wednesday, October 26, 2005 at 10:00 a.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia

The following Board members were present:

Kay Royal, President

R. Whitman Lord, Vice President

H. Kemp Jones

Dudley Christie

Bill Sharpton

Patricia Donnelly

Others Present:

Laura Meadows, Assistant Secretary of State, Brig Zimmerman, Executive Director, Yvonne LeSane, Board Secretary, Wylencia Monroe, Board Attorney and Serena Gadson, Application Specialist, Bob Sise, Enforcement, Jacqueline Turner, Enforcement, Georgianne Bearden, GOA

President Royal established that a quorum was present and called the meeting to order at 10:00 a.m.

Dr. Jones moved and Dr. Christie seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k)(1)(2), 43-1-19(h)(2)&(4), §43-1-2(k)(4) and 50-14-2(1) and to discuss Applications, receive information from Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members Kay Royal, R. Whitman Lord, H. Kemp Jones, Dudley Christie, Bill Sharpton and Patricia Donnelly. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Laura Meadows, Assistant Secretary of State:

Ms. Meadows attended the Board meeting briefly and expressed Ms. Cathy Cox's appreciation to the Board. Ms. Meadows discussed the budget, fiscal year, 2005/6 budget and advised the Board they will receive a letter from Ms. Cox. Ms. Meadows informed the Board of the Professional Licensing Boards open positions and on-line renewals. Ms. Meadows informed the Board that of 168,000 licensees, 147,000 renewed on-line (88%). Also on-line are address changes, application status checks and emails advising that licenses have been issued.

The Board discussed its views and opinions.

PUBLIC HEARING:

430-2-.04: Continuing Education Requirements; Approval of Educational Programs.

430-4-.01: Unprofessional Conduct.

Kay Royal, President, established that a quorum was present, and called the Public Hearing to order at 10:30 A.M. As there were no comments submitted and no members of the public attended the hearing, the public hearing was adjourned at 10:35 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.

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 Optometry.

After discussion and consideration of the rule change, Dr. Jones moved and Dr. Christie seconded and the Board voted to adopt the proposed rule Chapter 430-2-.04 and 430-4-.01 in accordance with 50-13-4(a)(1) as posted. **(See Attachments).**

Rule 430-2-.08, Volunteers in Optometry:

Dr. Jones moved and Dr. Christie seconded and the Board voted to accept the Assistant Attorney General proposed changes and to re-consider posting the rule for adoption at the January 4, 2006 meeting beginning at 10:00 a.m. at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, 31217.

430-2-.08 Volunteers in Optometry.

(1) The Board may issue volunteer licenses in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for optometric services, and when it has located a competent optometrist to fulfill such need. In granting these volunteer licenses, the Board shall observe the following criteria:

(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply optometric services. In determining what constitutes an inadequate supply of optometry personnel, the Board shall consider various factors, including the optometrist-patient ratio in the area in question, the distance between patients and existing optometrist, the misdistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate optometric services in or reasonably accessible to the

area in question. Any group or groups of persons seeking to secure such an optometrist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.

(b) Qualification of the Optometrist.

1. The optometrist must submit an application for a volunteer license to the Board and must be retired from the practice of optometry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing;

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the Board.

3. If the Board determines reasonable grounds to inquire into an applicants mental and physical capacity, the applicant may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license, the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license. During the period of time the licensee maintains such license, the licensee must comply with the continuing education requirements established by the Board;

5. There shall be no application or licensing fee for initial issuance of a volunteer license;

6. Volunteer licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on January 31 of the following even-numbered year. Fees for license renewal shall be assessed as shown on the schedule of fees adopted by the board. Licenses which have been administratively revoked shall be reinstated only in the discretion of the board;

7. Any other provisions of Chapter 30, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the provisional license statute shall be fully applicable to all licensed optometrist.

O.C.G.A. §43-1-19, 43-1-25, 43-1-28, 43-30-5 and 43-30-8

Rule 430-10-.03, Approved Therapeutic Drugs:

The Board reviewed and discussed Ms. Monroe's letter of authorization on the aforementioned rule. The Board determined that the removal of such drugs from the formulary is due to the narcotics being obsolete.

Dr. Jones moved and Dr. Christie seconded and the Board voted to **add nepafenac** to the formulary and **delete dextran** from the formulary.

Dr. Jones moved and Dr. Christie seconded and the Board voted to re-post the rule for adoption at the January 4, 2006 meeting beginning at 10:00 a.m. at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia, 31217.

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.

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 Optometry.

Dr. Jones moved and Dr. Christie seconded and the Board voted to re-post the Notice of Intent to Adopt and Notice of Hearing for the proposed rule change to rule 430-10-.03 for no less than 30 days prior to January 4, 2006 when the Board will hold a hearing on the rule and intent to adopt the proposed rule change as follows:

430-10-.03 Approved Therapeutic Drugs.

(1) The following pharmaceutical agents may be used for treatment purposes, including ocular pain, by any doctor of optometry who has been certified pursuant to O.C.G.A. § 43-30-1(2)(A) to use pharmaceutical agents for treatment purposes:

- (a) acetaminophen;
- (b) acyclovir;
- (c) antazoline;
- (d) atropine;
- (e) apraclonidine;
- (f) aspirin;
- (g) azelastine;
- (h) bacitracin - in ophthalmic compounds;
- (i) betaxolol;
- (j) bichloroacetic acid;
- (k) bimatoprost;
- (l) brinzolamide;
- (m) brimonidine;
- (n) caffeine;
- (o) calcium chloride;
- (p) carbachol;
- (q) carboxymethylcellulose;
- (r) carteolol;

~~(s)~~ chlortetracycline;
~~(ts)~~ ciprofloxacin;
~~(ut)~~ codeine;
~~(vu)~~ cromolyn sodium;
~~(wv)~~ cyclopentolate;
~~(xw)~~ cyclosporine;
~~(yx)~~ dapiprazole;
~~(zy)~~ demecarium;
~~(aaz)~~ dexamethasone;
~~(bbaa)~~ dextran;
~~(ebbaa)~~ diclofenac;
~~(ddebba)~~ dihydrocodeine;
~~(eedd)~~ dipivefrin;
~~(ffeedd)~~ dorzolamide;
~~(ggffee)~~ echothiophate;
~~(hhggff)~~ emedastine;
~~(ihhggg)~~ epinastine;
~~(jiihhh)~~ epinephrine;
~~(kkjjii)~~ epinephryl borate;
~~(llkkjj)~~ erythromycin;
~~(mmllkk)~~ fenoprofen;
~~(nnmmll)~~ fluorometholone;
~~(oennmm)~~ gatifloxacin;
~~(ppoonn)~~ gentamicin;
~~(qqppoo)~~ glycerin;
~~(rrqqpp)~~ gramicidin;
~~(ssrrqq)~~ homatropine;
~~(ttssrr)~~ hydrocodone;
~~(uuttss)~~ hydrocortisone - in ophthalmic compounds;
~~(vvuutt)~~ hydroxyethylcellulose;
~~(wwwvuu)~~ hydroxypropyl methylcellulose;
~~(xxwwwv)~~ ibuprofen;
~~(yy)~~ idoxuridine;
~~(zzxxww)~~ isofluorophate;
~~(aaayyxx)~~ ketoprofen;
~~(bbbzyy)~~ ketorolac tromethamine;
~~(eeaaaaz)~~ ketotifen fumarate;
~~(dddbbbaaa)~~ latanoprost;
~~(eee)~~ levobetaxolol;
~~(ffeebbb)~~ levobunolol;
~~(ggddccc)~~ levofloxacin;
~~(hhheeddd)~~ levocabastine HCl;
~~(iiffeee)~~ lodoxamide;
~~(jjggfff)~~ loteprednol;
~~(kkhhggg)~~ medrysone;
~~(lliihhh)~~ mefenamic acid;
~~(mmjjiii)~~ methylcellulose;
~~(nnkkkjj)~~ metipranolol;
~~(oollkkk)~~ metronidazole;
~~(ppmmlll)~~ mineral oil;
~~(qqnnmmm)~~ moxifloxacin;

(~~rrroennn~~) naloxone;
 (~~sspppooo~~) naphazoline;
 (~~tttqqppp~~) naproxen;
 (~~uuurrqqq~~) naproxen sodium;
 (~~vvvssrrr~~) natamycin;
 (~~wwwtttsss~~) nedocromil;
 (~~xxuuutt~~) neomycin;
 (~~vvuuu~~) nepafenac;
 (~~yyvvv~~) norfloxacin;
 (~~zzwww~~) ofloxacin;
 (~~aaaaxxx~~) olopatadine;
 (~~bbbbyyy~~) oxytetracycline;
 (~~eeeezzz~~) pemirolast;
 (~~ddddaaaa~~) pentazocine;
 (~~eeebbbb~~) phenarimine;
 (~~ffffcccc~~) physostigmine;
 (~~ggggdddd~~) pilocarpine;
 (~~hhheeee~~) polycarbophil;
 (~~iiiiffff~~) polysorbate 80;
 (~~jjjgggg~~) Polymyxin B;
 (~~kkkhhhh~~) polyvinyl alcohol;
 (~~llliiii~~) prednisolone;
 (~~mmmmjjjj~~) proethylene glycol;
 (~~nnnkkkk~~) propoxyphene;
 (~~oooo~~) pyrrolamine — in ophthalmic compounds;
 (~~pppllll~~) propylene glycol;
 (~~qqqqmmmm~~) rimexolone;
 (~~rrrrnnnn~~) scopolamine;
 (~~sssoooo~~) sodium chloride;
 (~~tttpppp~~) sulfacetamide sodium;
 (~~uuuuqqqq~~) sulfisoxazole diolamine;
 (~~vvvrrrr~~) suprofen;
 (~~wwwwww~~) tetraeycline;
 (~~xxxxssss~~) timolol;
 (~~yyyttrr~~) tobramycin;
 (~~zzzuuuu~~) tramadol;
 (~~aaaaavvvv~~) travoprost;
 (~~bbbbwwww~~) trifluridine;
 (~~eeeexxxx~~) trimethoprim;
 (~~dddd~~) unoprostone;
 (~~eeccc~~) vidarabine;
 (~~ffffyyyy~~) white petrolatum.

(2) An optometrist certified to use therapeutic agents pursuant to O.C.G.A. § 43-30-1(2)(A), shall only use those agents as authorized under O.C.G.A. § 43-30-1(2)(D)(E) and (F). A doctor of optometry shall not administer any pharmaceutical agent by injection.

(3) The therapeutic agents listed in subparagraph (1) above to be used as an oral analgesic for ocular pain may include Schedule III or Schedule IV.

Authority O.C.G.A. §§ 43-30-1 and 43-30-5

Minutes: Dr. Lord moved and Dr. Jones seconded and the Board voted to approve the minutes from August 30, 2005, September 13, 2005 and September 27, 2005 meetings.

Therapeutic License Listing:

The Board discussed the format for obtaining a listing of licensees with Therapeutic.

Dr. Jones moved and Dr. Christie seconded and the Board voted to request staff to look into methods for obtaining the requested information. Mr. Zimmerman will check with I.T. on the possibility of downloading a report.

Correspondence:

MaryLou Schoonover: Are there plans to get Optometrists certifications back on the website? **Board Response:** The Board is working to update the present website, and wishes to thank you for your correspondence and patience.

Kimberly Tatom: Can an Optometrist provide the follow up (or post-op) care if a major surgery which was performed by an Ophthalmologist: **Board Response:** Yes, it is within the scope of practice.

Gary Keen: Manufacturing companies have produced “plano” safety glasses with a flat top bifocal power from which an employee chooses one for themselves. Under GA license dispensing regulations, is there, or should there be a ruling on the dispensing of this product at plant level. **Board Response:** Refer to Dispensing Opticians.

Karen Castleberry: Are on-line CPR classes approved for CE/license renewal? **Board Response:** CPR is required for licensure but not for continuing education.

Kaiser Permanente Response: Dr. Jones moved and Dr. Lord seconded that Dr. Jones would draft a response and forward to Brig Zimmerman for dissemination.

Executive Director Report:

Mr. Zimmerman discussed the following items of interest:

- Continuing Education
- Conference on the Web. Mr. Zimmerman and Dr. Christie will review.
- Katrina Applicants
- Contact Lens Sales
- Renewals
- Audit Committee: Dr. Christie
- ARBO meeting in February 2006

Renewal Audits: Five percent (5%) of all Optometrists renewing licenses will be audited, plus those on probation.

Probation Report:

Lester Sharpton: Dr. Christie moved and Dr. Lord seconded and the Board voted to forward a letter of non-compliance. Dr. Sharpton recused himself.

Steven Nakdimen: Dr. Christie moved and Dr. Lord seconded and the Board voted to send a non-compliance letter if fine not paid.

Definition of Eye Exam:

The Board discussed the Georgia Optometric Association (GOA) requested the Board consider a rule defining eye examination. Georgianne Bearden, GOA, presented the Board with the Association's definition of an eye examination.

Dr. Christie moved and Dr. Lord seconded and the Board voted to amend rule 43-5-.01: Treatment Plans. Amended, to include the definition of eye examination.

Enforcement Report:

OPT030039: Dr. Jones moved and Dr. Lord seconded and the Board voted to refer for Peer Review.

OPT040005: Dr. Jones moved and Dr. Lord seconded and the Board voted to close.

OPT050028: Staff will check if employee is a Dispensing Optician. If yes, forward to the Dispensing Opticians Board.

Dr. Jones moved and Dr. Lord seconded and the Board voted to:

- Offer a Cease and Desist to the employee;
- Obtain 25 files from a Saturday;
- Investigative Interview after files received, and
- Obtain a warrant for Unlicensed Practice.

OPT050030: Dr. Jones moved and Dr. Lord seconded and the Board voted refer for Peer Review.

Cognizant Report:

OPT060004: Dr. Jones moved and Dr. Lord seconded and the Board voted to close.

OPT060005: Dr. Jones moved and Dr. Lord seconded and the Board voted to close.

OPT060008: Dr. Jones moved and Dr. Lord seconded and the Board voted to close.

OPT060007: Dr. Jones moved and Dr. Lord seconded and the Board voted forward to the Attorney General's office for advice.

Attorney General's Report:

OPT060002: Dr. Jones moved and Dr. Lord seconded and the Board voted to close.

OPT050034: Dr. Jones moved and Ms. Donnelly seconded and the Board voted to close.

OPT050027: Dr. Jones moved and Dr. Lord seconded and the Board voted to flag for audit and to request the AG's office to adjust the consent order as discussed.

Initial Decision:

Singh, Navin, OD: Dr. Jones moved and Ms. Donnelly seconded and the Board voted to accept the Initial Decision and forward to the Florida Board after November 7, 2005.

Applications:

The Board informed staff that CPR is a requirement for licensure.

The Board discussed therapeutics with the Application Specialist in regards to the applicant receiving the certification.

The Board provided information that all applicants become certified by successfully passing all parts of the National Examination and TMOD.

The Board also provided information that those by Endorsement must be therapeutics certified to practice with therapeutics.

Dr. Lord moved and Dr. Sharpton seconded and the Board voted to take the following action on applications for licensure by Endorsement:

Timothy Boreing	Approved
Charles Cohen	Approved

Dr. Lord moved and Dr. Sharpton seconded and the Board voted to approve applications for licensure determined to have met licensure requirements as follows:

License No.	Name	Obtained By	Issue Date
OPT	Baron, Andre Marcel	Application/Exam	8/17/2005
OPT	Davis, Nicholas Jerome	Application/Exam	8/17/2005
OPT	Holloway, Kenny Brent	Application/Exam	8/17/2005

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OPT	Johansen, Jay Michael	Application/Exam	8/17/2005
OPT	Johnson, Michael Lee	Application/Exam	8/17/2005
OPT	Leak, Brian Arnold	Endorsement/Exam	8/17/2005
OPT	Santos, Jose' A	Application/Exam	8/17/2005
OPT	Sarsfield, Melissa Ann	Application/Exam	8/17/2005
OPT	Scott, Alyssa Louise	Application/Exam	8/17/2005
OPT	Shafa, Haleh	Application/Exam	8/17/2005
OPT	White, Angela Regina	Endorsement/Exam	8/17/2005
OPT	Virani, Farzanna Amin	Application/Exam	8/30/2005
OPT	Lehman, Melissa G.	Application/Exam	10/4/2005
OPT	Henry, Nickson	Application/Exam	10/4/2005
OPT	Scholl, Robert Paul	Endorsement/Exam	10/4/2005
OPT	Mixon, John William, Jr.	Application/Exam	10/4/2005
OPT	Volingavage, Beth A.	Application/Exam	10/11/2005
OPT	Vinh, Pierre K.	Application/Exam	10/12/2005

There being no further business to come before the Board, the meeting was adjourned at 2:25 p.m.

Minutes recorded by:

Yvonne LeSane, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Kay F. Royal, President

Mollie L. Fleeman, Division Director