

GEORGIA STATE BOARD OF OPTOMETRY
Conference Call - November 29, 2006

A conference call meeting of the Georgia State Board of Optometry was held on Wednesday, November 29, 2006 at 9:00 a.m. in Room 310, Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Kay Royal, President
Dudley Christie
H. Kemp Jones

R. Whitman Lord
Bill Sharpton
Patricia Donnelly

Administrative Staff Present:

Brig Zimmerman, Executive Director, Sandy Bond, Executive Director, Amanda Allen, Board Secretary, Gwen Dodson, Administrative Assistant, Wylencia Monroe, Assistant Attorney General

Guest in attendance:

Clint Austin, Georgia Society of Ophthalmology, Michelle Holcomb, Georgia Society of Ophthalmology, Brian Looby, Medical Association of Georgia, Georgianne Bearden, Georgia Optometric Association, and Paul Ajamian, Georgia Optometric Association

President Royal established that a quorum was present and the meeting was called to order at 09:25 a.m.

Public Hearing: Proposed Rule 430-5-.03

**NOTICE OF INTENT TO ADOPT A PROPOSED
AMENDMENT TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES
CHAPTER 430-5; RULE 430-5-.03, TREATMENT PLANS – CO-MANAGEMENT AND
NOTICE OF PUBLIC HEARING**

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Optometry (hereinafter “Board”) proposes an amendment to the Georgia State Board of Optometry Rules, Chapter 430; Rule 430-5-.03 Treatment Plans – Co-Management (herein after “proposed rule amendment”).

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-2440.

A public hearing will be held at 9:05 a.m. on November 29, 2006 at the Secretary of State’s Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to

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provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on November 22, 2006. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-2440 or fax (478) 207-1633.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 9:10 a.m. on November 29, 2006 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed rule amendment to Rule 430-5-.01 pursuant to authority contained in O.C.G.A. §§ 43-30-1 and 43-30-5.

At its meeting on October 25, 2006, the Georgia State Board of Optometry voted that the formulation and adoption of this rule 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.G.C.A. §§ 43-30-1 and 43-30-5.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-30-1 and 43-30-5 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(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, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This _____ day of _____, 2006.

Mollie L. Fleeman
Division Director
Professional Licensing Boards Division

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF OPTOMETRY RULES CHAPTER 430-5;
RULE 430-5-.03, TREATMENT PLANS – CO-MANAGEMENT.**

PURPOSE: The purpose of the proposed rule amendment is to add a statement regarding Treatment Plans - Co-Management for clarification purposes.

MAIN FEATURES: The main feature of the proposed rule amendment is to add a statement regarding the Co-Management aspect within Treatment Plans.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES,
CHAPTER 430-5; RULE 430-5-.03 TREATMENT PLANS –
CO-MANAGEMENT.**

NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted.

Rule 430-5-.03 Treatment Plans – Co-Management proposed addition as follows:

430-5-.03 Treatment Plans – Co-Management

(1) Nothing in these rules shall be construed to prohibit a therapeutically certified doctor of optometry from co-managing cases which may involve, but are not limited to invasive surgery, laser surgery, and procedures involving oral or injected pharmaceutical agents with health care practitioners whose scope of practice allows them to do these procedures under their own licenses.

(2) Co-management is defined as the sharing of peri-operative, pre-surgical, post- surgical and medical management responsibilities between the health care providers for conditions of the eyes and ocular adnexa of patients.

(3) Peri-operative is defined as the period of time extending from when the patient goes into the hospital, clinic, or doctor's office for surgery until the time the patient is discharged home to the extent the optometrist is practicing within the scope of practice found in O.C.G.A. § 43-30-1 et seq.

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

Discussion – Visitors Present:

Mr. Looby presented the Board with written documentation from the Medical Association of Georgia. Correspondence stated that the Medical Association of Georgia strongly disagrees with the revisions to Rule 430-5-03 as proposed.

Mr. Austin, presented the Board with written documentation from the Georgia Society of Ophthalmology and Dr. Atys B. Cope. Both correspondences stated that each representative disagrees with the revisions to Rule 430-5-03 as proposed. Mr. Austin also stated that the conclusions of both written documentations were reached separately and neither representative corresponded with the other while drafting their concerns to the board.

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Mr. Ajamian defined the term "peri-operative" and advised the Ophthalmologist present that the revised rule is not granting Optometrist the authority to perform surgery.

No comments were received from Michelle Holcomb on Rule 430-5-.03 as proposed.

Ms. Bearden would like the minutes to reflect that she strongly disagrees with the Medical Association of Georgia and that the role of an Optometrist and Ophthalmologist is to help strengthen their profession and to educate those outside of their profession. Ms. Bearden provided the Board with written documentation from the Georgia Optometric Association that stated, "the proposed rule in no way seeks to expand or change the scope of practice."

After careful deliberation, Dr. Lord moved, Dr. Christie seconded and the Board voted 5 to 1, not to Adopt Proposed Rule Change 430-5-03- Treatment Plans-Co-Management as proposed.

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

Attorney General's Report:

Ms. Monroe, Assistant Attorney General, recommended that each Board member review the Tennessee Law§63-8-102 when drafting the new language requirements for Rule 430-5-03. Ms. Monroe agreed to provide Mr. Zimmerman with a copy of the Tennessee Law. Mr. Zimmerman, stated upon receipt, he would fax each Board member, a copy of the law for his or her review.

Ms. Monroe also suggested that the Board address the comments made by the Georgia Society of Ophthalmology, Medical Association of Georgia, and Georgia Optometric Association justifying the outcome of the Board's decision on the rule.

Minutes recorded by:

Amanda Allen, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Kay F. Royal, President



Brig Zimmerman, Executive Director

STATE OF GEORGIA

COUNTY OF Bibb

**AFFIDAVIT SUPPORTING CLOSING
OF PUBLIC MEETING**

The Georgia Open Meetings Act, O.C.G.A. Sec. 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception, which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon O.C.G.A. Sec. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question.

Comes now Kay F. Royal the **presiding officer** identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the Georgia State Board of Licensed Optometrist
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On November 29, 2006 this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The subject(s) discussed and the underlying facts supporting the legal authority for the closure of this meeting was:

O.C.G.A. Sect. 50-14-2 (1)

FURTHER THE AFFIANT SAYETH NOT.



PRESIDING OFFICER

Sworn and subscribed before me

this 12th of January, 2007

Dianne Walker

Notary Public
Notary Public, Monroe County, Georgia
My Commission Expires Jan. 2, 2009