

GEORGIA STATE BOARD OF OPTOMETRY
Conference Call Board Meeting
February 2, 2007

A Conference Call Board meeting of the Georgia State Board of Optometry was held on Friday, February 2, 2007, at 9:50 a.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

Board Members Present:

H. Kemp Jones
R. Whitman Lord
Bill Sharpton

Board Members Present Via Telephone:

Kay Royal, President
Patricia Donnelly
Dudley Christie

Others Present: Sandy Bond, *Executive Director*, Gwen Dodson, *Administrative Assistant*, Wylencia Monroe, *Assistant Attorney General*, Deborah Beard, *Compliance Manager*, Ellen Morris, *Board Secretary*, Katrina Martin, *Nursing-Consultant-Practice*, Ronjalyn Bond, *Application Specialist*, Crystal Jackson, *Application Specialist*

Visitors Present:

Georgianne Bearden, *Georgia Optometric Association*
Victor Moldovan, *Phears & Moldovan, LLC*

Dr. Jones established that a quorum was present and called the meeting to order at 9:50 a.m.

Dr. Lord moved, Dr. Sharpton seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k), §43-1-19(h) and §50-14-4(b) to deliberate on applications, and to receive enforcement's Board Attorney's and Cognizant's reports. Voting in favor of the motion were those present who included Board members Kay Royal, H. Kemp Jones, Dudley Christie and Patricia Donnelly. The Board concluded the Executive Session in order to vote on these matters and to continue with the open session.

Assistant Attorney General Monroe stated that a Rules Hearing can be conducted during a conference call; the law does not require the physical presence of Board members in order for the law to be effective. However, there must be a quorum represented.

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Dr. Sharpton moved, Dr. Lord seconded and the Board voted to refer the case to the Attorney General's Office for review and recommendations. In addition, the Board will delay sending the case for a Peer Review until recommendations are received from the Attorney General's Office.

Rule 430-5-.03 Correspondence:

The Board staff received a letter from the Georgia Society of Ophthalmology on January 27, 2007. The correspondence stated the Georgia Society of Ophthalmology strongly opposes the adoption of Rule 430-5-.03.

The Board staff received written correspondence on January 30, 2007 from the Medical Association of Georgia. The correspondence stated the Medical Association of Georgia is in direct opposition to the adoption of Rule 430-5-.03 as proposed.

Discussion – Visitors Present:

Mr. Victor Moldovan, attorney for the Georgia Society of Ophthalmology, appeared before the Board and spoke in opposition to Rule 430-5-.03. Mr. Moldovan stated that the rule is inconsistent with the statute and allows Optometrists to practice outside their scope of practice. Mr. Moldovan suggested that the Board delay the voting until Senate Bill 93 goes through the Legislature before the decision is made to adopt Rule 430-5-.03.

Mrs. Bearden, from the Georgia Optometric Association, stated the guidelines are very specific which will help Optometrists with co-management responsibilities and believes adopting Rule 430-5-.03 would be a positive move.

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

The Board voted 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 the applicable laws as provided by Attorney General's office.

The Board also voted 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 this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

After careful deliberation, Dr. Sharpton moved, Dr. Christie seconded and the Board voted to Adopt Proposed Rule Change 430-5-03- Treatment Plans-Co-Management as proposed.

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

(1) Intent- It is the intent of this rule to promote the cooperation of doctors of optometry and other health care providers in the delivery of care to mutual patients within the scope of their respective professional practices.

(2) 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.

(3) Nothing in these rules shall be construed as allowing doctors of optometry to perform procedures not authorized as within the scope of practice found in O.C.G.A. § 43-30-1 et seq.

(4) 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.

(5) 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 doctor of optometry is practicing within the scope of practice found in O.C.G.A. § 43-30-1 et seq.

There being no further business to come before the Board, the meeting was adjourned at 10:30 a.m.

Minutes recorded by:

Gwen Dodson, *Administrative Assistant*

Minutes reviewed and edited by:

Sandy Bond, *Executive Director*

Kay F. Royal, *President*

Sandy Bond, *Executive Director*

These minutes were approved on August 8, 2007.