

GEORGIA STATE BOARD OF OPTOMETRY
Conference Call - June 11, 2007

A conference call meeting of the Georgia State Board of Optometry was held on Monday, June 11, 2007 at 9:00 a.m. in Room , Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Kay Royal, President	R. Whitman Lord
Dudley Christie	Bill Sharpton
H. Kemp Jones	

Administrative Staff Present:

Sandy Bond, Executive Director, Ellen Morris, Board Secretary, Gwen Dodson, Administrative Assistant, Wylencia Monroe, Assistant Attorney General

President Royal established that a quorum was present and the meeting was called to order at 9:00 a.m.

Proposed Rule 430-10-.03

Dr. Jones moved and Dr. Christie seconded the motion and the Board voted to post the Notice of Intent to Adopt and the Notice of Hearing for the proposed rule change to rule 430-10-.03.

**SYNOPSIS OF PROPOSED REVISIONS TO THE GEORGIA STATE BOARD OF
OPTOMETRY RULES CHAPTER 430-10; RULE 430-10-.03, APPROVED THERAPEUTIC
DRUGS**

PURPOSE: The purpose of the proposed rule is to provide direction to Optometrists for prescribing therapeutic drugs.

MAIN FEATURE: The main feature of this rule is to provide direction to Optometrists for the use of certain drugs and to provide a list of pharmaceutical agents that can be used for treatment purposes.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS
TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES, CHAPTER 430-10; RULE
430-10-.03, APPROVED THERAPEUTIC DRUGS**

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

Rule 430-10-.03 Approved Therapeutic Drugs proposed addition as follows:

430-10-.03 Approved Therapeutic Drugs.

(1) The following ~~pharmaceutical agents~~ oral and topical antibiotics, antivirals, topical steroids, antifungals, antihistamines, antiglaucoma agents and other pharmaceutical agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi except oral steroids, or Schedule I or Schedule II controlled substances 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) acetazolamide
- (c) ~~acyclovir~~;
- (d) amoxicillin

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(e) ampicillin
(f) antazoline;
(g) atropine;
(h) apraclonidine;
(i) aspirin;
(j) azelastine;
(k) azithromycin
(l) bacitracin - in ophthalmic compounds;
(m) betaxolol;
(n) bichloroacetic acid;
(o) bimatoprost;
(p) brinzolamide;
(q) brimonidine;
(r) caffeine;
(s) calcium chloride;
(t) carbachol;
(u) carboxymethylcellulose;
(v) carteolol;
(w) cefaclor
(x) cefedroxil
(y) cefuroxime
(z) ceprozil
(aa) cephalexin
(bb) cefpodoximine
(cc) cephradine
(dd) cetirizine
(ee) ciprofloxacin
(ff) clarithromycin
(gg) clindamycin
(hh) clotrimazole
(ii) cloxacillin
(jj) codeine;
(kk) cromolyn sodium;
(ll) cyclopentolate;
(mm) cyclosporine;
(nn) dapiprazole;
(oo) demecarium;
(pp) dexamethasone;
(qq) diclofenac;
(rr) dicloxacillin
(ss) dihydrocodeine;
(tt) diphenhydramine
(uu) dipivefrin;
(vv) dorzolamide;
(uu) doxycycline
(ww) echothiophate;
(xx) emedastine;
(yy) epinastine;
(zz) epinephrine;
(aaa) epinephryl borate;
(bbb) erythromycin;
(ccc) famciclovir
(ddd) fenoprofen;

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(eee) fexofenadine
(fff) fluconazole
(ggg) fluorometholone;
(hhh) gatifloxacin;
(iii) gentamicin;
(jjj) glycerin;
(kkk) gramicidin;
(lll) homatropine;
(mmm) hydrocodone;
(nnn) hydrocortisone - in ophthalmic compounds;
(ooo) hydroxyethylcellulose;
(ppp) hydroxypropyl methylcellulose;
(qqq)hydroxyzine
(rrr) ibuprofen;
(sss) isofluorophate;
(ttt) itraconazole
(uuu) ketaconazole
(vvv) ketoprofen;
(www) ketorolac tromethamine;
(xxx) ketotifen fumarate;
(yyy) latanoprost;
(zzz) levobunolol;
(aaaa) levofloxacin;
(bbbb) levocabastine HCl;
(cccc) lodoxamide;
(dddd)loracarbef
(eeee) loratadine
(ffff) loteprednol;
(gggg) medrysone;
(hhhh) mefenamic acid;
(iiii) methazolamide
(jjjj) methylcellulose;
(kkkk) methylprednisolone
(llll) metipranolol;
(mmmm) metronidazole;
(nnnn) mineral oil;
(oooo) minocycline
(pppp) moxifloxacin;
(qqqq) naloxone;
(rrrr) naphazoline;
(ssss) naproxen;
(tttt) naproxen sodium;
(uuuu) natamycin;
(vvvv) nedocromil;
(wwww) neomycin;
(xxxx) nepafenac;
(yyyy) norfloxacin;
(zzzz) nystatin
(aaaaa) ofloxacin;
(bbbbb) olopatadine;
(ccccc) oxytetracycline;
(ddddd) pemirolast;
(eeee) pentazocine;

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(fffff) phenarimine;
(ggggg) physostigmine;
(hhhhh) pilocarpine;
(iiii) polycarbophil;
(jjjj) polysorbate 80;
(kkkkk) Polymyxin B;
(llll) polyvinyl alcohol;
(mmmmm) prednisolone;
(nnnnn) proethylene glycol;
(oooo) propoxyphene;
(ppppp) propylene glycol;
(qqqqq) pseudoephedrine
(rrrrr) rimexolone;
(sssss) scopolamine;
(tttt) sodium chloride;
(uuuuu) sulfacetamide sodium;
(vvvvv) sulfamethaxazole
(wwwww) sulfisoxazole diolamine;
(xxxxx) suprofen;
(yyyyy) tetracycline
(zzzzz) timolol;
(aaaaa) tobramycin;
(bbbbb) tramadol;
(ccccc) travoprost;
(ddddd) trifluridine;
(eeeeee) trimethoprim;
(ffffff) valacyclovir
(gggggg) 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-30-5

Rule 430-4-.01

Dr. Sharpton moved and Dr. Lord seconded the motion and the Board voted to post the Notice of Intent to Adopt and the Notice of Hearing for the proposed rule change to rule 430-4-.01.

**SYNOPSIS OF PROPOSED REVISIONS TO THE GEORGIA STATE BOARD OF
OPTOMETRY RULES CHAPTER 430-4; RULE 430-4-.01, UNPROFESSIONAL CONDUCT**

PURPOSE: The purpose of the proposed rule is to further clarify professional standards for the practice of Optometry for the safety of the patient.

MAIN FEATURE: The main feature of this rule is to provide supervision between the licensed doctor of Optometry and the employee when prescribing or fitting contact lenses or eyeglasses.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS
TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES, CHAPTER 430-4; RULE 430-
4-.01, UNPROFESSIONAL CONDUCT**

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

Rule 430-4-.01 Unprofessional Conduct proposed addition as follows:

430-4-.01 Unprofessional Conduct.

(1) By the authority granted under Section 43-30-5 of the Official Code of Georgia Annotated, the Georgia Board of Examiners in Optometry has the authority to adopt, establish, enforce, and maintain rules and regulations applicable to the practice of optometry adequate to put O.C.G.A. Chapter 30, Title 43 into effect and to regulate the practice of optometry as a profession in conformity with and in compliance with accepted professional standards.

(2) Any one or all of the following acts committed by a doctor of optometry licensed in Georgia are in violation of the accepted professional standards for the practice of optometry in this State and shall constitute "unprofessional conduct" within the meaning of the O.C.G.A. Section 43-30-9, *as amended*:

(a) Continuing to practice optometry while suffering from any physical or mental disease or disability, which renders the further practice of optometry dangerous to patients or the public;

(b) Habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to render the licensed doctor of optometry unfit for the careful performance of his professional duties;

(c) The intentional making of any fraudulent, misleading, or deceptive statement in any form of advertising connected with the practice of optometry, including but not limited to the tactic of 'bait and switch', whereby a product or service is advertised for a specific price but the consumer must in fact purchase additional products or product or service previously advertised;

(d) Making untruthful or improbable statements or flamboyant or extravagant claims concerning the licensed doctor of optometry's skills which are likely to deceive the public;

(e) Assisting any person other than another licensed doctor of optometry or a doctor of medicine skilled in diseases of the eyes or an employee in the prescribing or fitting of a contact lens or eyeglasses for a patient, ~~unless the person so assisted is under his direct, personal supervision while upon the same premises.~~ Any such employee of the licensed optometrist must work exclusively for and under the direct personal supervision of the licensed optometrist while on the same premises. In releasing a prescription for contact lens all parameters necessary for fabrication of the lens must be included.

(f) Practicing or continuing to practice optometry under, or use in connection with his practice of optometry, any assumed name, corporate name, trade name, or any name other than the name under which he is licensed to practice optometry in Georgia except under the following conditions:

(l) When doctors of optometry are practicing as partners, they may practice under the full or last names of the partners. Doctors of optometry who are employed by other doctors of optometry shall practice in their own names, but may practice in an office listed under the name of the individual or partnership of doctors of optometry by whom they are employed, provided, however, that their names shall be displayed in a manner similar to the other doctors of optometry in the practice. In the event of the death or retirement of a doctor of optometry or sale of the optometric practice, the surviving doctor or doctors or the purchaser of the practice may continue to use the name of the predecessor in addition to his own name for a period not to exceed two (2) years from the death or retirement of said

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predecessor. This rule shall not be construed to authorize conduct otherwise prohibited by the Patient Self-Referral Act, codified at O.C.G.A Section 43-1B-1 et seq.

(g) Publicly displaying of the licensed doctor of optometry's name upon or in any premises used for the practice of optometry, unless a licensed doctor of optometry is actually present at times optometric services are provided and unless such licensed doctor of optometry is in the practice of optometry at such premises for a minimum of four (4) hours per week;

(h) Failing to advise each patient whenever consultation with an optometric colleague or referral for other professional care seems advisable;

(i) Failing to hold in professional confidence all information concerning a patient;

(j) Exaggerating the patient's condition for the purpose of prescribing or dispensing unnecessary optometric services;

(k) Performing any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public;

(l) Consistently misdiagnosing or consistently prescribing improper therapy;

(m) Violating, attempting to violate, or conspiring to violate any provision of the laws or rules pertaining to the practice of optometry in this State;

(n) Failing to provide adequate safeguards against patient abandonment. For purposes of this Rule, an optometrist shall be deemed to have provided such safeguards if he/she:

1. makes himself/herself available for twenty-four (24) hour access;

2. arranges alternative coverage by a licensed practitioner or other appropriate healthcare facility; or

3. advises prospective patients, in writing, at the time of their first visit that it is his/her policy not to be available during non-office hours;

(o) Assisting, allowing, or permitting an unlicensed person, firm, association or corporation to practice optometry in this State;

(p) Accepting any direct or indirect payment, gift, or other remuneration of any optometric service not actually rendered;

(q) Placing his license at the disposal or in the service or control of any person, firm, association or corporation not licensed to practice optometry in this State;

(r) Entering into any agreement that allows an unlicensed person, firm, association, or corporation to control or attempt to control the professional judgment, the manner of practice, or the practice of a doctor of optometry. For purposes of this section, "control or attempt to control the professional judgment, the manner of practice, or the practice of the doctor of optometry" shall include but not be limited to:

1. setting or attempting to influence the professional fees of a doctor of optometry;

2. restricting or attempting to restrict a doctor of optometry's freedom to see patients on an appointment basis;

3. terminating or threatening to terminate any lease, agreement, or other relationship in an effort to control the professional judgment, manner of practice, or practice of a doctor of optometry;

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4. making or guaranteeing a loan to a doctor of optometry in excess of the value of the collateral securing the loan;

5. agreeing to divide or split fees received for professional services with any person, firm, association, or corporation for the solicitation or referral of a patient, provided that the following acts shall not be construed as unprofessional conduct under this regulation unless the person, firm, association, or corporation controls or attempts to control the practice of the doctor of optometry:

(i) entering into a bona fide lease or rental agreement based upon a percentage of gross income;

(ii) advertising in a truthful, non-deceptive manner, or paying for such advertising based upon a percentage of gross income, as long as such advertising otherwise complies with Rules 430-4-.01(2)(c), (d) and (f) and other applicable statutes and regulations.

(iii) nothing in this rule shall be construed to prohibit professional relationships between optometrists, medical doctors, health maintenance organizations and/or hospitals. This rule shall not be construed to authorize conduct otherwise prohibited by the Patient Self-Referral Act, codified at O.C.G.A. Section 43-1B-1 et seq.

(s) It is the intent of subsection (r) to prevent manufacturers, wholesalers, or retailers of optical goods from controlling or attempting to control the professional judgment, manner of practice or the practice of a doctor of optometry, and the provisions of this section shall be liberally construed to carry out this intent.

(t) Subsection (r) shall not apply where the manufacturer, wholesaler, or retailer of ophthalmic goods is a licensed doctor of optometry or a licensed physician or legal entity 100 percent owned and controlled by one or more licensed doctors of optometry or licensed physicians; however, the exception set forth in this subsection shall not apply where the doctor of optometry or legal entity has offices at more than three (3) locations.

(u) Failing to release patient records within a reasonable period of time to a Physician or another Doctor of Optometry upon written authorization from the patient.

1. The patient shall be responsible to pay the costs of search, retrieval, copying and mailing the patient record.

(v) Failing to respond within the time specified to a subpoena from the Board or the Board's agent.

(3) No optometrist, or employee or agent thereof acting on his behalf, shall offer, agree to accept, or receive compensation in any form for the referral of professional services to or from another health care provider or entity. This prohibition includes any form of fee division or charging of fees for the referral of a patient.

Dr. Royal adjourned the meeting at 9:30 a.m.

Minutes recorded by: Ellen Morris, *Board Secretary*
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.