

## GEORGIA STATE BOARD OF OPTOMETRY

### Board Meeting

April 16, 2008

A Board meeting of the Georgia State Board of Optometry was held on Wednesday, April 16, 2008, at 10:00 a.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

#### **The following Board members were present:**

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

**Others Present:** Sandy Bond, *Executive Director*, Gwen Dodson, *Administrative Assistant*, Ellen Morris, *Board Secretary*, Adrienne Price, *Legal/Nurse Consultant*, Wylencia Monroe, *Assistant Attorney General*, Lynn Eason, *Investigations*

**Visitors Present:** Georgianne Bearden, *GOA*

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

#### **APPROVAL OF BOARD MINUTES**

Dr. Christie moved, Dr. Lord seconded and the Board voted to approve the minutes from the February 4, 2008 teleconference meeting as amended.

Dr. Christie moved, Dr. Lord seconded and the Board voted to approve the minutes from the March 24, 2008 teleconference meeting as amended.

#### **EXECUTIVE DIRECTOR'S REPORT – SYLVIA BOND**

Mrs. Bond reported on the following:

- Changes in Investigations
  - Complaint process
  - Board staff will give enforcement report at board meetings
  - Clarify motions for agents
  - Hearings for Cease & Desist orders

#### **ARBO BOARD BUSINESS**

The Board selected Dr. Sharpton to attend the 89<sup>th</sup> ARBO Annual Meeting in Seattle, Washington.

#### **RULES HEARING – RULE 430-2-.04**

##### **Visitors Comments:**

Mrs. Bearden wanted to inform the Board that the equipment furnished by ARBO does not operate efficiently. Also, Mrs. Bearden wanted to appeal to the Board to contact ARBO to send GOA equipment in advance in order to test to see if equipment is operating appropriately.

Dr. Christie moved, Dr. Jones seconded and the Board voted to approve Kay Royal to address the issues with ARBO regarding malfunctioning equipment to GOA workshops.

Dr. Jones moved, Dr. Christie seconded and the Board voted to adopt Rule 430-2-.04.

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

(1) The Board has pre-approved continuing education (post-graduate) courses from schools and colleges of optometry accredited by the Council on Optometric Education of the American Optometric Association; a maximum of ten (10) hours per biennium in ophthalmologic related courses taught by the Medical College of Georgia, Emory University, Mercer University and Morehouse College; any courses offered by the American Optometric Association or its regional or state affiliates; the Society of Professional Optometrists of Georgia; the Council on Optometric Practice Education (C.O.P.E.) and any courses approved by C.O.P.E. All pre-approved continuing education providers must give notification of their courses on a timely basis to all Georgia Optometrists. Any other individual or organization desiring Board approval of an educational program sponsored by the individual or organization, or particular segments of such a program shall submit a request for approval to the State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217, not later than thirty (30) days prior to the scheduled date of such program. Each administrator of continuing education credit that gives credit to more than five doctors at any single event shall register all attendees and credits with the Association of Regulatory Boards of Optometry- OE Tracker Program. The Board will act on such request within thirty (30) days after receipt of the request for approval. Any request for Board approval of an educational program must include the following information:

(a) The identity of the sponsor, including:

1. The name and address of the sponsoring individual(s) or organization and a description of any organizational form (e.g., unincorporated association, non-profit corporation, etc.) and the date of organization;
2. The name and address of the principal officers of the sponsor.

(b) A description of the program, including:

1. With respect to each course for which approval is sought:

(i) the name and address of the instructor;

(ii) the title of the course;

(iii) a brief biographical sketch of the instructor including a detailed description (curriculum vitae) of his/her academic qualifications and a listing of prior publications including published speeches, which relates to the subject matter of the course;

(iv) an outline of the proposed content;

(v) the number of hours for which approval is requested, including a specification of those hours relating to practice management.

2. The scheduled time and place of the course;

3. A description of the method by which course attendance is to be monitored;

4. The amount of any registration fee, tuition or other charge for attendance, including a statement of any difference in such charges, which depend on membership in the sponsoring organization;

5. A sample of any advertisement or announcement intended to be employed concerning the program.

(c) Such additional information as the Board may request in the course of its deliberations concerning the application for approval.

(2) The following course content will not satisfy the continuing education requirement:

- (a) Courses dealing with social and health trends;
- (b) Any course unrelated to or not designed to enhance the professional skill of the practitioner;
- (c) Courses conducted by any individual who is the owner of or is directly connected with any optical wholesale concern unless approved by the Board.

(3) A doctor of optometry is expected to ascertain in advance that the courses, which he/she attends, have received prior Board approval and do not fall within the exceptions of sub-part (2).

(4) Board approval of any educational program under this section relates to the program as proposed to the Board. In the event the actual program does not substantively correspond to the proposed program approved by the Board, the board will not give credit for that program under Code Section 43-30-8. The Board will not consider for approval the program as modified.

(5) Minimum hours required. Unless the Board gives written notice to each licensed doctor of Optometry prior to February 1 of the applicable year, the minimum number of hours of attendance at Board-approved education programs required for biennial renewal of license shall be 36. However, new licensees shall be required to obtain the following number of hours: none (0) in the first calendar year of licensure, 18 in the second calendar year of licensure, 36 per biennium beginning in the third calendar year of licensure. After the first calendar year of licensure, courses related to practice management shall be restricted to 4 hours biennially and must be related to patient care. After the first calendar year of licensure, of the total hours required, licensees practicing within the State shall obtain one (1) hour biennially of prior approved ethics and jurisprudence.

(a) Within the 36 or 18 hours of continuing education hours as set out in (5) above, whichever is required, licensees practicing within the State shall obtain one (1) hour biennially of prior approved ethics and jurisprudence. Georgia licensed optometrists that are not practicing within the state are not required to earn the one hour of ethics and jurisprudence.

(b) A maximum of eight (8) hours per biennium will be allowed as continuing education credit for grand rounds. One (1) hour credit will be allowed for every two (2) hours spent in grand rounds.

(c) A maximum of six (6) hours of continuing education credit will be allowed per biennium for any coursework that is offered by correspondence or electronic medium, which coursework is approved or sponsored by any provider identified in subparagraph (1) of this Rule.

(d) Effective January 1, 2006, of the thirty-six (36) required hours, a minimum of 18 hours per biennium is required for pharmacology and pathology as related to ophthalmologic conditions.

(6) Reporting and Auditing. The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each Optometrist shall certify to the Board that he/she has completed the continuing education required for license renewal.

(b) The staff of the Professional Licensing Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. This percentage shall not exceed 20% of the licensed Optometrists, randomly selected, in the State per biennium. However; continuing education shall be verified on all licensees through the Association of Regulatory Boards of Optometry-OE Tracker Program.

(c) Each licensed Optometrist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance. These records of attendance may be used as proof of hours should the verification of hours not be registered with the Association of Regulatory Boards of Optometry- OE Tracker Program.

(d) Deferral of the requirement for education program hours may be considered by the Board. Requests for deferral must be submitted to the Board in writing and should include complete documentation of the reasons for the request. Deferral will be considered for the following reasons:

1. certified illness; and
2. hardship.

**Authority O.C.G.A. §§ 43-30-5 and 43-30-8**

Dr. Jones moved, Dr. Christie 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 accomplish the objectives of the applicable laws.

**CONTACT LENS LAW FOR CRIMINAL PROSECUTION**

Dr. Jones moved, Dr. Christie seconded and the Board voted to send a formal request to the Inspector General Office to proceed with prosecution of wholesalers of businesses violating O.C.G.A. 31-12-12.

**JOINT STATEMENT – OPTOMETRY & DISPENSING OPTICIANS**

Dr. Jones moved, Dr. Christie seconded a motion to approve the Optometry/Dispensing Opticians Joint Statement language re: allowing disciplinary actions against any optometrists who performs duties or assists in unlicensed practice of opticianry under their license, unless the optical worker is an employee of the on-site optometrist. The motion passed with Dr. Royal casting the deciding vote. Dr. Lord and Dr. Sharpton opposed.

**OPTOMETRISTS THERAPEUTICALLY CERTIFIED – RULES 430-10-.01 & .02**

No action taken.

**RULE FOR REINSTATEMENT OF LICENSURE**

Dr. Christie moved, Dr. Jones seconded and the Board voted to post Rule 430-2-.09.

**NOTICE OF INTENT TO ADOPT A PROPOSED  
NEW RULE TO THE GEORGIA BOARD OF OPTOMETRY RULES  
CHAPTER 430-2; REGISTRATION, RULE 430-2-.09 TO REINSTATE A LAPSED LICENSE AND NOTICE OF  
PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Optometry (hereinafter "Board") proposes an new rule to the Georgia Board of Optometry Rules, Chapter 430; Rule 430-2-.09 To Reinstate a Lapsed License (herein after "proposed new rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed new rule, 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 5:30 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 10:30 a.m. on July 23, 2008 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to 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 concise and will be limited to five (5) minutes per person. 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 (5:30 P.M.) on July 14, 2008. Written comments should be addressed to Randall D Vaughn, 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) 207-1660.

The Board will consider the proposed new rule for adoption at a meeting scheduled to begin at 10:35 a.m. on July 23, 2008 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 new rule to Rule 430-2-.09 pursuant to authority contained in [O.C.G.A. §§ 43-30-5 and 43-30-8](#).

At its Board meeting on April 16, 2008, 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. §§ 43-30-5 and 43-30-8](#).

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-30-5 and 43-30-8 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.

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Randall D Vaughn  
*Division Director*  
Professional Licensing Boards

Posted:

**SYNOPSIS OF PROPOSED NEW RULE TO THE  
GEORGIA BOARD OF OPTOMETRY RULES CHAPTER 430;  
RULE 430-2-.09, TO REINSTATE A LAPSED LICENSE**

**PURPOSE:** The purpose of this Rule is to provide directions to reinstate a lapsed license.

**MAIN FEATURES:** The main feature in this Rule is to outline requirements necessary to reactivate a lapsed license.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA  
BOARD OF OPTOMETRY RULES, CHAPTER 430; RULE 430-2-.09, TO REINSTATE A LAPSED LICENSE**

430-2-.09 To Reinstate a Lapsed License proposed a new rule as follows:

**430-2-.09 To Reinstate a Lapsed License.**

1. Any licensee whose license has been administratively revoked for non-renewal for any reason including failure, neglect or refusal to complete the bi-annual renewal process shall be required to apply for reinstatement of their license.

2. An applicant for reinstatement whose license is revoked by operation of law for failure to renew shall be subject to the application fee as well as penalty fees and accrued renewal fees as established by the Board.

3. The Board may consider reinstatement of a lapsed license when the following requirements have been met:

(a) Continuing Education requirements for the one biennium preceding the proposed reinstatement.

(b) Provides documentation of current CPR.

(c) Provides evidence of current liability insurance as defined by law.

(d) Has met qualifications for scope of practice that includes therapeutics licensure.

**Authority §§ O.G.C.A. §§43-1-19, 43-30-1, 43-30-5 and 43-30-8.**

Dr. Jones moved, Dr. Lord seconded and the Board voted to refer to Legal Services for advice on granting temporary licenses to Optometrists, Rule 430-14-.01.

**CORRESPONDENCE – EDUCATION CREDITS FOR PRACTICE MANAGEMENT COURSES**

Dr. Christie moved, Dr. Lord seconded and the Board voted to deny the request to extend the rule for increasing continuing education credits for practice management.

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

**ENFORCEMENT- ADRIENNE PRICE & LYNN EASON**

**OPTI070003** - Dr. Sharpton moved, Dr. Lord seconded and the board voted to refer to Investigations to reissue a subpoena in the OD's name within 15 days to obtain 10 random records and make copies. The Board also moved if the OD is non-complaint the case will be referred to the Attorney General's Office for a Hearing or Public Consent to include Indefinite Suspension.

**OPTI070024** - Dr. Jones moved, Dr. Christie seconded and the Board voted to close the case.

Starks, Amber – Dr. Christie moved, Dr. Jones seconded and the Board voted to accept Cease & Desist Order.

Roberson, Corey - Dr. Christie moved, Dr. Lord seconded and the Board voted to accept the Cease & Desist Order.

Jones, Terry - Dr. Christie moved, Dr. Jones seconded and the Board voted to accept the Cease & Desist Order.

OPTI070029 – Dr. Christie moved, Dr. Jones seconded and the Board voted to close the case.

McCoy, Wanda - Dr. Christie moved, Dr. Jones seconded and the Board voted to accept the Cease & Desist Order.

OPTI070031 – Dr. Lord moved, Dr. Jones seconded and the Board voted to close the case.

OPTI080013 – Dr. Sharpton moved, Dr. Christie seconded and the Board voted to close the case.

OPTI080012 – Dr. Sharpton moved, Dr. Jones seconded and the Board voted to close the case and refer the case to the State Board of Medical Examiners.

OPTI060010 – Dr. Jones moved, Dr. Lord seconded and the Board voted to close the case.

OPTI080011 – Dr. Jones moved, Dr. Christie seconded and the Board voted to table the case until the next board meeting.

#### **ATTORNEY GENERAL’S OFFICE – WYLENCIA MONROE**

The Board Attorney provided a status report which included information on any cases referred for action, requests for advice and/or requests for authority for proposed rules.

#### **OFFICE GENERATED REPORTS – ADRIENNE PRICE**

OPTI080006 – Dr. Sharpton moved, Dr. Lord seconded and the Board voted to reject the attorney’s request, refer the case back to the Attorney General’s Office for the original consent order and the applicant has 30 days to respond.

OPTI080023 – Dr. Sharpton moved, Dr. Jones seconded and the Board voted to table the case.

OPTI080018 – Dr. Sharpton moved, Dr. Lord seconded and the Board voted to refer Robert McCullough of Jonesboro, Georgia as a peer reviewer.

#### **APPLICATIONS – JENNIFER PRICKETT**

Dr. Christie moved, Dr. Lord seconded and the Board voted that reinstatement applications do not need to be brought before the Board unless there is cause for disciplinary review.

Applicant #1126414 – Dr. Sharpton moved, Dr. Lord seconded and the Board voted to proceed with licensure by Examination.

#### **APPROVAL OF ALL APPLICATIONS APPROVED BY STAFF GUIDELINES**

Dr. Jones moved, Dr. Christie seconded and the Board voted to ratify the following applications for licensure determined to have met licensure requirements issued between Board meetings as follows:

<b>Name</b>	<b>License No.</b>	<b>Obtained By</b>	<b>Issue Date</b>
Borgnini, Gina Dale	OPT002446	Examination	1/09/2008
Brooks, Lesley NeSmith	OPT002447	Examination	1/09/2008
Blemker, Megan L	OPT002448	Examination	1/24/2008
Casella, Benjamin Pascal	OPT002449	Examination	2/18/2008

Gordy, Richard Griffin  
Morovati, Micheal Pooria

OPT002450  
OPT002451

Examination  
Examination

3/07/2008  
3/10/2008

There being no further business to come before the Board, the meeting was adjourned at 1:00 p.m.

**Minutes recorded by:**

Gwen Dodson, *Administrative Assistant*

**Minutes reviewed and edited by:**

Sandy Bond, *Executive Director*

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Kay F. Royal, *President*

\_\_\_\_\_  
Sandy Bond, *Executive Director*

These minutes were approved on \_\_\_\_\_.