

GEORGIA STATE BOARD OF OPTOMETRY
Conference Call
Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia
January 23, 2009

BOARD MEMBERS PRESENT

Kay Royal, President
Harley Kemp Jones
Bill Sharpton
R. Whitman Lord, Vice President

BOARD MEMBERS ABSENT

Dudley B. Christie

STAFF MEMBERS PRESENT

Lisa Durden, Executive Director
Patricia Downing, Assistant Attorney General

President Kay Royal established a quorum and called the meeting to order at 8:01 a.m.

1. A motion was made by Dr. Sharpton to approve the minutes of the October 22, 2008 meeting as amended. Dr. Lord seconded the motion and the Board voted to approve the minutes as amended.
2. A motion was made by Dr. Jones to accept the minutes from the January 16, 2009 meeting as amended; Dr. Lord seconded the motion. The Board voted in favor of the motion.
3. A motion was made by Dr. Lord to ratify the 15 licenses presented by the Executive Director at the January 16, 2009 committee meeting. Dr. Sharpton seconded the motion, and the Board voted in favor of the motion.
4. Application for TEF – Dr. Lord made a motion to approve the application; Dr. Jones seconded the motion. The Board voted to approve the application.
5. Dr. Jones made a motion to accept the following recommendations made at the January 16, 2009 Board meeting; Dr. Lord seconded the motion. The Board voted to accept the following recommendations:
 - OPT090001 – Application has been denied; recommendation to close.
 - OPT080018 – Recommendation to close.
 - OPT090019 – Recommendation to close.
 - OPT090008 – Recommendation to close with letter of concern including a statement about “attention to standard of care.”
 - OPT080040 – Ms. Monroe has mailed a proposed Private Consent Order to licensee. A copy has been provided to board members.

Recommendation that it become effective upon docketing and to authorize Executive Director to sign the President's name with permission upon receipt.

- OPT090012 – Recommendation to close with no violations.
 - OPT090013 – Refer to Dispensing Optician Board
 - OPT080039 – Recommendation to conduct investigative interview.
6. OPT090014 – A motion was made by Dr. Jones to close the case with a letter of concern. Dr. Sharpton seconded the motion, and the Board voted in favor of the motion.
7. Cognizant Report:
- OPT080047 – Licensee failed to respond to subpoena for records. Dr. Sharpton made a motion to verify that the subpoenas were correctly served and upon confirmation that they were correctly served, refer the case to the Attorney General's office for a Consent Order for six (6) months suspension of license and a fine of \$500.00 for each record not obtained. Dr. Jones seconded the motion, and the Board voted in favor of the motion.
 - OPT080055– Licensee failed to respond to subpoena for records. Dr. Sharpton made a motion to verify that the subpoenas were correctly served and upon confirmation that they were correctly served, refer the case to the Attorney General's office for a Consent Order for six (6) months suspension of license and a fine of \$500.00 for each record not obtained. Dr. Jones seconded the motion, and the Board voted in favor of the motion.
 - OPT001919 – Recommend the case be closed. Dr. Jones made a motion to close the case; Dr. Lord seconded the motion. The Board voted in favor of the motion.
 - OPT08007 – A letter has been sent to the complainant to find out if she received all of the products that she purchased. Recommend closing the case if she confirms that she received the products she purchased. Dr. Lord made a motion to approve the recommendation; Dr. Sharpton seconded the motion. The Board voted in favor of the motion.
 - OPT080005 – Recommend the case be forwarded for Peer Review. Dr. Lord made a motion to forward the case for Peer Review; Dr. Sharpton seconded the motion. The Board voted to refer the case for Peer Review.
 - OPT070003 – Recommend the case be forwarded for Peer Review. A motion was made by Dr. Jones and seconded by Dr. Lord to rescind the previous motion for hand service of the subpoena; the Board voted to rescind the previous motion for hand service of the subpoena. A motion was made by Dr. Lord to refer the case for Peer Review; Dr. Sharpton seconded the motion. The Board voted to refer the case for Peer Review.

8. The Board discussed the following as a possible piece of legislation:

O.C.G.A. § 43-30-14. Practicing optometry without a license

Any person who practices optometry or who offers or pretends to practice or holds himself or herself out as eligible to practice optometry and who is not legally registered and licensed shall be guilty of a felony.

Any person who violates this paragraph shall upon conviction be guilty of a felony and punished by imprisonment for one to five years and/ or by a fine not to exceed \$10,000.00 per incident or by both such fine and imprisonment.

Dr. Jones made a motion to table the issue until the fall; Dr. Sharpton seconded the motion. The Board voted to table the issue until the fall.

9. Ms. Downing discussed the status report was provided by the Attorney General's office at the January 16, 2009 Committee Meeting.

Meeting adjourned at 8:30 a.m.

Kay Royal, President
Georgia State Board of Optometry

Date

Lisa Durden, Executive Director
Professional Licensing Boards Division

Date