

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting
Professional Licensing Boards
237 Coliseum Drive, Macon, GA 31217
February 23, 2011
9:00 a.m.

INVESTIGATIVE INTERVIEWS with Dudley Christie, O.D.

9:00 a.m.

OPT110008 – Interview Conducted. Licensee was represented by Aubrey Villianes.

9:30 a.m.

OPT110020 – Interview Conducted. Licensee was represented by Michael W. Gowen.

BOARD MEMBERS PRESENT

Dr. H. Kemp Jones, President

Dr. Dudley Christie

Dr. Whitman Lord

Dr. Robert McCullough

Ms. Betty Ann Lindsey

STAFF MEMBERS PRESENT

Wylencia Moore, Assistant Attorney General

Anita Martin, Executive Director

Carol White, Board Support Specialist

Tammy Shea

President H. Kemp Jones established a quorum and called the meeting to order at 10:04 a.m. Dr. Jones asked that Dr. McCullough open the meeting with an invocation.

OPEN SESSION

Approval of the minutes from the October 27, 2010 Board meeting. Ms. Lindsey made a motion to approve the Board minutes as amended. Dr. McCullough seconded the motion and it carried unanimously

Licenses to ratify. Dr. Christie made a motion to approve. Dr. Lord seconded the motion and it carried unanimously.

License Number	Name	License Type
OPT002619	Moma, Nene M	Optometrist
OPT002620	Sehdev, Sameer Kumar	Optometrist
OPT002621	Prchal, Joseph Taylor	Optometrist
OPT002622	Madden, Erica Renea	Optometrist
OPT002623	Seward Brown, Sherit	Optometrist
OPT002624	Haubert Matthew Scott	Optometrist
REINSTATEMENT		
OPT002056	Park, David	Optometrist
OPT002556	Vickers, Kayla lasha Snipes	Optometrist

Review of possible Reinstatement Policy Information – Dr. Christie will review the information and bring back to the next Board meeting with a recommendation.

Executive Director’s Open Session – Ms. Anita Martin

- Ms. Martin provided Board changes to Board Rule 430-2-.04 – Continuing Education. Dr. Christie made a motion to post Board Rule 430-2-.04. Ms. Lindsey seconded and the Board voted to post the amended rule.

430-2-.04 Continuing Education 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.~~

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

Minimum hours required. The Board requires a minimum of 36 hours of attendance at Board-approved continuing education programs.

(a) New licensees are not required to obtain the continuing education in the first calendar year (January through December) of licensure. This requirement applies regardless of when you establish practice in Georgia.

(b) New licensees are required to obtain 18 of continuing education in the second calendar year (January through December) of licensure. This requirement applies regardless of when you establish practice in Georgia.

(c) New licensees are required to obtain 36 per biennium beginning in the third calendar year of licensure.

(d) If required to obtain CE hours, all licensees shall obtain one (1) hour of Board-approved continuing education in ethics and jurisprudence. Georgia licensed optometrists are exempt from acquiring the one (1) hour of CE in ethics and jurisprudence.

(e) A maximum of eight (8) hours per biennium will be allowed for grand rounds.

One (1) hour credit will be allowed for every two (2) hours spent in grand rounds.

(f) A maximum of ten (10) hours will be allowed per biennium for any Board approved coursework that is offered by correspondence or electronic medium.

(g) A maximum of ten (10) hours of continuing education credit will be allowed per biennium for practice management course work, as long as it is patient care related.

(h) A minimum of 18 hours of continuing education per biennium is required for pharmacology and pathology courses as related to ophthalmologic conditions.

~~(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.~~

The Board has pre-approved continuing education (post-graduate) courses provided by the following organizations:

(a) Council on Optometric Education of the American Optometric Association;

(b) a maximum of ten (10) hours per biennium in ophthalmologic related courses taught by the Georgia Health Sciences University, Emory University, Mercer University and Morehouse College;

(c) the American Optometric Association or its regional or state affiliates;

(d) 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.

~~(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).~~

Approval of Continuing Education Providers. All providers who are not pre-approved must request approval from the Board not less than thirty (30) days prior to the date of the program.

(a) 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.

(b) Each request for approval must include but is not limited to

1. The name and address of the sponsoring individual(s) or organization;

2. the name and address of the instructor;

3. the title of the course;

4. a curriculum vitae of the instructor his/her academic qualifications and a listing of prior publications including published speeches, which relates to the subject matter of the course;

5. an outline of the proposed content;

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

7. The scheduled time and place of the course;

8. The method by which course attendance is to be monitored;

9. 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;

10. A sample of any advertisement or announcement concerning the program.

11. Such additional information as the Board may request.

(c) Approval of any continuing education program relates only to the program as proposed to the Board. In the event the actual program does not substantively correspond to the program approved by the Board, the board will not give credit for that program.

~~(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.~~

~~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.~~

~~(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.~~

~~(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 ten (10) 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) A maximum of ten hours of continuing education credit will be allowed per biennium for practice management course work, as long as it is patient care related.~~

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

~~A doctor of optometry is expected to determine in advance that the courses, which he/she attends, have received prior Board approval and do not fall within the exceptions of this rule.~~

~~(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.~~

Reporting and Auditing

(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) All licensed Optometrist must submit all continuing education programs completed with the Association of Regulatory Boards of Optometry-OE Tracker Program.

(c) 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 and shall be randomly selected.

(d) Continuing education may be verified on all licensees through the Association of Regulatory Boards of Optometry-OE Tracker Program.

(e) 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.

(7) 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.

- Ms. Martin discussed the letter from Secretary of State Brian Kemp regarding the budget. Ms. Martin shared with the Board there will be no board meetings for the month of June 2011.
- Ms. Martin discussed with the Board the election of officers for the 2011 -2012 term.

Dr. Lord nominated Dr. Jones for president.

Ms. Lindsey seconded the motion and it carried unanimously.

Dr. McCullough nominated Dr. Christie as Vice President.

Dr. Lord seconded the motion and it carried unanimously.

- Ms. Kathleen O'Neal discussed the availability and functionality of ARBO OE Tracker for CE Audit during the 2011 renewal process.
- Ms. Martin stated that the Professional Licensing Board can conduct no more than a 10% audit in the 2011 renewal period.
- Ms. Martin stated that the Professional Licensing Board can send out a blast e-mail late in the summer to have all Georgia licensed Optometrist verify and update their e-mail address on line.

- Dr. Jones asked that if OE Tracker charges for the Board's access to the system; would the agency be willing to pay for such access? Ms. Martin stated if the agency could not pay that we would have to conduct a percentage audit and require that the licensee provide a copy of the OE Tracker transcript to the Board office.

EXECUTIVE SESSION

Dr. Christie made a motion, Dr. Lord seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2), 43-11-47(h) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Dr. McCullough and Ms. Lindsey. The Board concluded the Executive Session in order to vote on these matters and continue with the public session.

HEARINGS

David Anthony Rossello, O.D. Dr. Rossello was represented by Thomas Grinstins. The Board issued a final decision in this case: Public Consent Order, double deficient CE hours and \$2000 fine.

Linhan Thi Truhong, O.D. The Board issued a final decision in this case: The Board finds that disciplinary action in this case is not warranted.

Sima Lal Gupta, O.D. The Board issued a final decision in this case: The Board finds that disciplinary action in this case is not warranted.

Gregory M. Fowler, O.D. The Board issued a final decision in this case: Public Consent Order, double deficient CE hours and \$2000 fine.

1. Michael P. Shea, O.D. The Board issued a final decision in this case: The Board finds that disciplinary action in this case is not warranted.

EXECUTIVE SESSION

Cognizant /Investigative Report – Dudley Christie, O.D.

OPT100023 – Close with no violation.

OPT100023 - Close with letter of concern.

OPT110008 – Close with no violation

OPT110011 - Refer to Dispensing Opticians Board

OPT110013 - Schedule for Investigative Interview – O.D. and attorney will participate via video-conference.

OPT110020 - Close with letter of concern

OPT110022 - Close with letter of concern

OPT110025 - Close with letter of concern

Open a case on Dr. L.F. and refer to the OIG's office to interview

Attorney General's Report – Ms. Wylencia Monroe

- Ms. Wylencia Hood Monroe, provided a status report, which included information on cases referred for action, request for advice and /or requests for authority for proposed rules.
- Ms. Monroe presented to the Board for acceptance Consent Orders on:
Charles R. Reddy, O.D. as drafted without reduction in fine / accept pending receipt of original.
Jennifer Jean Jabaley, O.D.
Alyce Miles, O.D.
K. Gideon Mincey, O.D.
Steven B. Nakdimen, O.D.
Mark Allen Hegetschweiler, O.D. as drafted without reduction in fine
Robert Young Park, O.D.
Patrick Flores, O.D.
William P. Giles, O.D.
- Ms. Monroe presented to the Board to close cases on 30 practitioners who met conditions of CE.

OPEN SESSION

Dr. Lord made a motion to approve the recommendations in Executive Session. Dr. McCullough seconded the motion and it carried unanimously.

The Board meeting adjourned at 4:20 p.m.

H. Kemp Jones, President
Georgia State Board of Optometry

Date

Anita Martin, Executive Director
Professional Licensing Boards Division

Date