

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting
Professional Licensing Boards
237 Coliseum Drive, Macon, GA 31217
April 27, 2011
10:00 a.m.

INVESTIGATIVE INTERVIEW

OPT110013 – No Show for the Investigative Interview. The case will be tabled.

Board Members Present

Dr. Dudley Christie
Dr. Whitman Lord
Dr. Robert McCullough
Dr. Jody Whisenant
Ms. Betty Ann Lindsey

Staff Present

Wylencia Moore, Assistant Attorney General
Anita Martin, Executive Director
Carol White, Board Support Specialist

Dr. Christie, Vice President convened the meeting 10:10

Election of Officers.

Dr. Lord nominated, Ms. Lindsey seconded and the Board elected Dr. Christie as President.

Dr. Christie nominated, Ms. Lindsey seconded and the Board elected Dr. Lord as Vice-President. Dr. Lord will also review CE applications.

Dr. McCullough will serve as Cognizant

President Dudley Christie established a quorum and called the meeting to order at 10:20 a.m.

OPEN SESSION

Approval of the minutes from the February 23, 2011 Board meeting. Ms. Lindsey made a motion to approve the Board minutes. Dr. Lord seconded the motion and it carried unanimously

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

Consideration to post revisions to Board Rule 430-2-.04 Continuing Education Requirements: Approval of Educational Programs and FAQ #13, What are the requirements for obtaining Continuing Education. Dr. McCullough made a motion to post. Dr. Lord seconded the motion and it carried unanimously.

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.~~

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

Continuing education is required in order to renew a license at the end of the licensee's two year renewal cycle; every odd numbered year.

~~(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.~~

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 1 through December 31) 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. OR

(c) New licensees are required to obtain the continuing education *starting in the year of the first January after licensure*. This requirement applies regardless of when you establish practice in Georgia.

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

(e) If required to obtain CE hours, all licensees shall obtain:

1. one (1) hour of Board-approved continuing education in ethics and jurisprudence.

Non-resident Georgia licensed optometrists are exempt from acquiring the one (1) hour of CE in ethics and jurisprudence.

2. a minimum of 18 hours of continuing education per biennium is required for pharmacology and pathology courses as related to ophthalmologic conditions.

3. 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.

4. 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 and must be documented by December 31 of the relevant biennium.

~~(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).~~

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

(a) The American Optometric Association or its regional or state affiliates; Council on Optometric Education of the American Optometric Association;

(b) The Council on Optometric Practice Education (C.O.P.E.) and any courses approved by C.O.P.E.;

(c) The Society of Professional Optometrists of Georgia;

(d) The Southern Educational Congress of Optometry (SECO) International, L.L.C.;
(e) Ophthalmologic related courses taught by the Georgia Health Sciences University, The University System of Georgia-Schools of Medicine, Emory University- School of Medicine, Mercer University- School of Medicine and Morehouse College-School of Medicine with a limit of a maximum of ten (10) hours per biennium singly or as a composite from these education providers.

~~(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.~~

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.

~~(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.~~

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.

(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.~~

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.

(7) 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. The Board

designates ARBO OE-Tracker as the licensees repository for all continuing education (CE) hours. Prior to the completion of renewal, it is the responsibility of the licensee to verify that all board approved continuing education credits have been recorded with the ARBO OE Tracker site or an organization designated by the Board. In the event that continuing education credits are not posted on OE-Tracker, the licensee may not renew his/her license until continuing education hours are submitted to ARBO OE Tracker, the Board or an organization designated by the Board.

(b) The staff of the Professional Licensing Boards shall audit the a percentage of licensees for compliance with all rules and regulations.

(c) Continuing education may be verified on all licensees through the Association of Regulatory Boards of Optometry-OE Tracker Program or an organization designated by the Board.

(d) 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.

(8) 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/or
2. hardship.

Authority O.C.G.A. Secs. 40-30-5, 43-30-7, 43-30-8, 43-30-9, 43-50-5.

Consideration of a draft Reinstatement Policy. The Board states a Policy is not required.

Rule Waiver Request from Jennifer Stowe, O.D. re: Board Rule 430-2-.04. Dr. Lord made a motion to deny the request. Dr. McCullough seconded the motion and it carried unanimously.

Need to list both of these as rule variance requests

Request from Thomas Cossick, OD re: CE. Dr. McCullough made a motion to approve. Ms. Lindsey seconded the motion and it carried unanimously.

Rule Waiver request from Amy Brooks O'Neal, O.D. re: CE approval. Dr. Lord made a motion to grant a variance to acquire all CE hours via correspondence. Dr. McCullough seconded the motion and it carried unanimously.

EXECUTIVE SESSION

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

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

OPT110007 - Close with a letter of concern.

OPT110013 - No show for the investigative interview. The Board tabled until disposition of criminal case against complainant and the disposition of the civil case between complainant and respondent

OPT100025 - Close with a letter of concern. Also, refer to Licensed Dispensing Opticians Board for investigation of allegation of unlicensed practice.

OPT110021 - Close with letter of concern.

OPT110026 - Close with letter of concern.

OPT110027 - Close with no violation.

OPT110042 - Close with acceptance of a signed Cease and Desist Order on Lisa Jo Houston Vinavong and Somphavanh Vinabong of Albany. The Cease and Desist Orders will be provided to the Dispensing Opticians Board for acceptance since they were cited on the Cease and Desist Order.

OPT110045 - Close with acceptance of a signed Cease and Desist Order on James Hong (C&J Stop and Shop) of Milledgeville. The Cease and Desist Orders will be provided to the Dispensing Opticians Board for acceptance since they were cited on the Cease and Desist.

Attorney General’s Report – Ms. Wylencia Monroe

- Provided a status report, which included information on cases referred for action, request for advice and /or requests for authority for proposed rules.
- Presented for acceptance Consent Orders on Valerie Robbins-Acker, O.D. and Seth Murphy, O.D. Requests that the orders be accepted upon receipt.
- Ms. Monroe presented to the Board to close cases on 30 practitioners who met conditions of CE.

OPEN SESSION

The Board voted to approve the recommendations made in the Executive Session.

Dr. Lord made a motion to accept the recommendations of the Cognizant/Investigative Report. Dr. McCullough seconded the motion and it carried unanimously.

The Board meeting adjourned at 1:10 p.m.

Dudley Christie, O.D., President
Georgia State Board of Optometry

Date

Anita Martin, Executive Director
Professional Licensing Boards Division

Date