

GEORGIA STATE BOARD OF OPTOMETRY
Conference Call Board Meeting Minutes
July 25, 2012
Professional Licensing Boards
237 Coliseum Drive, Macon, GA 31217
9:00 a.m.

Board Members Present

Robert McCullough, O.D.
Karen Canupp, O.D.
Whit Lord, O.D.
Jerry Prchal, O.D.
Jody Whisenant, O.D.

Board Members Absent:

Ms. Betty Ann Lindsey

Staff Present

Stephanie Mason, Assistant Attorney General
Lisa Durden, Division Director
Tanja Battle, Executive Director

OPEN SESSION

Dr. McCullough established a quorum and called the meeting to order at 9:15a.m.

Approval of the minutes from the April 11, 2012 Board meeting. Dr. Prchal made a motion to approve the Board minutes. Dr. Whisenant seconded the motion and the Board voted unanimously in favor of the motion.

Licenses to Ratify. Dr. Prchal made a motion to approve. Dr. McCullough seconded the motion and the Board voted in favor of the motion.

Correspondence from Lisa Fennell: CE Accreditation Memo from ARBO President:

The Board discussed memo attached to Ms. Fennell's email from FAAO President, Michael Ohlsen regarding CE accreditation. Dr. Lord asked if the information from FAAO could be forwarded as it is received.

Correspondence from Lisa Fennell regarding a request from the Arkansas Board of Optometry regarding colored contact lenses issues: Dr. McCullough will draft a letter to send to practitioners via email to ask for the number of instances eye injuries of eye infections secondary to illegally purchased contact lenses have occurred. These responses may be sent to Senator John Boozman's office.

Correspondence from Anthony Kim regarding Releasing Eyeglass Prescriptions:

Ms. Mason stated that the rules are confusing regarding this issue, and there is no Georgia rule that specifically addresses this issue. The Board directed staff to send a letter explaining that the Board does not give legal advice, and that she should consult with her attorney and direct this question to the Optician's Board.

Rule Waiver Request from Scott Hannah regarding Board Rule 43-30-8(b)

Continuing Education: Dr. Lord made a motion to deny the request. Dr. Whisenant seconded the motion, and the Board voted unanimously to deny the rule waiver request. It was noted that this is not a rule waiver petition that falls under Title 50 as Georgia Law addresses this issue. Dr. Lord would like to revisit the issue regarding the age exemption.

Suffixes discussion: Dr. Whisenant stated he would call Dr. Radu to discuss the appropriateness of such. There did not appear to be any that did not meet the requirement.

Dr. Prchal asked if we received the OE tracker report. Ms. Battle said she would check on this.

Reciprocity vs. Endorsement: The Board requested that this be placed on the next agenda. This will require a change to the code.

Executive Director Report - Ms. Battle reviewed correspondence from Leslie Knachel, Executive Director for the Virginia Board of Optometry regarding CPT Codes. The Board stated that it does not post CPT Codes.

Attorney General's Report:

1. Ms. Mason discussed the changes to the law regarding Open Meetings.
2. Ms. Mason researched the following question: Does Georgia law or federal law required children under the age of 18 to be put in polycarbonate lenses? Ms. Mason advised that the Board cannot give legal advice, especially regarding issues of liability for civil claims.
3. Ms. Mason researched the following: Are there any requirements that an Optometrist be paid via 1099 if employed by an Optician, or can it be a W-2? Ms. Mason found nothing in Chapter 29 or 30 that addresses this issue. This is a business practice question and not a regulation question. Ms. Mason said the Optometrist should be cognizant of Board Rule 430-4-.01.

EXECUTIVE SESSION

Dr. Lord made a motion, Dr. Whisenant 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 Drs. Canupp, Prchal, Whisenant, Lord and McCullough.

Applications

A.A.A. – optometrist application. Discussed approving the application pending receipt of hours and pictures.

D.C.J. – endorsement application. Discussed approving the application.

Cognizant /Investigative Report and Recommendations– Dr. Whisenant

OPT110004 – Discussed referring the case to the Dispensing Opticians Board.

OPT120004 – The case was reconsidered and discussed. Original findings still stand.

OPT120006 – Discussed referring complainant to the civil action process and to close with no action.

OPT120009 - Discussed closing case with no action.

OPT120010 – Discussed closing case with no action.

OPT120013 – Discussed closing case with no action.

Attorney General’s Report – Status report presented to Board by Ms. Mason.

Dr. McCullough concluded Executive Session in which no votes were taken.

OPEN SESSION

Dr. McCullough declared the Board back into open session.

Applications

A.A.A. – Optometrist Application. The recommendation was to approve the application pending receipt of hours and pictures. Dr. Whisenant made a motion to approve the application pending receipt of hours and pictures. Dr. Lord seconded the motion. The Board voted unanimously in favor of the motion.

D.C.J. – Endorsement application. The recommendation was to approve the application. Dr. Prchal made a motion to approve the application. Dr. Whisenant seconded the motion, and the Board voted unanimously in favor of the motion.

Cognizant /Investigative Report and Recommendations:

OPT110004 – The recommendation was to refer the case to the Dispensing Opticians Board. Dr. Lord made a motion to approve the recommendation. Dr. McCullough seconded the motion, and the Board voted unanimously in favor of the motion.

OPT120004 – The case was reconsidered and the recommendation was to go with the original findings. Dr. Lord made a motion to approve the recommendation. Dr. Prchal seconded the motion, and the Board voted unanimously in favor of the motion.

OPT120006 – The recommendation was to refer to the civil action process and to close with no action. Dr. Prchal made a motion to approve the recommendation. Dr. Lord seconded the motion, and the Board voted unanimously in favor of the motion.

OPT120009 - The recommendation was to close with no action. Dr. Lord made a motion to approve the recommendation. Dr. Prchal seconded the motion, and the Board voted unanimously in favor of the motion.

OPT120010 – The recommendation was that to close with no violations. Dr. Prchal made a motion to approve the recommendation. Dr. McCullough seconded the motion, and the Board voted unanimously in favor of the motion.

OPT120013 – The recommendation was to close with no violations. Dr. Prchal made a motion to approve the recommendation. Dr. Lord seconded the motion, and the Board voted unanimously in favor of the motion.

New Business:

Dr. Whisenant requested that a strategy be developed for investigating cases involving colored contact lenses. He requested that the investigators go undercover to try to find these in the stores where there are allegations that they are being sold.

Dr. Whisenant asked if it can be considered unlicensed practice for a person with “O.D.” behind his name to advertise on the web. These are cases in which a person has obtained the degree, but has not obtained a license. He asked if the Board could consider adopting a rule to prevent this. Ms. Mason said she would have to research this issue.

To be placed on the agenda for next meeting: Complaint in which the wife has a license, but the husband does not. There are allegations that the wife is allowing the husband to practice unlicensed as an optometrist.

Dr. McCullough said he received a letter by email from someone named Jeffrey Hamilton trying to solicit funds. Dr. McCullough said this letter is a scam and warned the Board not to respond if they receive a letter from this person.

Dr. Whisenant said he attended GOA last month. He asked if Georgia requires COPE. Dr. McCullough responded that the Board’s CE requirement is that CE does not have to be ARBO approved.

Dr. Whisenant made a motion to ask Ms. Mason to research continuing education regarding whether or not it should be age limited. Dr. Lord seconded the motion, and the Board voted unanimously in favor of the motion.

Dr. Whisenant made a motion to ask Ms. Mason to research reciprocity vs. endorsement. Dr. Lord seconded the motion, and the Board voted unanimously in favor of the motion.

The next Board meeting is scheduled to begin at 10:00 a.m. on October 24, 2012 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217. Investigative Interviews will begin that day at 9:00 a.m. at the same location.

Dr. Canupp made a motion to adjourn; Dr. Lord seconded the motion and the Board voted in favor of the motion. The Board meeting adjourned at 11:36 a.m.

Robert McCullough, O.D., President
Georgia State Board of Optometry

Date

Tanja Battle, Executive Director
Professional Licensing Boards Division

Date