

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
July 16, 2014 * 10:00 a.m.

The Georgia State Board of Optometry met on Wednesday, July 16, 2014, at 237 Coliseum Drive, Macon, Georgia with the following members participating:

Board Members Present:

Robert McCullough, O.D.
Jerry Prchal, O.D.
Jody Whisenant, O.D.
Betty Ann Lindsey, Consumer Member
Larry Brown, O.D.

Board Members Absent:

Karen Canupp, O.D.

Staff Present

Brig Zimmerman, Executive Director
Stacey Mitchell, Board Support Specialist

Attorney General's Office

Wylencia Monroe, Asst. Attorney General

Dr. McCullough established a quorum was present and called the meeting to order at 10:13 a.m.

Agenda: Approved as presented

Meeting Minutes:

- April 16, 2014

Dr. Whisenant moved, Dr. Brown seconded, and the Board voted to approve the April 16, 2014 open session meeting minutes as presented. None opposed, motion carried.

Board Chair Report: No report presented.

Executive Director's Report: No report presented

ARBO Report:

An ARBO Annul Meeting Report was presented to the Board by Dr. Brown:

- Council on Optometric Practitioner Education (COPE) program
- Unlicensed sale of Color or Cosmetic Contact Lenses

Rules Discussion - Proposed Amendments to:

Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.

- 430-2-.04 Continuing Education – Discussion table; Review next scheduled meeting date.
- **430-2-.05 Requirements for Inactive License Status**

~~Doctors of Optometry who have reached their sixty fifth (65th) birthday or who can provide certification of disability to practice Optometry may request that their license be placed on inactive status under the following provisions:~~

Georgia licensed optometrists may request in writing to the Board that their active license to practice optometry in Georgia be placed in inactive status under the following conditions:

(a) The request must be received prior to the license expiration date to be considered. There is no fee required to request inactive status.

~~(a b)~~ In the event that a Doctor of Optometry who holds a valid license to practice Optometry in the State of Georgia notifies the Board that he chooses to retire from active practice of the profession, his license shall be considered to be inactive;

~~(b c)~~ Doctors holding an inactive license shall not engage in the practice of Optometry and shall not hold themselves out to the public as being available to provide optometric services;

~~(e d)~~ A Doctor of Optometry holding an inactive license shall not be required to obtain the necessary continuing education credits and no renewal fee shall be assessed.

(e) In order to return to the practice of optometry, a reinstatement application for licensure must be submitted to the Board. Refer to Board rule 430-2-.09.

Dr. Whisenant motioned, Dr. Brown seconded, and the Board voted to refer the proposed amendments to rule 430-2-.05 as presented to the Attorney General's office for a Memo of Statutory Authority, and in addition, to post the proposed rule amendment for minimum 30 day requirement followed by a public Rules hearing to be scheduled the next available meeting date. None Opposed, motion carried.

- **430-2-.06 To Reactivate an Inactive License. Repeal**

~~Should a Doctor of Optometry holding an inactive license choose to return to active practice the following requirements must be met:~~

~~(a) The Doctor of Optometry must submit evidence of attendance at 10 hours of Board-approved continuing education for each year or portion of year in which his/her license has been inactive. In no event will the required number of hours exceed fifty. These hours must be completed during a six-month period preceding reactivation of the license;~~

~~(b) An administrative fee of \$50 in addition to the applicable renewal fee for the period in which the license is reactivated must be paid.~~

Ms. Lindsey motioned, Dr. Brown seconded, and the Board voted to refer the proposed amendment of rule 430-2-.06 as presented to the Attorney General's office for a Memo of Statutory Authority, and in addition, to post the proposed rule amendment for minimum 30 day requirement followed by a public Rules hearing to be scheduled the next available meeting date. None Opposed, motion carried.

- **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 re-newal process shall be required to apply for reinstatement of their license. Reinstatement is at the sole discretion of the Board.~~

~~(2) An applicant for re-instatement 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 2) 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. Reinstatement applications received **within** one (1) year from the last effective date of the licensee shall include evidence of thirty-six (36) continuing education hours in accordance with Board rule 430-2-.04(5)(a-h), and must have been obtained within two (2) years prior to the date of reinstatement application.~~

~~(b) Reinstatement applications received **after** one (1) year from the last effective date of the license shall include:~~

~~1. Evidence of fifty (50) continuing education hours, thirty-six (36) of which must be in accordance with Board rule 430-2-.04(5)(a-h). The remaining fourteen (14) of the fifty (50) continuing education hours shall be in pharmacology and pathology and shall be obtained in person, and must have been obtained within two (2) years prior to the date of reinstatement application.~~

~~2. In addition, applicants for reinstatement after one year of the last effective date of the license shall register and take and pass the Georgia Laws and Rules exam.~~

~~(b c) Provides documentation of current CPR.~~

~~(e d) Provides evidence of current liability insurance as defined by law.~~

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

~~(f) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of optometry or being mentally or physically unable to practice optometry with reasonable skill and safety or for any ground set forth in [O.C.G.A. § 43-1-19](#).~~

~~(g) The Board reserves the authority to require any additional information or documentation necessary to complete the reinstatement application.~~

Ms. Lindsey motioned, Dr. Brown seconded, and the Board voted to refer the proposed amendment of rule 430-2-.09 as presented to the Attorney General's office for a Memo of Statutory Authority, and in addition, to post the proposed rule amendment for minimum 30 day requirement followed by a public Rules hearing to be scheduled the next available meeting date. None Opposed, motion carried.

Correspondence:

- F. Marshall – Patient Records Disposition

Board: There are no current Optometry Board laws or rules that address the disposition of patient records; owned by the OD; refer to federal HIPAA laws.

Dr. Whisenant moved, Dr. Prchal seconded, and the Board voted to authorize the administrative staff to respond to correspondence as directed. None opposed, motion carried.

Ratify list of licenses issued between meetings:

- Application Ratify List – April 10, 2014 to July 9, 2014:

OPT002808	Story, Shantise McCall
OPT002809	Woodhams, Andrena Niles
OPT002810	Jo, Petra
OPT002811	Martin, Elizabeth Anne
OPT002812	Hanna, Amorette Laura
OPT002813	Hartsell, Keri Cassels
OPT002814	Onyekwelu, Stella Njideka
OPT002815	Cain, Matthew Harrison
OPT002816	Sturges, Shawna Nicole
OPT002817	Patel, Meha J Optometry
OPT002818	Young, Robert Adam
OPT002819	Chado, Samuel David
OPT002820	Rowe, Lauren Kaye
OPT002821	MacDonald, John Matthew
OPT002822	Rottman, Ryan Seth
OPT002823	Broome, Michael Wesley
OPT002824	Lakhani, Rakeshkumar
OPT002825	Havens, Alicia June
OPT002826	Singla, Anchita Mittal
OPT002827	Dyak, Lauren Helen
OPT002828	Minhas, Huda
OPT002829	Macharaga, Ratidzo Bonnie

Dr. Prchal moved, Dr. Whisenant seconded, and the Board voted to approve the application ratify list as presented. None opposed, motion carried.

OSAH Initial Decision – Received by the Board:

- GA State Board of Optometry, Petitioner, v. Valerie Robbins-Acker, O.D., Respondent
Docket No. OSAH-PLBD-OPTOM-1445578-60-Howells

Dr. Brown moved, Dr. Prchal seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2) and 43-1-2(k) to deliberate on application and to receive the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Robert McCullough, Jerry Prchal, Betty Ann Lindsey, Jody Whisenant and Larry Brown.

At the conclusion of Executive Session on Wednesday, July 16, 2014, the meeting was declared to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.

Attorney General’s Report:

A written status and activity report was provided for Board review.

Cognizant Report – Complaints:

Case(s) Pending Receipt of Additional Information:

- OPT140013

Case(s) Closed:

OPT140005, OPT140011 and OPT140015

Non-Compliance with Board Orders:

- M.E. Recommendation: CE Audit for last renewal period 2012-2013.
- D.B. Release of Restrictions

Recommendation: Board to revisit request after additional documents have been received

Dr. Brown moved, Ms. Lindsey seconded, and the Board voted to accept the Assistant Attorney General's report as presented. None opposed, motion carried.

Ms. Lindsey moved, Dr. Brown seconded, and the Board voted to accept the recommendations of the Cognizant report as presented. None opposed, motion carried.

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to authorize the administrative staff to request the Continuing Education documents for M.E. from the 2012-2013 licensure cycle as directed. None opposed, motion carried.

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to authorize the administrative staff to request the additional documentation from D.B. as directed. None opposed, motion carried.

Executive Session Minutes:

- April 16, 2014

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the April 16, 2014 Executive Session minutes as presented. None opposed, motion carried.

There being no further business for discussion, the meeting was adjourned at 2:58 p.m.

Minutes recorded by: Stacey Mitchell, Board Support Specialist, HC1
Minutes reviewed and edited by: Brig Zimmerman, Executive Director, HC 1

DR. ROBERT MCCULLOUGH

Dr. Robert McCullough, Chair



Brig Zimmerman, Executive Director HC1

These minutes were approved on: October 22, 2014