

**GEORGIA STATE BOARD OF OPTOMETRY**  
**Board Meeting Minutes**  
**Professional Licensing Boards, 237 Coliseum Drive, Macon, GA**  
**April 15, 2015 \* 10:00 a.m.**

The Georgia State Board of Optometry met on Wednesday, April 15, 2015, at 237 Coliseum Drive, Macon, Georgia with the following members participating:

**Board Members Present:**

Jody Whisenant, O.D., President  
Jerry Prchal, O.D., Vice-President  
Robert McCullough, O.D.

Betty Ann Lindsey, Consumer Member  
Larry Brown, O.D.  
Karen Canupp, O.D.

**Staff Present**

Brig Zimmerman, Executive Director

**Attorney General's Office**

Wylencia Monroe, Esq., Asst. Attorney General

Dr. Whisenant established a quorum was present and called the meeting to order at 10:01 a.m.

**Agenda:** Approved as presented with late agenda items (Bob McCullough):

- Preparing and supplying eyeglasses and contact lenses;
- Optometrist employed by corporations
- OE Tracker & Fees

**Meeting Minutes:**

- January 14, 2015

**Dr. Canupp moved, Dr. Brown seconded, and the Board voted to approve the January 14, 2015 meeting minutes as presented. None opposed, motion carried.**

**Board Chair Report:** Yield the Floor to the Late Agenda Items:

- Steve Wilson & Spectera - Recent lawsuit: should the Board's practice act, O.C.G.A. § 43-30 be amended with regard to optometrists preparing and supplying eyeglasses and contact lenses. No action to be considered at this time.
- Optometrists employed by Corporations/Steve Wilson – no action to be considered at this time.
- OE Tracker - \$20 fee; optometrists not willing to pay the fee. No action to be considered by the Board.

**Correspondence:**

- HB 316 – Sent top Governor Deals desk for signature into law; review Board rule on Unprofessional Conduct and prepare amendments as needed.
- Haji, A. – CE Hours, Canada: Refer to rules; COPE approved hours are accepted

**Dr. Canupp motioned, Dr. Brown seconded and the Board voted for the administrative staff to respond to correspondence as directed. None opposed, motion carried.**

**Petitions For Waiver or Variance:**

- Diaz, A. - NBEO Exam, Licensure in Puerto Rico
  - Petition denied; Seek additional information from individual on modality certifications
- Luzunaris, T. A. – NBEO Exam, Licensure in Puerto Rico
  - Petition denied; Seek additional information from individual on modality certifications

**Dr. Prchal motioned, Dr. Canupp seconded and the Board voted to deny the petitions for both Diaz and Luzunaris as presented and for staff to contact both individuals for clarification on modalities certifications from/required by Puerto Rico for licensure. Both may file additional petitions later as needed. None opposed, motion carried.**

**Ratify List:** 01-07-2015 through 04-08-2015

OPT002856	Antoine, Deshundra	Optometry
OPT002857	Haii, Anisha E	Optometry
OPT002858	Francisco, Frank	Optometry
OPT002859	Ortiz, Katerin A	Optometry
OPT002860	Badaracco, Derrick	Optometry
OPT002861	Song, Jennifer	Optometry
OPT002862	Patel, Puja	Optometry
OPT002863	Bugenske, Elise	Optometry

**Dr. Brown motioned, Dr. McCullough seconded and the Board voted to accept the ratify listing of licenses issued between meetings. None opposed, motion carried.**

**Public Rules Hearing - Proposed Amendments:**

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

- **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.~~

**AUTHORITY PROVIDED: O.C.G.A. §§ 43-30-4, and 43-30-8**

**Dr. Brown motioned, Dr. Canupp seconded, and the Board voted to adopt the proposed rule repeal of rule 430-2-.06 as presented. None Opposed, motion carried.**

**Dr. Prchal motioned, Dr. Brown seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3.**

**Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Optometry.**

- **430-2-.09 To Reinststate a Lapsed License. Reinstatement**

~~(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-nwal 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 bi-ennium 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.

**AUTHORITY PROVIDED: O.C.G.A. §§ 43-1-19, 43-30-4, and 43-30-8**

**Dr. McCullough motioned, Dr. Canupp seconded, and the Board voted to adopt the proposed rule amendments to rule 430-2-.09 as presented. None Opposed, motion carried.**

**Dr. Brown motioned, Dr. Prchal seconded and the Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3.**

**Additionally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-10, 43-1-19, 43-1-24, 43-1-25, 43-39-5, 43-39-6, 43-39-8, 43-39-13 and 50-13-3 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Optometry.**

**Dr. Canupp moved, 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 43-1-2(k) to deliberate on applications, review complaints and the Executive Session Minutes for the January 14, 2015 meeting. Voting in favor of the motion were those present who included McCullough, Canupp, Prchal, Whisenant, Lindsey and Brown.**

**Applications:**

- A.D.
- T.A.L.

**Recommendation:**

Pending additional information  
 Pending additional information

**Correspondence (Executive Session):**

- J.J. Self Report; sanctions by another state licensure Board; no action needed

**Complaints: Cases Recommended for Closure:**

- OPT150009

**Recommendation:**

Close with LOC

**Complaints: Pending:**

- OPT150010, 150011 and 150012

**Plan of Correction – Re-Presented to Board:**

OPT130012, OPT140003, OPT140004, OPT140007, AND OPT1400010

Recommendation: Send one final correspondence specifically to address one identified concern; Advise in letter that the board will conduct a conference call within 5 to 10 business days and a decision rendered.

**Executive Session Minutes:**

- January 14, 2015

**At the conclusion of Executive Session on Wednesday, April 15, 2015, Dr. Whisenant declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq.**

**Dr. Canupp moved, Dr. Brown seconded, and the Board voted to approve the recommendations on all application as presented. None opposed, motion carried.**

**Dr. Brown moved, Dr. McCullough seconded, and the Board voted for staff to respond to the correspondence presented in executive (closed) session as recommended. None opposed, motion carried.**

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

**Dr. Brown moved, Dr. Prchal seconded, and the Board voted to approve the January 14, 2015 Executive Session minutes as presented. None opposed, motion carried.**

**There being no further business for discussion, Dr. McCullough motioned, Dr. Brown seconded, and the meeting was adjourned at 12:25 p.m.**

**Minutes recorded, reviewed and edited by:**

Brig Zimmerman, Executive Director, HC 1

**DR. JODY WHISENANT**

President

**BRIG ZIMMERMAN**

Executive Director HC1

These minutes were approved on: **July 15, 2015**