

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes
Professional Licensing Boards, 237 Coliseum Drive, Macon, GA
January 13, 2016 * 10:00 a.m.

The Georgia State Board of Optometry met on Wednesday, January 13, 2016, 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
Larry Brown, O.D.
Robert McCullough, O.D.

Board Members Absent:

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

Staff Present

Brig Zimmerman, Executive Director
Amanda Allen, Licensure Supervisor
Tracy Allen, Licensure Analyst

Attorney General's Office

Wylencia Monroe, Esq., Asst. Attorney General
(By Telephone)

Dr. Whisenant established a quorum was present and called the meeting to order at 10:02 a.m.

Agenda: Approved with late agenda items added.

- Review of Continuing Education Audits
- Continuing Education Tracker Service Programs – CE Broker, Florida

Meeting Minutes:

- October 14, 2015
- December 02, 2015 –Conference Call

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the October 14, 2015 Board meeting minutes as amended. None opposed, motion carried.

Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the December 02, 2015 Conference Call Board meeting minutes as amended. None opposed, motion carried.

Board Chair Report: No report presented.

Policy Statement:

Bob McCullough, OD

I. Practice of Optometry

Excerpt from O.C.G.A. § 43-30-1(2)(A) Definitions:

“The practice of optometry further consists of the correction of visual anomalies through the prescribing, employment, and use of lenses, prisms, frames, mountings, contact lenses, orthoptic exercises, and visual training, light frequencies, and any other means or methods for the relief, correction, or remedy of any insufficiencies or abnormal conditions of the human visual organism, other than surgery.”

Policy Statement:

1. Medicated contact lens (i.e. ProKera Rings) are within the scope of Optometric practice in Georgia based on the Practice of Optometry definition in Georgia law AS WELL AS law passed in 2013 defining administration of pharmaceuticals. These are used for the treatment of the cornea.
2. Debridement of corneal Epithelium is within the scope of practice of optometry because the procedure is for the correction of certain corneal conditions and is not considered surgery.
3. Removal of corneal sutures is within the scope of practice of optometry because the procedure is not considered surgery.

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to approve the new Board policy statement as presented, and to post on Board website. None opposed, motion carried.

Correspondence:

- Jackson, Z. – Board rule 420-4-.01

Refer to Statute: O.C.G.A. § 43-29-18. Construction of chapter (f) Nothing contained in this chapter shall be construed to require an employee of a licensed physician or a licensed optometrist to secure a license under this chapter or be otherwise subject to this chapter, so long as such employee is working exclusively for and under the direct supervision of such licensed physician or optometrist or licensed optician and does not hold himself out to the public generally as a dispensing optician.

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

Board Rule Discussion:

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 SECO International, LLC, the Council on Optometric Practice Education (C.O.P.E.) and any courses approved by C.O.P.E. All preapproved 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.
- (c) Such additional information as the Board may request in the course of its deliberations concerning the application for approval.
- (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.
 - (d) CPR.
- (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).
- (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.
- (5) Minimum hours required. The Board requires a minimum of 36 hours of attendance at Board-approved continuing education programs.
- (a) Those licensed in the first year of the biennium will be required to obtain eighteen (18) hours of continuing education. This requirement applies regardless of when you establish practice in Georgia. Licensees practicing in Georgia shall obtain one (1) hour biennially of CE in ethics and Georgia laws and rules. All CE on ethics and Georgia laws and rules must be prior approved by the Board. Georgia licensed optometrists that are not practicing within the state are not required to earn the one hour of ethics and Georgia laws and rules.
 - (b) Those licensed in the second year of the biennium are not required to obtain continuing education in that biennium.
 - (c) New licensees are required to obtain 36 hours 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 Georgia laws and rules. A maximum of one (1) hour per biennium will be allowed as continuing education credit in this area. Georgia licensed optometrists not practicing in Georgia are exempt from acquiring the one (1) hour of CE in ethics and Georgia laws and rules.
 - (e) 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.
 - (f) 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 paragraph (1) of this rule.
 - (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) 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.
- (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. Furthermore, the licensee shall verify that all board approved continuing education credits have been posted to the ARBO OE-Tracker site. 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 the Board or its designated agents.
 - (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. 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.

Dr. Brown moved, Dr. McCullough seconded, and the Board voted to refer the proposed rule amendment to the AG's office for a Memo of Statutory Authority, and to post for the required thirty day minimum upon receipt of said authority with a public rules hearing to be scheduled as soon thereafter as possible. None opposed, motion carried.

Petition for Variance:

- Melendez, L. – Rule 430-2-.04 CE's

Dr. Brown moved, Dr. Prchal seconded, and the Board voted to deny the Petition request for failure to provide a substantial hardship pursuant to GA law. None opposed, motion carried.

Ratify list of licenses issued between meetings:

- October 8, 2015 through January 6, 2016

Recommendation:

Approved

Late Agenda Items:

- CE Audit 2015:
Findings by Sub-Committee of Brown and Prchal completing this year's CE Audit for Board;
- CE Broker, Florida:
Sub-Committee of Prchal and Brown to look into further and report back to Board.

Dr. McCullough moved, Dr. Brown 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 receive the Cognizant's complaint report, review the Executive Session Minutes for July 15, 2015 meeting and to receive the Assistant Attorney General's report. Voting in favor of the motion were those present who included Jody Whisenant, Robert McCullough, Jerry Prchal, and Larry Brown.

At the conclusion of Executive Session on Wednesday, January 13, 2016, 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. No votes were taken in the closed session.

Renewal Issue:

- A.H.

Recommendation:

Resolved - L.O.C.

Non-Compliance with Board Order:

- A.A.

Recommendation:

Refer to Investigations - Hand Serve Board Order

Cognizant Report:

Complaints: Recommend Closure; no additional actions required:

- OPT160003, OPT160004, OPT160005, OPT160006, OPT160008 and OPT160009

Pending:

- OPT150012

Dr. McCullough moved, Dr. Brown seconded, and the Board voted to accept the Cognizant report on complaints as presented. None opposed, motion carried.

Attorney General's Report:

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

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

Executive Session Minutes:

- October 14, 2015 Approved as presented.
- December 02, 2015- Conference Call Approved as presented

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

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to approve the December 02, 2015 Conference Call Executive Session minutes as presented. None opposed, motion carried.

There being no further business for discussion, Dr. McCullough, motioned, Dr. Prchal seconded, and the meeting was adjourned at 1:50 p.m.

Minutes recorded by: Amanda Allen, Licensure Supervisor, HC1
Minutes reviewed and edited by: Brig Zimmerman, Executive Director, HC 1

DR. JODY WHISENANT
Chair

BRIG ZIMMERMAN
Executive Director HC1

These minutes were approved on: **April 13, 2016**