

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

The Georgia State Board of Optometry met by Conference Call on Wednesday, July 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.  
Karen Canupp, O.D.  
Robert McCullough, O.D. (Via-Telephone)

**Board Members Absent:**

Betty Ann Lindsey, Consumer Member

**Staff Present**

Brig Zimmerman, Executive Director  
Linsey Brookins, Board Support Specialist  
Tracy Allen, Licensure Analyst

**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 with late agenda items added: ARBO 2016 Meeting Report, Dr. L. Brown

**Meeting Minutes:**

- April 13, 2016
- June 1, 2016 Conference Call

**Dr. Prchal moved, Dr. Brown seconded, and the Board voted to approve the April 13, 2016 Board meeting minutes as amended. None opposed, motion carried.**

**Dr. Canupp moved, Dr. Brown seconded, and the Board voted to approve the June 1, 2016 Board Conference Call meeting minutes as amended. None opposed, motion carried.**

**Board Chair Report:** No report presented.

**Public Rules Hearing**

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

- **Rule 430-2-.03. Address Changes**

Each licensed optometrist shall ~~file~~ maintain his/her current mailing address with the Board ~~in writing~~ within fifteen days of such change. A license to practice ~~may be suspended or revoked by the Board for violation of this Rule.~~ Address changes may be submitted in writing to the Board, or license holders may update their mailing and physical addresses online at [the PLB website, www.sos.ga.gov/plb](http://www.sos.ga.gov/plb). A current e-mail address is required and may also be updated from this site.

**Authority: O.C.G.A. § 43-30-5**

**Dr. Prchal motioned, Dr. Brown seconded, and the Board voted to adopt Rule 430-2-.03 Continuing Education Requirements; Approval of Educational Programs as presented. None opposed, motion carried.**

**In addition, Dr. Prchal motioned, Dr. Canupp 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. §§ 43-30-5, and, that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-30-5 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.**

- **Rule 430-13-.01. Licensure By Endorsement**

The Board may license by endorsement, an optometrist who holds a license that was obtained by examination from another state or territory of the United States subject to the following conditions:

(a) An applicant for licensure by endorsement must have been engaged in the active practice of optometry for at least five (5) of the seven (7) years immediately preceding his or her application;

~~(b) An applicant will not be considered for licensure by endorsement in the state of Georgia if he or she has failed the Georgia Practical Examination within ten (10) years preceding the date on which the application for endorsement is filed;~~

~~(e b)~~ The applicant must not have committed any act that would constitute a violation of the Georgia State Board of Optometry Laws and Rules and Regulations. Furthermore, he or she must not be the subject of any pending or unresolved board action or malpractice in this or any other state or territory;

~~(d c)~~ An applicant for licensure by endorsement must meet all of the qualifications for regular state licensure as set forth in O.C.G.A. 43-30-7(c)(1), (2), (3) and (4), and (d), except that the applicant shall not be required to sit for any portion of the written examination other than the "Laws" portion as required by subparagraph ~~(e d)~~4. of this rule; and

~~(e d)~~ As part of the licensure process, the applicant shall complete an application for licensure by endorsement and shall:

1. submit all applicable fees provided for in Board Rule 430-12-.01;
2. cause to be submitted directly from the boards of all states in which the applicant holds a license to practice optometry certification demonstrating his or her good standing. To be considered for licensure by endorsement, an applicant's license(s) must be in good standing in any states and territories of the United States in which he or she successfully passed an examination for licensure, which states and territories have the same or similar licensing requirements as the State of Georgia;
3. submit official proof documenting his or her compliance with all continuing education requirements imposed by any states or territories in which a license to practice optometry is held; and
4. submit proof that he or she has taken and passed the "Law" portion of the Licensing examination of the Georgia State Board of Optometry.

**Authority: O.C.G.A. §§ 43-30-5 and 43-30-7**

**Dr. Prchal motioned, Dr. Canupp seconded, and the Board voted to adopt Rule 430-13-.01 Continuing Education Requirements; Approval of Educational Programs as presented. None opposed, motion carried.**

**In addition, 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. §§ 43-30-5 and 43-30-7, and, that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-30-5 and 43-30-7 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.

**Correspondence:**

- COPE Reviewer Approval: King Bo Young Kwon – *For Board information only*
- Wilson, Steven: RE VSP – *Board does not provide legal advice See rules on Professional conduct. Please seek legal counsel of your own choosing for advice on laws and rules.*
- Email to Dr. Bob McCullough: RE Walmart Control Case – *For Board information only*

**Mr. Brown motioned, Mr. Prchal seconded, and the Board voted to allow the Board Staff to respond as directed to the correspondences listed above. None opposed, motion carried.**

**Board Rule Discussion:**

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

- **Rule 430-5-.01. Treatment Plans, Eye Examinations, and Patient Records**

(1) Before diagnosing or prescribing a treatment plan for any patient, including prescriptions for glasses, contact lenses or other optical devices, the following must be met and determined: (a) case history as related by patient; and

(b) any pathological conditions of the eyes, both external and internal with diagnosis recorded; and

(c) the need for any necessary optometric tests to ascertain the final treatment plan.

(2) A comprehensive eye examination includes an assessment of a patient's history, any general medical observations, an external and ophthalmoscopic examination, an assessment of gross visual field, visual acuity, ocular alignment and motility, refraction, and, binocular vision and accommodation, a diagnosis, if applicable, and a plan of treatment.

(3) The written and/or electronic record of the above determination of each patient examined shall be maintained by the licensed doctor of optometry for seven (7) years from initiation and be made available to the Board or its authorized agents for inspection at any reasonable time.

- **Rule 430-10-.03. Approved Therapeutic Drugs**

(1) Pharmaceutical agents which are used by a doctor of optometry for treatment purposes and administered orally may only be:

(a) Non-narcotic oral analgesics and Schedule III or Schedule IV controlled substances which are oral analgesics;

(b) Used for ocular pain; and

(c) Used for no more than 72 hours without consultation with the patient's physician; provided however that with respect to hydrocodone, used for no more than 48 hours without consultation with the patient's physician; or

(d) Oral and topical antibiotics, antivirals, topical steroids, antifungals, antihistamines, or antiglaucoma agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi except Schedule I or Schedule II controlled substances.

(2) Doctors of optometry using such oral and topical pharmaceutical agents shall be held to the same standard of care imposed by Code Section 51-1-27 as would be applied to a physician licensed under Chapter 34 of this title performing similar acts; provided, however, that a doctor of optometry shall not be authorized to treat systemic diseases.

(3) The following pharmaceutical agents may be used for treatment purposes, including ocular pain, by any doctor of optometry who has been certified pursuant to O.C.G.A. 43-30-1(2)(A) to use pharmaceutical agents for treatment purposes:

- (a) topical and oral antibiotics;
- (b) topical and oral antivirals;
- (c) topical and oral antifungals;
- (d) topical and oral antiallergy;
- (e) topical and oral antiglaucoma;
- (f) topical steroids;
- (g) topical and oral nonsteroidal anti-inflammatory;
- (h) oral non-narcotic analgesics;
- (i) oral narcotic Schedule III or IV analgesics.

(4) An optometrist certified to use therapeutic agents pursuant to O.C.G.A. § 43-30-1(2)(A), shall only use those agents as authorized under O.C.G.A. § 43-30-1(2)(D), (E) and (F). A doctor of optometry shall not administer any pharmaceutical agent by injection.

(5) The therapeutic agents listed in subparagraph (1) above to be used as an oral analgesic for ocular pain may include Schedule III or Schedule IV.

**Dr. Brown moved, Dr. Prchal seconded, and the Board voted to refer the proposed rule amendments to rule 430-5-.01 and 430-10-.03 to the AG's office for a Memo of Statutory Authority, and to post for the required 30 minimum days upon receipt of said authority with a public rules hearing to be scheduled as soon thereafter as possible. None opposed, motion carried.**

**In addition, 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 the O.C.G.A. and, that it is not legal or feasible to meet the objectives of the O.C.G.A. 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.**

**2016 Legislation:** Governor Deals Correspondence-RE: HB 952 - For Board information only

**Petition for Variance:**

- Tieu, R. – Rule 430-2-.01 Applications – TMOD Examination

**Dr. Canupp moved, Dr. Brown seconded, and the Board voted to deny the Petition request for failure to provide a substantial hardship pursuant to GA law. None Opposed. Motioned Carried.**

**Ratify list of licenses issued between meetings:**

*April 7, 2016 to July 6, 2016*

|           |                        |           |
|-----------|------------------------|-----------|
| OPT002920 | Jarvis Dewayne Johnson | Optometry |
| OPT002921 | John Scot Ellis, Sr    | Optometry |
| OPT002922 | Derek Alan Black       | Optometry |
| OPT002923 | Mili Khanna            | Optometry |

|           |                           |           |
|-----------|---------------------------|-----------|
| OPT002924 | Amanda Kathleen Dana      | Optometry |
| OPT002925 | Jason Winthrop Moore      | Optometry |
| OPT002926 | Roger Allen Otto          | Optometry |
| OPT002927 | Ruchi Parimal Gandhi      | Optometry |
| OPT002928 | Sally Marie Dillehay      | Optometry |
| OPT002929 | Lindsay Chitwood Martin   | Optometry |
| OPT002930 | Katherine Elizabeth Allen | Optometry |
| OPT002931 | Jessica Paige Kenney      | Optometry |
| OPT002932 | Clint David Paxson        | Optometry |
| OPT002933 | Whitney Alison Seltman    | Optometry |
| OPT002934 | Stephen Scott Ellison     | Optometry |
| OPT002935 | Jessica Grace Schiffbauer | Optometry |
| OPT002936 | Molly Marie Kevern        | Optometry |
| OPT002937 | Kiran Bandali             | Optometry |
| OPT002938 | Leah Lentz Herron         | Optometry |
| OPT002939 | Katelyn Wilma Lohman      | Optometry |
| OPT002940 | Brenton Douglas Smith     | Optometry |
| OPT002941 | Thuy Mong Le              | Optometry |
| OPT002942 | Sheena T Nagaraja         | Optometry |
| OPT002943 | Hae W. Chun               | Optometry |
| OPT002944 | Rohan Das Kapoor          | Optometry |
| OPT002945 | Carlos Eduardo Pessoa     | Optometry |
| OPT002946 | Brittany Eidam McNeely    | Optometry |

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

**ARBO Southern Regional Meeting 2016 report:** Dr. Larry Brown, Board Designated Representative

Dr. Brown presented a report to the Board of the 2016 regional conference of ARBO held in Boston on June 26-28, 2016.

**Miscellaneous Discussion Items:** Dr. B. McCullough

- Boxing Commission and TMOD – New rules/policies regarding eye exams for fighters pre-fight. Tabled for further discussion at a later date pending review of the GA Athletic & Entertainment Commission’s rules and regulations.

**Dr. Canupp 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 January 13, 2016 meeting and to receive the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Whisenant, McCullough, Prchal, Brown, and Canupp.**

**At the conclusion of Executive Session on Wednesday, July 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.**

**Investigative Interview:**

- D.B.

**Recommendation:**

No further action needed

**Applications:**

None presented

**Recommendation:**

N/A

**Cognizant Report:**

- **Complaints: Recommend Closure - no additional actions required:**
  - ❖ OPT160010, OPT160011, OPT160015, OPT160018, OPT160019
- **Pending Receipt of Additional Information:**
  - ❖ OPT170001

**Dr. Canupp moved, Dr. Brown seconded, and the Board voted to approve the recommendations of 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:**

- April 13, 2016

**Ms. Brown moved, Dr. Prchal seconded, and the Board voted to approve the April 13, 2016 Executive Session minutes as presented. None opposed, motion carried.**

There being no further business for discussion, Dr. Prchal, motioned, Dr. Brown seconded, and the meeting was adjourned at 12:46 p.m.

**Minutes recorded by:** Linsey Brookins, Board Support Specialist, HC 1  
**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: **October 19, 2016**