

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, February 12, 2003, at the Professional Licensing Boards Office in Macon, Georgia.

The following Board members were present:

Joseph J. Reed, Chairman
Thomas Blair, Jr., Vice-Chairman
Cathy L. Dixon
Lurue L. Lord
Addison B. McRee

Others Present:

Anita O. Martin, Executive Director
Susan S. Hewett, Board Secretary
Aaron Mason, Board Attorney, by Conference Call

It was established that a quorum was present, and the meeting that was scheduled to begin at 10:00 A.M. was **called to order** at 10:00 A.M.

A motion was made by Cathy Dixon to approve the **minutes** from the October 30, 2002 meeting. The motion was seconded by Lurue Lord and was **approved** by the Board.

National Vision, Inc.: The Board reviewed a letter from National Vision, Inc. regarding Health Insurance Portability and Accountability Act of 1996/Assistance to Licensees. The Board requested that a response be sent that the Board **does not issue legal advice**.

Dana Driver: The Board reviewed a request from Ms. Driver regarding continuing education requirements for renewal of license. A motion was made by Thomas Blair, Jr. to grant approval of a **waiver** after posting for 30 days to allow home study/internet programs and to extend the time limit required for submission of the CE credits until December 31, 2003. The motion was seconded by Cathy Dixon and was **approved** by the Board.

New York Board: The Board reviewed an e-mail sent to the New York Board notifying them that the Georgia Board is interested in finding out more information concerning the national standardized examination as **informational only**.

J. Michael Simmons, Jr., O.D.: The Board reviewed a letter from Dr. Simmons regarding medical records. The Board requested that a response be sent to Dr. Simmons that the Board **does not issue legal advice**.

Dallas Wilfong: The Board reviewed a letter from Mr. Wilfong regarding continuing education for reinstatement of license. The Board **tabled** this request until the Board adopts a policy concerning reinstatement.

Rule 420-8: A report from the subcommittee meeting (Attachment #1) to finalize details of the proposed rule change to 420-8 was reviewed by the Board. A motion was made by Thomas Blair, Jr., to **post** the rule change. The motion was seconded by Cathy Dixon and was **approved** by the Board. (Attachment #2)

The Board voted that the formulation and adoption of these rules do 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. §§ 43-1-25, 43-29-3(d) and 43-26-6.

The board also voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-29-3(d) and 43-26-6 to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optical dispensing.

Policy Manual: The Board reviewed the Policy Manual. The decision to adopt this policy manual was **tabled** until further review by the Board.

The Board reviewed a list of new licensee candidates receiving licenses between October 5, 2002 through January 30, 2003. A motion was made by Addison McRee to **ratify** the following new licensee candidates:

? License #LDO-001944 through #LDO-1948 (Attachment #3))

The motion was seconded by Thomas Blair, Jr. and was **approved** by the Board.

Lurue Lord made a motion to enter into **Executive Session** in accordance with O.C.G.A. 43-1-2(k) to deliberate on and receive information on applications and O.C.G.A. 43-1-19(h)(2) to deliberate on and receive information of disciplinary matters. The motion was seconded by Addison McRee and voting in favor of the motion were those present who included Thomas Blair, Jr., Joe Reed, and Cathy Dixon. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

S.T.S.: The Board reviewed an application for **reinstatement** of a license submitted by S.T.S. A motion was made by Thomas Blair, Jr., to **approve** reinstatement of the license. The motion was seconded by Lurue Lord and was **approved** by the Board.

B.R. The Board reviewed an application for **reinstatement** of a license submitted by B.R. A motion was made by Lurue Lord to **approve** reinstatement of license. The motion was seconded by Cathy Dixon and was **approved** by the Board.

M.V.S.: The Board reviewed an application for **reinstatement** of a license submitted by M.V.S. A motion was made by Thomas Blair, Jr., to **deny** the reinstatement of the license until a notarized statement regarding employment and supervision is received and reviewed by the Board. The motion was seconded by Cathy Dixon and was **approved** by the Board.

S.J.N.: The Board reviewed an application for **reinstatement** of a license submitted by S.J.N. A motion was made by Cathy Dixon to **approve** the application for reinstatement. The motion was seconded by Addison McRee and was **approved** by the Board.

R.C.U.: The Board reviewed an application for **reinstatement** of license submitted by R.C.U. A motion was made by Thomas Blair, Jr., to **approve** the reinstatement of license. The motion was seconded by Cathy Dixon and was **approved** by the Board.

REPORTS:

Aaron Mason, Board Attorney

- ? No report

Anita Martin, Executive Director

- ? Distributed copy of the General Provisions
- ? Discussed budget constraints
- ? Discussed that minutes will now be posted on the website
- ? Provided copy of Governors Code of Ethics to Board
- ? Reported on progress on the renovation of building next door
- ? Provided Renewal update

Kathy Harvey, Enforcement

- ? Reported on 6 cases

Thomas Blair, Jr., Cognizant

- ? Reported on the following cases:
 - o Case #DISP030008: Recommendation to refer to AG for Notice of Hearing for Revocation of License.
 - o Case #DISP030012: Recommendation to close the case.
 - o Cheryl S. Price Recommendation to accept Cease & Desist to close the case.
 - o Shelia Lynn Norton Recommendation to accept Cease & Desist to close the case.
 - o Kara Nicole Morey Recommendation to accept Cease & Desist to close the case.
 - o Steven Johnson Recommendation to accept Cease & Desist to close the case.
 - o Alvintina Dukes Recommendation to accept Cease & Desist to close the case.
 - o Vanessa M. Walker Recommendation to accept Cease & Desist to close the case.
 - o Vernee D. G. Jackson Recommendation to accept Cease & Desist to close the case.
 - o Scott R. Argo Recommendation to accept Cease & Desist to close the case.
 - o Dan Casey Campbell Recommendation to accept Cease & Desist to close the case.

A motion was made by Cathy Dixon to approve the recommendations made by the Cognizant Board member. The motion was seconded by Addison McRee and was **approved** by the Board.

The next Board meeting was scheduled for May 7, 2003 at 10:00 A.M.

There being no further business to come before the Board, Cathy Dixon made a motion to adjourn the meeting. The motion was seconded by Lurue Lord and carried by the Board.

The meeting was adjourned at 12:52 P.M.

Minutes recorded by: Susan S. Hewett, Board Secretary

Minutes reviewed by: Anita O. Martin, Executive Director

Chairman of the Board: Joe Reed

Division Director: Mollie L. Fleeman

Minutes approved by the Board at the August 27, 2003 meeting.

State of Georgia

County of Bibb

**Affidavit Supporting Closing
Of Public Meeting**

The Georgia Open Meetings Act, O.C.G.A. 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question:

Comes now, Joe Reed, the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the **Georgia State Board of Dispensing Opticians**.
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On **February 12, 2003** this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that,

to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.

4. The legal authority for the closure of this meeting was:

43-1-2(k) and 43-1-19(h)(2)

5. The subject(s) discussed and the underlying facts supporting the closing of this meeting are:

Review applications and disciplinary files

Further the affiant sayeth not.

Joe Reed
(Presiding Officer)

Sworn and subscribed before me,

This 12th day of February 2003.

Regina F. Thompson
Notary Public