

GEORGIA STATE BOARD OF DISPENSING OPTICIANS
Board Meeting May 5, 2004

A meeting of the Georgia State Board of Dispensing Opticians was held on Wednesday, May 5, 2004, at the Professional Licensing Boards Office in Macon, Georgia.

The following Board members were present:

Glenn Morris, Chairman
Diane Drake
Joe Reed
Steve Sanford
Thomas Schulz

Others Present:

Anita O. Martin, Executive Director
Susan S. Hewett, Board Secretary
Wylencia Monroe, Board Attorney

Chairman Morris established that a quorum was present, and the **meeting** that was scheduled to begin at 10:00 A.M. was **called to order** at 10:01 a.m.

Minutes: Mr. Sanford made a motion, Ms. Drake seconded and the Board voted to **approve** the minutes from the February 25, 2004 meeting.

Minutes: Mr. Sanford made a motion, Mr. Schulz seconded and the Board voted to **approve** the minutes from the March 22, 2004 conference call meeting.

Ratify list of newly issued licenses: Ms. Drake made a motion, Mr. Schulz seconded and the Board voted to **ratify** the newly issued licenses.

License No.	Name	License Type
LDO-001996	Sorrow, Alicia B.	Dispensing Optician
LDO-001997	Barr, Patricia D	Dispensing Optician
LDO-001998	Brock, Ruth	Dispensing Optician
LDO-001999	Epstein, William Bradley	Dispensing Optician
LDO-002000	Goshay, John S.	Dispensing Optician
LDO-002001	Grubbs, Elma Lynette	Dispensing Optician
LDO-002002	Haynes, Robert Ridley	Dispensing Optician
LDO-002003	Jimison, Sandra Margaret	Dispensing Optician
LDO-002004	Luke, Richard Charles	Dispensing Optician
LDO-002005	Wallace, Jodi Ann	Dispensing Optician
LDOA000004	Mitchell, Donna Jane	Dispensing Optician Apprentice

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	REINSTATEMENTS	
LDO000672	Morman, Teresa	Dispensing Optician
LDO001342	Cook, Lee	Dispensing Optician
LDO000335	Sumner, Larry	Dispensing Optician

Request from Application Specialist regarding apprentice applicant: The Board responded that work schedule requirements/restrictions are not specified in the law and rules and to grandfather in the applicant in question.

Rule 420-4-.02 Unprofessional Conduct: Mr. Reed made a motion, Ms. Drake seconded and the Board voted to **post** the rule, with Mr. Morris and Mr. Sanford **opposing**.

SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF
DISPENSING OPTICIANS RULES
420-4-.02 UNPROFESSIONAL CONDUCT. AMENDED.

PURPOSE: The purpose of the proposed rule amendment to Rule 420-4-.02, Unprofessional Conduct. Amended., provides for a method of identification of licensed dispensing opticians providing direct patient care.

MAIN FEATURES: The purpose of the proposed rule amendment to Rule 420-4-.02, Unprofessional Conduct. Amended., provides for a method of identification of licensed dispensing opticians providing direct patient care.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS TO THE GEORGIA STATE BOARD OF DISPENSING
OPTICIANS RULES, RULE 420-4-.02**

NOTE: Underlined text is proposed to be added.

420-4-.02 Unprofessional Conduct. Amended.

(1) Unprofessional conduct, fraud, deceit, or misrepresentation in the practice of optical dispensing shall include but not be limited to the following:

(a) the use of the title "doctor", or any abbreviation thereof by an "optical dispenser" except by a person duly licensed to practice medicine in this State or by a person who holds an approved degree of doctor of optometry when followed by the qualification "optometrist";

(b) any conduct or advertising of a character tending to deceive or mislead the public;

(c) Reserved.

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(d) aiding or abetting, either directly or indirectly in the conduct or advertising of any employer, firm or associate if such conduct or advertising conflicts with the foregoing regulations; or continuing the practice of optical dispensing with any such employer, firm or associate after the optical dispenser has received written notice from the Board of such conduct or advertising by the firm or associate;

(e) directly or indirectly participating in any manner in the division, assignment, rebate, splitting or refunding of service fees or cost of completed eye glasses, or part thereof, with a physician, optometrist or other person or persons.

(2) A licensed dispensing optician shall display either the title "Licensed Dispensing Optician" or the abbreviation "L.D.O." on a name tag or other similar form of identification during times when such person is providing direct patient care.

O.C.G.A. §§ 43-1-25, 43-29-3, and 43-29-6.

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. §§ 43-1-25, 43-29-6, and 43-29-11 as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-29-6, and 43-29-11 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 this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dispensing Opticians.

Other Business:

ABO and NCLE state administered exam: Mr. Sanford made a motion, Ms. Drake seconded and the Board voted to discontinue the state administration of the ABO and NCLE after the August 2004 exam. Licensure candidates needing these exams can take them directly through the national boards.

Inez Lockett - Examination Testing & Development Unit: Ms. Lockett provided an examination Board Report concerning the ABO, NCLE and Georgia Practical Examinations. Viewed as informational by the Board.

Ms. Drake 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 Mr. Sanford and voting in favor of the motion were those present who included Glenn Morris, Thomas Schulz and Joe Reed. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

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Application for licensure submitted by A.L.L.: Ms. Drake made a motion, Mr. Sanford seconded and the Board voted to **approve** the application for licensure.

Application for licensure submitted by A.S.: Mr. Reed made a motion, Mr. Sanford seconded and the Board voted to **approve** to sit for the exam.

REPORTS:

Diane Drake, Cognizant Board Member

- Case #DISP040031 - Recommendation to refer to the Insurance Commissioner's office as this is not within the jurisdiction of the Board

Mr. Sanford made a motion, Mr. Schulz seconded and the Board voted to **approve** the recommendation made regarding the case presented by the Cognizant Board member.

Kathy Harvey, Enforcement

- Case #DISP030004 - Recommendation to close case
- Case #DISP030005 - Recommendation to refer to enforcement
- Case #DISP040027 - Recommendation to close case

Ms. Reed made a motion, Mr. Sanford seconded and the Board voted to **approve** the recommendations made regarding the cases presented by Ms. Harvey.

The next Board meeting is scheduled for August 11, 2004 at 10:00 A.M.

There being no further business to come before the Board, the meeting was adjourned at 12:23 P.M.

Minutes recorded by: Susan S. Hewett, Board Secretary

Minutes reviewed and edited by: Anita O. Martin, Executive Director