

GEORGIA BOARD OF DISPENSING OPTICIANS
BOARD MEETING MINUTES
June 11, 2014

A meeting of the Georgia Board of Dispensing Opticians was held on Wednesday June 11, 2014, 2014 beginning at 10:00 a.m. in the office of the Secretary of State, Professional Licensing Boards Division at 237 Coliseum Drive in Macon, Georgia.

Board Members Present:

Diane Drake, Chair
Glenn Morris, Vice-Chair
Lurue Lord
Dave Meldrum
Joseph Reed (via teleconference)

Administrative Staff Present:

Brig Zimmerman, Executive Director HC-1
Stacey Mitchell, Board Support Specialist

Attorney General's Office Representative:

Wylencia Monroe – Assistant Attorney General

Visitors Present:

Thomas Schulz, LDO
Ron O'Meara, Wiregrass Technical College
Jammie Wilbanks, wiregrass Technical College

Ms. Drake, Chair established that a quorum was present and called the meeting to order at 10:11 a.m.

Agenda:

Approved with late agenda item added: CE Policy

Votes from May 14, 2014 Board Meeting (due to quorum loss):

- Executive Session Minutes of February 19, 2014

Mr. Meldrum moved, Mr. Morris seconded and the Board voted to approve the executive session minutes of the February 19, 2014 Board meeting. None opposed, motion carried.

- Cognizant/Complaint Report: Close case DISP140004

Mr. Morris moved, Mr. Meldrum seconded and the Board voted to approve the Cognizant report as presented. None opposed, motion carried.

- AG's Report

Mr. Morris moved, Mr. Meldrum seconded and the Board voted to approve the AG's report as presented. None opposed, motion carried.

Approval of Minutes:

- May 14, 2014

Mr. Meldrum moved, Mr. Reed seconded and the Board voted to approve the meeting minutes of May 14, 2014. None opposed, motion carried.

Disciplinary Grid – Administrative Issuance Guide:

An error in the disciplinary grid voted on last meeting was discussed and changes were made to the grid.

The Georgia State Board of Dispensing Opticians accepts the following guidelines for staff approval of applications for licensure and renewal which indicate that the applicant has an arrest and/or conviction:

Offense	Frequency	Time Period	Action
DUI	One Time	No Time Period	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Alcohol.
DUI	Two Times	More than four years between convictions	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Alcohol.
Bad Checks, Municipal Ordinance Violations, Driving w/suspended or revoked license	Two Times	No Time Period	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal.
Petty Theft, Shoplifting, Non-Violent Property Crimes (not related to drugs)	Two Times	No Time Period	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal.
Felony Conviction for Non-Violent Property Crimes (i.e. Shoplifting, Theft By Taking, Theft by Deception, Burglary, Larceny, Vandalism, etc.)	One Time	No Time Period	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal.
Marijuana Possession of Less than One Ounce	One Time	No Time Period	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Drugs.
Misdemeanor Offenses with the Exception of Drug Related Misdemeanor Crimes	No Limit	No Time Period	If conviction is older than five years proceed with licensure. If conviction is less than five years license with LOC Criminal.

Mr. Meldrum moved, Mr. Reed seconded and the Board voted to accept the changes made to the Disciplinary Grid as noted above. None opposed, motion carried.

Board Rules Discussion

- Rule 420-2-.01 Registration
- Rule 420-5-.01 Application and Examination Requirements
- Rule 420-8-.01 Practical Training and Experience
- Rule 420-9-.01 Continuing Education
- Rule 420-9-.03 CE Program Approval
- Board Policies

Following discussion and slight revisions to the above Board rules posted for discussion, the Board agreed upon the following final versions:

(Proposed new language is underlined; proposed language to be removed is ~~stuck~~ through)

- **420-2-.01 Registration and Reinstatement**

(1) All persons practicing as a dispensing optician shall register with the Division Director of the Professional Licensing Boards Division and shall pay a biennial registration fee on or before March 31st of the registration year. Licenses may be renewed between April 1st of each odd numbered year, and May 31st of each odd numbered year with payment of a late renewal penalty fee in addition to the renewal fee. Failure to register and pay the appropriate renewal fee by the deadline shall lapse said license by operation of law. Individual licenses lapsed by operation of law may be considered for reinstatement by submission of an application approved by the Board, any supporting documents or other requirements as defined in 420-2-.01(3) below, and paying the established registration fee and an additional penalty.

(2) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice opticianry expired while serving on active duty outside the state shall be permitted to practice opticianry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(3) Reinstatement of an expired or lapsed license is at the discretion of the board. All applications are to be reviewed by a designated Board member.

(a) An applicant for reinstatement of an expired or lapsed license must submit a completed reinstatement application provided by the Board, pay the required registration fee and additional penalty fee, and comply with one of the following:

1. An application for reinstatement of an expired or lapsed license submitted **within two (2) years** of the effective date of the expiration or lapse of that license must submit evidence of completion of ten (10) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Five (5) of the ten (10) hours may be obtained online from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

2. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than two (2) years, but less than four (4) years**, of the effective date of the expiration or lapse must submit evidence of completion of thirty (30) course hours of continuing education obtained within the two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses. Five (5) of the thirty (30) hours may be obtained online from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b).

3. An application for reinstatement of an expired or lapsed license that's been lapsed or expired **for more than four (4) years** of the effective date of the expiration or lapse must also submit evidence of completion of thirty (30) course hours of continuing education obtained within two (2) years prior to the date of the reinstatement application. Of the thirty (30) hours, a minimum of four (4) hours shall be in the area of contact lenses. Five (5) of the thirty (30) hours may be obtained online from a Board recognized approved source pursuant to O.C.G.A. 43-29-11(b). In addition, the following must be submitted:

(i) Verification of current ABO/NCLE Certification.

(b) If reinstatement is granted, any continued education hours credited for the reinstatement application shall not be used or applied towards the continuing education requirements for the renewal period following the date of reinstatement.

- **420-5-.01 Application and Examination Requirements.**

(1) The optical dispensing practical examination shall be held a minimum of twice a year.

(2) Only ~~E~~complete applications, and the required fee, with all attachments and documents shall be filed with the Board at least ~~thirty (30)~~ forty-five (45) days prior to the examination will be scheduled for the next available exam date, on a first come, first served basis. Each application must be accompanied by the following attachments:

(a) ~~Verification of age (Birth Certificate or equivalent required)~~ A Secure and Verifiable Document and Affidavit of Citizenship as defined in Code Section 50-36-2;

(b) Copy of high school diploma or its equivalent as defined by the State Board of Education;

(c) If applying on the basis of education, the applicant must have satisfactorily completed an opticianry

degree or diploma from a recognized school of ophthalmic dispensing approved by the Board as defined in 420-5-.01 (d). An official college transcript, and copy of diploma or degree indicating the graduation date must accompany the application.

~~(d) A recognized school of ophthalmic dispensing is defined as one that offers a Technical College System of Georgia (TCSG) approved curriculum of opticianry courses leading to a diploma, degree, or certificate that is recognized by the Georgia State Board of Dispensing Opticians. A recognized school of ophthalmic dispensing also includes opticianry programs accredited by the Commission on Opticianry Accreditation and may include other opticianry education programs recognized by the Board; A recognized school of ophthalmic dispensing as referenced in OCGA 43-29-7(b)(4), is one which provides an ophthalmic dispensing program which is accredited by the Commission on Opticianry Accreditation. The curriculum shall include approved curriculum of opticianry courses leading to a diploma, degree or certificate that is approved by the Technical College System of Georgia (TCSG). Recognition may be granted to other opticianry educational programs by the Georgia State Board of Dispensing Opticians on a provisional basis pending application, acceptable quarterly reports on progress to the board and ultimate accreditation by the Commission on Opticianry Accreditation. Failure to report acceptable progressive reports quarterly will result in withdrawal of recognition of the program by the Georgia State Board of Dispensing Opticians.~~

(e) Applicants applying on the basis of education and experience must submit a transcript and an affidavit that specifies total course clock hours completed from a program. The applicant must also furnish an affidavit of work hours engaged in ophthalmic dispensing activities approved by the Board while under the direct supervision of a Georgia licensed optician, a Georgia licensed physician or a Georgia licensed optometrist. The total combined number of hours must be a minimum of 3000 hours; and not less than two calendar years;

(f) Applicants applying on the basis of practical experience shall furnish an affidavit of work hours engaged in ophthalmic dispensing activities approved by the Board while under the direct supervision of a Georgia licensed optician, a Georgia licensed physician or a Georgia licensed optometrist. The total of hours must be a minimum of 3,000 hours and not less than two calendar years;

~~(g) A fee established by the Board must accompany the application;~~ Applicants applying on the basis of formal home study programs through the Ophthalmic Career Progression Program with the National Academy of Opticianry or other programs approved by the board must furnish an affidavit of having successfully completed the program.

~~(h) A recent photograph of the applicant taken within the past year;~~

(3) Subject matter of examination shall be related to ophthalmic dispensing.

(4) The passing score for the ophthalmic dispensing practical examination shall be 75.

(5) Any false or misleading information in connection with any application may be cause for exclusion from the examination on the ground of lack of good moral character. If the Board finds that the application is complete and that all the requirements of the statute and of the regulations have been met, it shall issue to the applicant a letter which shall advise the applicant of the time, date and place of the examination. The candidate shall submit his/her letter to the examiner upon entrance to the examination room.

(6) Licensing examinations shall be conducted in accordance with the following procedure and any candidate violating the procedure may be dismissed from the examination room or otherwise disciplined:

(a) no candidate may enter the examination room late nor leave the examination room early;

(b) during the examination no candidate shall communicate with any other candidate in any way;

(c) a candidate shall not bring books or other help of any kind into the examination room unless directed to do so by the Board because of the character of the examination.

(7) Prior to issuance of a license, applicant must submit current ABO and NCLE certificates.

- **420-8-.01 Practical Training and Experience**

In order to be admitted to the examination pursuant to that provision of O.C.G.A. § 43-29-7(b)(4) which provides "practical training and experience of a grade and character satisfactory to the Board for not less than two years under the supervision of a dispensing optician, a licensed physician, or a

licensed optometrist: Provided, however, that any time spent in a recognized school as defined in 420-5-.01 (c) shall be considered as a part of the apprenticeship period provided herein", the applicant must submit documentation to the Board with his/her application to establish the satisfaction of such provisions, the satisfaction of which will be determined under the following standards:

(a) Effective July 1, 2008, any person wishing to qualify under the apprenticeship statute shall make application to register with the Board prior to beginning the apprenticeship along with the application fee as determined by the Board. The registration shall identify the supervising licensed physician, licensed optometrist, or licensed dispensing optician and the mailing address and telephone number of the primary location where the apprenticeship training shall occur; provided, however, that in addition to the primary location, such training may be furnished at other locations under proper supervision.

(b) "Practical training and experience of a grade and character satisfactory to the Board for not less than two years" means two (2) calendar years and shall include, at a minimum, 3,000 hours experience engaged in apprenticeship functions and studies which shall include (but not be limited to) instruction in ophthalmic optics, optical laboratory materials and techniques, eye anatomy and physiology, related laws and regulations, ophthalmic dispensing theory and application, and basic contact lens theory.

(c) Instruction may also be evidenced by certificates from recognized schools of opticianry with the Georgia Department of Technical and Adult Education or formal home study programs through the Career Progression Program with the National Academy of Opticianry or other programs approved in advance by the Board.

(d) "Under the supervision of licensed dispensing optician, licensed physician or a licensed optometrist" means that the appropriate licensed practitioner(s) must be on the premises where the practical training and experience is being acquired for every hour of apprenticeship sought to be considered in fulfillment of this requirement.

(e) There may be no more than three (3) apprentices under a supervising sponsor at any given time. Apprentices must cause a current supervising sponsor to submit to the Board in writing that they are no longer the apprentices sponsor, and the reason for the disassociation in order for an apprentice to obtain a new supervising sponsor.

In order for an apprentice's hours earned under a prior supervising sponsor to be counted, the apprentice must cause the prior supervising sponsor to sign off on a board approved form to be submitted with the application for licensure.

The forms for supervising sponsors are available on the Board's website, www.sos.ga.gov/plb/opticians.

(f) Upon completion by the applicant, such training and experience shall be certified by the supervising licensed dispensing optician, licensed physician or licensed optometrist to the board.

(g) Applicants who have received practical training and experience in the trade or occupation of dispensing optician prior to July 1, 2008, shall receive credit toward the practical training and experience requirements if they register with the board in accordance with the provisions of this rule no later than August 31, 2008 and such training and experience is deemed satisfactory by the board.

(h) The date that the application is received by the Georgia State Board of Dispensing Opticians will designate the actual commence date of the apprenticeship pending approval of the application.

- **420-9-.01 Continuing Education for License Renewals.**

(1) Continuing Education courses totaling at least ten (10) hours shall be required for the biennial renewal of licenses. Of the ten (10) hours, a minimum of two (2) hours shall be in the area of contact lenses. Of the ten (10) hours, no more than five (5) hours may be obtained via the internet. No more than eight (8) hours of continuing education may be obtained in one twenty-four hour day.

(2) With his/her application for license renewal, each licensed dispensing optician must submit an affidavit of course hours completed as proof that his/her education requirements have been satisfied.

- **420-9-.03 Continuing Education Program Approval.**

(1) The Board shall give credit for any course given by any recognized national, regional or state dispensing society or association if such courses are made available to all licensed opticians on a reasonably nondiscriminatory fee basis.

(a) Some examples, non-inclusive, of such recognized national or regional dispensing society or association are:

- Opticians Association of America (OAA)
- National Academy of Opticianry (NAO)
- SouthEastern Opticians Conference (SEOC)

(b) Some examples, non-inclusive, of such recognized state dispensing society or association are:

- Opticians Association of Georgia (OAG)
- Professional Opticians of Florida (POF)
- North Carolina Opticians Association (NCOA)
- Tennessee Dispensing Opticians Association (TDOA)
- South Carolina Association of Opticians (SCAO)

(2) Any group of ten or more licensed opticians may arrange for an education program and they must request prior Board approval.

(3) Any program other than those sponsored by a national, regional or state society or association must submit said program approval by the Board ninety (90) days prior to the program date. The request shall include the following documents or information:

(a) Letter of request;

(b) Copy of proposed promotional material showing the name and date of the program;

(c) Location and time of program;

(d) Names of instructors and vitae;

(e) Number of credit hours applied for;

(f) Method of notifying attendees; and

(g) Copy of attendance certificates to be used.

(4) The certificate of attendance shall not be issued until the program is completed and the method of monitoring must be reported to the Board prior to the program date.

(5) Credit will be allowed on the basis of an hour for an hour. To receive one hour credit, an optician must attend a class for one full hour. However, the Georgia Board will accept no more than eight (8) hours of continuing education obtained in one twenty-four (24) hour day.

(6) Post-approval of continuing education courses will not be granted.

Mr. Meldrum motioned, Ms., Lord seconded, and the Board voted to post the above rule amendments as presented for 420-2-.01, 420-5-.01, 420-8-.01, 420-9-.01 and 420-9-.03 for the minimum thirty days for public view upon receipt of the memo of statutory authority from the Attorney General's office, with the public hearing and vote to adopt the amendments to be scheduled for the next available meeting date following the thirty day posting. None opposed, motion carried

Board Policies:

With the Board to consider the above rule amendments, the policies were tabled for a future review as the rule amendments would take care of the item slated for discussion today with regard to the policies.

Executive Session Minutes:

- May 14, 2014 - Tabled for review next scheduled meeting date.

Miscellaneous Discussion Items:

Listing of Study Materials for Apprentices:

The listing developed years ago by, among others, Mr. Tom Shultz and Ms. Drake, cannot be located. Ms. Drake asked Mr. Shultz if he had any copies of the original listing and would he be willing to provide a copy to the Board for discussion, revision and re-posting for public view. Mr. Shultz stated he did, and would share a copy with the Board. The item was tabled until next meeting; Mr. Shultz is to send Mr. Zimmerman a copy.

Mr. Morris moved, Mr. Meldrum seconded, and the Board voted to adjourn the meeting at 1:53 p.m.

Minutes recorded by:
Minutes reviewed and edited by:

Stacey Mitchell, Board Support Specialist
Brig Zimmerman, Executive Director

DIANE DRAKE
Chair

BRIG ZIMMERMAN
Executive Director, HC1

DATE APPROVED: August 13, 2014