

GEORGIA BOARD OF OPTOMETRY

August 8, 2007

The Georgia State Board of Optometry met on Wednesday, August 8, 2007 at 10:07 a.m. at the Professional Licensing Boards Division at 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Kay Royal, President
R. Whitman Lord

Bill Sharpton
H. Kemp Jones

Dudley Christie

Others Present: Sandy Bond, *Executive Director*, Gwen Dodson, *Administrative Assistant*, Ellen Morris, *Board Secretary*, Wylencia Monroe, *Assistant Attorney General*, Deborah Beard, *Compliance Manager*, Stacy Price, *Legal/Discipline Nurse Consultant*, Lynn Eason, *Enforcement*

President Royal established that a quorum was present and called the meeting to order at 10:07 a.m.

Introduction & Discussion

Sandy Bond introduced Adrienne "Stacy" Price as the new Legal/Discipline Nurse Consultant.

Dr. Jones, moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present including Board members, R. Whitman Lord, H. Kemp Jones, Dudley Christie, and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

Visitors Present (During the Executive Session, visitors are excused unless scheduled for a personal appearance.)

John B. Whitlow, O. D.
Georgianne Bearden

Agenda:

Dr. Jones moved, Dr. Lord seconded and the Board voted to approve the agenda as presented.

Minutes:

Dr. Jones moved, Dr. Lord seconded and the Board voted to approve the February 2, 2007 conference call meeting minutes.

Dr. Jones moved, Dr. Lord seconded and the Board voted to approve the April 18, 2007 Board meeting minutes with corrections.

Dr. Jones moved, Dr. Lord seconded and the Board voted to approve the June 11, 2007 conference call meeting minutes.

Dr. Lord moved, Dr. Jones seconded and the Board voted to approve the minutes from the June 29, 2007 conference call meeting.

Rules Correspondence:

Visitor Present – Georgia Optometric Association

Dr. John B. Whitlow of the Georgia Optometric Association gave a presentation to the Board regarding the changing of the Optometry code from the listing of drugs to listing the drugs categorically. He spoke of the effectiveness of this change, and the many benefits it will produce for the Doctors of Optometry as well as the citizens of Georgia. He ended his presentation by thanking the Board for allowing him the time to speak with them.

Dr. Jones, moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present including Board members, R. Whitman Lord, H. Kemp Jones, Dudley Christie, and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

Personal Appearance: OPT060019, OPT070013, OPT070015

Dr. Sharpton moved, Dr. Christie seconded and the Board voted to refer the case to the Attorney General's Office for a hearing or public consent order, to include 6 months suspension, pass part II of the NBEO or TMOD, and pay a fine of \$1500.00. After the term of suspension probation for 5 years, with conditions, licensee may practice under the direct supervision of another license optometrist licensed in Georgia and not related to him and submit two employer quarterly reports.

Dr Jones moved, Dr. Christie seconded and the Board voted to close additional investigative cases on this applicant.

Public Hearing:

Adoption of Rule 430-2-.04

Dr. Jones moved, Dr. Lord seconded and the Board voted to table the adoption of rule 430-2-.04 until the October 24, 2007 Optometry Meeting.

Adoption of Rule 430-10-.03

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to adopt Rule 430-10-.03.

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; 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;

Authority O.C.G.A. 43-30-1 and 43-30-5

Minute Corrections:

Ms. Monroe asked that corrections be made to the April 18, 2007 minutes.

Dr. Jones rescinded his previous motion approving the April 18, 2007 minutes. The minutes were voted on again. Dr. Jones moved, Dr. Lord seconded and the Board approved the April 18, 2007 minutes with corrections.

Ms. Monroe asked that corrections be made to the June 29, 2007 Conference Call meeting minutes.

Dr. Lord rescinded his previous motion approving the June 29, 2007 Conference Call minutes. The minutes were voted on again. Dr. Jones moved, Dr. Lord seconded and the Board approved the June 29, 2007 minutes.

Executive Director Report:

Mrs. Bond discussed the following items of interest:

- Cognizant Transmittal Sheet.

Dr. Jones, moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present including Board members, R. Whitman Lord, H. Kemp Jones, Dudley Christie, and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

Correspondence:

Kim S. Ruark –Epstein, Becker, & Green, P.C.

Dr. Jones moved, Dr. Christie seconded and the Board voted to refer Mr. Ruark to the Georgia Board of Optometry's website to review the Unprofessional Conduct Rule 430-4-.01.

OPT002357

Dr. Lord moved, Dr. Jones seconded and the Board voted to refer the licensee to Georgia Law 43-30-12 which states that the practice of optometry by any unregistered or unlicensed optometrist is declared to be a menace and a nuisance and dangerous to the public safety, therefore no one can practice optometry without a license.

OPT000855

Dr. Jones moved, Dr. Christie seconded and the Board voted to write licensee a letter that only hours earned during a biennium may be used to satisfy CEU credits.

OPT000820

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to approve the change on the license to add therapeutic modality.

Applications:

Dr. Lord moved, Dr. Christie seconded and the Board voted to ratify the following applications for licensure determined to have met licensure requirements issued between Board meetings as follows:

Approved Examinations:

License #	Licensee	Issue Date
OPT002368	Hollaway, Joseph Clark	04/09/2007
OPT002370	Cha, Susie	04/13/2007
OPT002371	Arzuaga, Madalen	04/18/2007
OPT002372	Ekehomen, Godwin I	05/24/2007
OPT002373	Couve, Miriam R.	05/24/2007
OPT002374	Wardlaw, James Clinton	06/04/2007
OPT002375	Jones, Brent W.	06/08/2007
OPT002376	Shields, Susan Elizabeth	06/14/2007
OPT002377	Thomas, Kimberly Noelle	06/14/2007
OPT002378	Ramby, Brent C.	06/14/2007
OPT002379	Hoang, Loni L.	06/20/2007
OPT002380	Lowe, Anthony B.	06/20/2007
OPT002381	McDonald, Florence Elizabeth	06/20/2007
OPT002382	Eylar, Neal Landon	06/25/2007
OPT002383	Stapleton, Krista Jowers	06/27/2007
OPT002384	Solomon, Andrew Wayne	06/27/2007
OPT002385	Smith, Duncan K.	06/27/2007
OPT002386	Suji, Paul I.	06/27/2007
OPT002387	Summers, Jodie Elizabeth	06/27/2007
OPT002388	Shin, Seung Sarah	06/29/2007
OPT002389	Jones, Erin Melissa	07/02/2007

OPT002390	McGhee, Christie Michele	07/02/2007
OPT002391	Billingsley, Shavon C.	07/02/2007
OPT002392	Zuniga, Norma A	07/03/2007
OPT002393	Bhula, Seema	07/05/2007
OPT002394	Cox, Erika Patrice	07/05/2007
OPT002395	Brown, Tiffany Dionne	07/05/2007
OPT002396	Cook, Christopher Evan	07/05/2007
OPT002397	Roland, Casey N.	07/05/2007
OPT002398	Dempsey, Brian Christopher	07/05/2007
OPT002399	Aumoithe, Lotie	07/05/2007
OPT002400	Blanco, Amalfi	07/05/2007
OPT002401	Gardner, Crystal A.	07/05/2007
OPT002402	Teich, Justin Andrew	07/05/2007
OPT002403	Lovett, Timothy Neal	07/09/2007
OPT002404	Stanley, Tara Lynn	07/30/2007
OPT002405	Hobbs, Brandy M	07/31/2007
OPT002406	Lynskey, Liana Marie	07/31/2007
OPT002407	Krzyzak, Michael Scott	07/31/2007
OPT002408	Kobus, Kelly Christy	07/31/2007
OPT002409	Kennedy, Christina Tan Michelle	07/31/2007

Dr. Jones moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present including Board members, R. Whitman Lord, H. Kemp Jones, Dudley Christie, and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

Enforcement:

OPT070003

Dr. Jones moved, Dr. Sharpton seconded and the Board voted to refer to investigations and subpoena ten (10) records for review by the Cognizant member.

OPT070017

Dr. Jones moved, Dr. Lord seconded and the Board voted to close the case.

Attorney General's Report:

- Ms. Monroe reviewed with the Board Proposed Rule 430-4-.01 Unprofessional Conduct
- Proposed Rule 430-10-.03 (categorical list)

Ms. Monroe reviewed and discussed proposed Rule 430-4-.01 Unprofessional Conduct, paragraph (e). She stated she has reviewed the rule as is and has determined that there is no authority for the existing rule or the rule change; also there is no statutory authority for an employee of an optometrist to engage in any act that would constitute the practice of Optometry.

Dr. Jones moved, Dr. Lord seconded and the Board voted to refer Rule 430-4-.01 to the Attorney General's Office to provide advice to the Board before September 15, 2007 on the process of establishing an "optometric technician" license and the implementation of such a law.

Ms. Monroe reviewed and discussed proposed Rule 430-10-.03, Categorical Listing of Drugs.

Dr. Jones moved, Dr. Lord seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) to discuss Applications, and to receive information from the Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present including Board members, R. Whitman Lord, H. Kemp Jones, Dudley Christie, and Bill Sharpton. The Board concluded the Executive Session in order to vote on these matters and to continue with the public session.

Application Specialists:

Applicant #1092439

Dr. Lord moved, Dr. Sharpton seconded and the Board voted to grant licensure by Examination.

Applicant #1077426

Dr. Sharpton moved, Dr. Lord seconded and the board voted to grant licensure by Endorsement.

Applicant #1083113

Dr. Jones moved, Dr. Christie seconded and the Board voted to refer the case to the Attorney General's office for a Consent Agreement for reinstatement to include 6 months suspension, 50 hours of approved CE credits, pass the Jurisprudence exam and pay a fine of \$1,000.00 for unlicensed practice.

Recommendation:

Dr. Jones moved, Dr. Christie seconded and the Board voted to send letters to all lapsed licensees within 1-2 weeks after their expiration date, notifying them of their lapsed license status. They are to be informed to cease practicing immediately, that practicing without a license is a felony, and to instruct them regarding the reinstatement process.

There being no further business to come before the Board, the meeting was adjourned at 1:20 p.m.

Minutes recorded by: Ellen J. Morris, *Board Secretary*
Minutes reviewed and edited by: Sandy Bond, *Executive Director*

Kay F. Royal, *President*

Sandy Bond, *Executive Director*

These minutes were approved on