

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes
Professional Licensing Boards, 237 Coliseum Drive, Macon, GA
October 19, 2016 * 10:00 a.m.

The Georgia State Board of Optometry met on Wednesday, October 19, 2016, at 237 Coliseum Drive, Macon, Georgia with the following members participating:

Board Members Present:

Jody Whisenant, O.D. – President
Larry Brown, O.D.
Karen Canupp, O.D. (Via-Telephone)
Robert McCullough, O.D.
Betty Ann Lindsey, Consumer Member (Via-Telephone)

Board Members Absent:

Jerry Prchal, O.D. – Vice President

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 10:04 a.m.

Agenda: Approved with late agenda items added:

- Dr. L. Brown - RE HB775

Meeting Minutes: July 13, 2016

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

Board Chair Report: No report presented.

Correspondence:

- ARBO & AOA – *For Board information only -*
- B. McCullough: Corporate Practice – *For Board information - No Response Needed*
- GA Drugs & Narcotics Agency: PDMP Advisory Council Member – *Betty Ann Lindsey, Consumer Member of the Board, has agreed to fill the open position for PDMP.*
- L. Brown: HB 775 – *A Georgia licensed Optometrist is not obligated to fill a prescription that is generated contrary to O.C.G.A. 31-12-12.*
- Letter to ARBO Members 9/13/16 – *For Board information only*
- Wilson, S. - Clarification of Joint Statement – *The Board is unable to provide an “advisory opinion” – Members look at each disciplinary action before the Board on a case by case basis. The Board suggests the writer seek legal counsel of their choosing for advice on laws and rules.*

Dr. Brown motioned, Dr. McCullough 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:

During their July 13, 2016 Board meeting, the Board approved the changes proposed to the following rules. Having received the statutory authority, ED Zimmerman asked the Board if they wanted to schedule the public hearing for the proposed rule amendments to these two rules prior to the next scheduled meeting date of January 11, 2017, or wait until this meeting date. The Board agreed on the public hearing to be scheduled for January 2017.

- **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.

Authority: O.C.G.A. § 43-30-5

- **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.

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

Dr. Brown moved, Dr. McCullough seconded, and the Board voted to post the proposed rule amendments to rule 430-5-.01 and 430-10-.03 for the required minimum of 30 days, with a public rules hearing to be scheduled on January 11, 2017. None opposed, motion carried.

In addition, Dr. McCullough 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. §§ 43-30-1 and 43-30-5, and, that it is not legal or feasible to meet the objectives of the O.C.G.A. §§ 43-30-1 and 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.

Ratify list of licenses issued between meetings: July 7, 2016 to October 12, 2016

OPT002959	Monica Ellen Jezior	Optometry
OPT002960	James Joseph Wachter	Optometry
OPT002961	Farah Osman Gulaid	Optometry
OPT002962	Romanda Basaly Demetrios	Optometry
OPT002963	Sarah Anne Sullivan	Optometry
OPT002964	Brittany Nicole Wright	Optometry
OPT002965	Peter Mark Thomas	Optometry
OPT002966	Ryan Douglas Kwan	Optometry
OPT002967	Ramneek Kaur Mangat	Optometry
OPT002968	Ealeen Hii Kim	Optometry
OPT002969	Bridget Eileen Staab	Optometry
OPT002970	Jorge Juan Almodovar	Optometry
OPT002971	April Leigh McKissick	Optometry

OPT002972	James Randall McKissick	Optometry
OPT002973	Adeline Chan Goh	Optometry
OPT002974	Kaitlin Mayo	Optometry
OPT002975	Reshma Adhvaryu	Optometry
OPT002976	Michael Alan Garcia	Optometry
OPT002977	Vijal Shah	Optometry
OPT002978	Mercy Juan Francisco	Optometry
OPT002979	Alyanna Acala Schild	Optometry
OPT002980	Quynh Anh Ta	Optometry
OPT002981	Emily Sikes Petanovich	Optometry

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

Miscellaneous Discussion Items: Dr. B. McCullough

- Discussion of CPT Code 67850 – *The Board decided to table this discussion; additional information to be obtained by Dr. McCullough and represented to the Board next scheduled meeting.*
- Clarification of Narcotic Prescriptions – *Correspondence referring to the rules and regulations of Optometrists regarding written prescriptions will be prepared and submitted to the GA Board of Pharmacy.*
- Free Eye Exams – *Additional information to be sought by Dr. McCullough; reference Rule 430-6-.01 Deceptive Advertising*

2017 Board Meeting Dates:

- Wednesday, January 11, 2017
- Wednesday, April 12, 2017
- Wednesday, July 12, 2017
- Wednesday, October 18, 2017

Dr. McCullough 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 July 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, Brown, Lindsey and Canupp.

At the conclusion of Executive Session on Wednesday, October 19, 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.

Applications:

None presented

Recommendation:

N/A

Cognizant Report:

Complaints Pending Receipt of Additional Information:

- OPT170001, OPT170002, OPT170003 and OPT170004

Dr. McCullough moved, Dr. Brown seconded, and the Board voted to approve the recommendations of the Cognizant report on complaints as presented. None opposed, motion carried.

Misc. Executive Session Items for Discussion:

Board Orders:

- A.A.
- D.B.

Recommendation:

Compliance Issues - Pending
Request Granted

Dr. McCullough moved, Dr. Brown seconded, and the Board voted to grant the request of D.B. None opposed, motion carried.

Attorney General's Report:

- A written status and activity report was provided for Board review.

Dr. McCullough 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:

- July 13, 2016

Dr. Brown moved, Dr. McCullough seconded, and the Board voted to approve the July 13, 2016 Executive Session minutes as presented. None opposed, motion carried.

There being no further business for discussion, Dr. Canupp, motioned, Dr. Brown seconded, and the meeting was adjourned at 12:40 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: **January 11, 2017**