

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes
Professional Licensing Boards, 237 Coliseum Drive, Macon, GA
January 11, 2017 * 10:00 a.m.

The Georgia State Board of Optometry met on Wednesday, January 11, 2017, at 237 Coliseum Drive, Macon, Georgia with the following members participating:

Board Members Present:

Jody Whisenant, O.D. – President (via teleconference)
Jerry Prchal, O.D. – Vice President
Larry Brown, O.D.
Karen Canupp, O.D.
Robert McCullough, O.D.
Betty Ann Lindsey, Consumer Member (via teleconference)

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
(via teleconference)

Dr. Whisenant established a quorum was present and called the meeting to order at 10:00 a.m.

Agenda: Approved with late agenda items added:

- ARBO Survey
- Rule Discussion:
 - 430-2-.04 CE Requirements
- Clarification of Joint Statement

Meeting Minutes: October 19, 2016

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to approve the October 19, 2016 Board meeting minutes as presented. None opposed, motion carried.

Board Chair Report:

Dr. Whisenant provided the board with information regarding proposed legislation to be introduced this legislative session (2017) regarding Optometrists and the ability to administer pharmaceuticals by injection. Mr. Whisenant also provided information in reference to ARBO and CE requirements. The report also included two additional CE Approval Providers:

- American Board of Optometry (ABO)
- American Academy of Optometry (AAO)

Board rule 430-2-.04 CE Requirements will need to be updated.

Correspondence:

- 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.

Public Rules Hearing:

➤ **Rule 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

Ms. Betty Ann Lindsey motioned, Dr. McCullough seconded, and the Board voted to adopt Rule 430-5-.01 Treatment Plans, Eye Exams, Patient Records. None opposed, motion carried.

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

➤ **Rule 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. Prchal motioned, Dr. Canupp seconded, and the Board voted to adopt Rule 430-10-.03 Approved Therapeutic Drugs. None opposed, motion carried.

In addition, the Board determined 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. §§ 43-30-1 and 43-30-5, and, that it is not legal or feasible to meet the objectives of 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.

Board Rules Discussion:

➤ **Rule 430-2-.04. Continuing Education Requirements; Approval of Educational Programs**

(1) The Board has pre-approved continuing education (post-graduate) courses from schools and colleges of optometry accredited by the Council on Optometric Education of the American Optometric Association; a maximum of ten (10) hours per biennium in ophthalmologic related courses taught by the Medical College of Georgia, Emory University, Mercer University and Morehouse College; any courses offered by the American Optometric Association or its regional or state affiliates; the Society of Professional Optometrists of Georgia; the SECO International, LLC, the Council on Optometric Practice Education (C.O.P.E.) and any courses approved by C.O.P.E.; American Board of Optometry and American Academy of Optometry. All preapproved continuing education providers must give notification of their courses on a timely basis to all Georgia Optometrists. Any other individual or organization desiring Board approval of an educational program sponsored by the individual or organization, or particular segments of such a program shall submit a request for approval to the State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217, not later than thirty (30) days prior to the

scheduled date of such program. Each administrator of continuing education credit that gives credit to more than five doctors at any single event shall register all attendees and credits with the Association of Regulatory Boards of Optometry- OE Tracker Program. The Board will act on such request within thirty (30) days after receipt of the request for approval. Any request for Board approval of an educational program must include the following information:

(a) The identity of the sponsor, including:

1. The name and address of the sponsoring individual(s) or organization and a description of any organizational form (e.g., unincorporated association, non-profit corporation, etc.) and the date of organization;
2. The name and address of the principal officers of the sponsor.

(b) A description of the program, including:

1. With respect to each course for which approval is sought:

(i) the name and address of the instructor;

(ii) the title of the course;

(iii) a brief biographical sketch of the instructor including a detailed description (curriculum vitae) of his/her academic qualifications and a listing of prior publications including published speeches, which relates to the subject matter of the course;

(iv) an outline of the proposed content;

(v) the number of hours for which approval is requested, including a specification of those hours relating to practice management.

2. The scheduled time and place of the course;

3. A description of the method by which course attendance is to be monitored;

4. The amount of any registration fee, tuition or other charge for attendance, including a statement of any difference in such charges, which depend on membership in the sponsoring organization;

5. A sample of any advertisement or announcement intended to be employed concerning the program.

(c) Such additional information as the Board may request in the course of its deliberations concerning the application for approval.

(2) The following course content will not satisfy the continuing education requirement:

(a) Courses dealing with social and health trends;

(b) Any course unrelated to or not designed to enhance the professional skill of the practitioner;

(c) Courses conducted by any individual who is the owner of or is directly connected with any optical wholesale concern unless approved by the Board.

(d) CPR.

(3) A doctor of optometry is expected to ascertain in advance that the courses, which he/she attends, have received prior Board approval and do not fall within the exceptions of sub-part (2).

(4) Board approval of any educational program under this section relates to the program as proposed to the Board. In the event the actual program does not substantively correspond to the proposed program approved by the Board, the board will not give credit for that program under Code Section 43-30-8. The Board will not consider for approval the program as modified.

(5) Minimum hours required. The Board requires a minimum of 36 hours of attendance at Board-approved continuing education programs.

(a) Those licensed in the first year of the biennium will be required to obtain eighteen (18) hours of continuing education. This requirement applies regardless of when you establish practice in Georgia. Licensees practicing in Georgia shall obtain one (1) hour biennially of CE in ethics and Georgia laws and rules. All CE on ethics and Georgia laws and rules must be prior approved by the Board. Georgia licensed optometrists that are not practicing within the state are not required to earn the one hour of ethics and Georgia laws and rules.

(b) Those licensed in the second year of the biennium are not required to obtain continuing education in that biennium.

(c) New licensees are required to obtain 36 hours per biennium beginning in the third calendar year of licensure.

(d) If required to obtain CE hours, all licensees shall obtain one (1) hour of Board-approved continuing education in ethics and Georgia laws and rules. A maximum of one (1) hour per biennium will be allowed as continuing education credit in this area. Georgia licensed optometrists not practicing in Georgia are exempt from acquiring the one (1) hour of CE in ethics and Georgia laws and rules.

(e) A maximum of eight (8) hours per biennium will be allowed as continuing education credit for grand rounds. One (1) hour credit will be allowed for every two (2) hours spent in grand rounds.

(f) A maximum of ten (10) hours of continuing education credit will be allowed per biennium for any coursework that is offered by correspondence or electronic medium, which coursework is approved or sponsored by any provider identified in paragraph (1) of this rule.

(g) A maximum of ten (10) hours of continuing education credit will be allowed per biennium for practice management course work, as long as it is patient care related.

(h) Effective January 1, 2006, of the thirty-six (36) required hours, a minimum of 18 hours of continuing education per biennium is required for pharmacology and pathology courses as related to ophthalmologic conditions.

(6) Reporting and Auditing. The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each Optometrist shall certify to the Board that he/she has completed the continuing education required for license renewal. ~~Furthermore, the licensee shall verify that all board approved continuing education credits have been posted to the ARBO OE Tracker site. In the event that continuing education credits are not posted on OE Tracker, the licensee may not renew his/her license until continuing education hours are submitted to the Board or its designated agents. The preferred method of tracking continuing education is through the ARBO OE-Tracker system and the licensee is encouraged to verify that all course work has been posted to OE-Tracker. If the licensee chooses to not participate in the OE-Tracker system and if all of his/her education credits are not posted therein, the licensee may be required to submit paper records via email or FAX directly to the board in order to demonstrate compliance with the required continuing education hours.~~

(b) ~~The staff of the Professional Licensing Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. However, continuing education shall be verified on all licensees through the Association of Regulatory Boards of Optometry OE Tracker Program. Such audits will be completed after the license renewal date and will cover course work completed during the just-completed biennium.~~

(c) Each licensed Optometrist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance. ~~These records of attendance may be used as proof of hours should the verification of hours not be registered with the Association of Regulatory Boards of Optometry OE Tracker Program.~~

(d) Deferral of the requirement for education program hours may be considered by the Board. Requests for deferral must be submitted to the Board in writing and should include complete documentation of the reasons for the request. Deferral will be considered for the following reasons:

1. certified illness; and
2. hardship.

Dr. Brown moved, Dr. Prchal seconded, and the Board voted to refer the proposed rule amendment to the AG's office for a Memo of Statutory Authority, and to post for the required thirty day minimum upon receipt of said authority with a public rules hearing to be scheduled as soon thereafter as possible. None opposed, motion carried.

In addition, the Board determined 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. and that it is not legal or feasible to meet the objectives of O.C.G.A. 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:

October 13, 2016 to January 4, 2017

OPT002982	Roxana Denisse Pacheco	Optometry
OPT002983	Daryl Lee Condon	Optometry
OPT002984	Nikita Desai	Optometry
OPT002985	Anne Strong	Optometry
OPT002986	Adriana Escobar	Optometry
OPT002987	Denh Chi Tuyen	Optometry

Dr. Canupp moved, Ms. Betty Ann Lindsey seconded, and the Board voted to approve the application ratify list as presented. None opposed, motion carried.

Miscellaneous Discussion Items:

- ARBO Survey – *Dr. Larry Brown will complete and submit the survey for the Board.*
- HB821 Military Family’s & Licensure – New Law *

*The Board voted to designate Dr. Prchal and Dr. Brown to serve as a “rules committee” for discussion and a draft to be developed with regard to the new law’s provisions and be prepared to present a draft to the full Board the next scheduled Board meeting. A rules committee sub-committee meeting will be set up as soon as possible by ED Zimmerman.

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 October 19, 2016 meeting and to receive the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Whisenant, Prchal, McCullough, Brown, Lindsey and Canupp.

At the conclusion of Executive Session, 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:

- J.H.P.

Recommendation:

Approve

Dr. Prchal motioned, Ms. Betty Ann Lindsey seconded, and the Board voted to accept the recommendations of the above referenced application as presented. None opposed, motion carried.

Cognizant Report:

Recommend for Closure: No additional action required:

- OPT150012, OPT170001, OPT170003, OPT170004, OPT170005, OPT170006, OPT170007

Recommend Pending for Receipt of Additional Information:

- OPT170002 and OPT170008

Dr. Canupp 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.

Recommendation:

Compliance Issues - Pending

Attorney General's Report:

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

Executive Session Minutes:

- October 19, 2016

Dr. Canupp moved, Dr. McCullough seconded, and the Board voted to approve the October 19, 2016 Executive Session minutes as presented. None opposed, motion carried.

Election of Officers - 2017:

- Jody Whisenant – President
- Jerry Prchal – Vice-President

Dr. McCullough motioned, Dr. Brown seconded, and the Board voted to accept the newly elected 2017 Board Officers. None opposed, motion carried.

There being no further business for discussion, Dr. McCullough motioned, Dr. Prchal seconded, and the meeting was adjourned at 12:33 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: **April 12, 2017**