

GEORGIA STATE BOARD OF OPTOMETRY
Conference Call Board Meeting Minutes
Professional Licensing Boards, 237 Coliseum Drive, Macon, GA
May 10, 2017 * 8:00 a.m.

The Georgia State Board of Optometry met via conference call on Wednesday, May 10, 2017 at 237 Coliseum Drive, Macon, Georgia with the following members participating:

Board Members Present:

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

Staff Present

Brig Zimmerman, Executive Director
Linsey Brookins, BSS, HC-1
Tracy Allen, Examination and Licensing 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 08:03 a.m.

Agenda: Approved with additional items:

- SB 153 – Act 244 Effective July 1, 2017
- Applications for review

Note: The discussion regarding SB153 was tabled for a future meeting date:

By: Senators Brass of the 28th, Mullis of the 53rd, Watson of the 1st, Hill of the 4th, Henson of the 41st and others

AS PASSED A BILL TO BE ENTITLED AN ACT

1 To amend Code Section 43-30-1 of the Official Code of Georgia Annotated, relating to
2 definitions relative to optometrists, so as to authorize doctors of optometry to administer
3 pharmaceutical agents by injection; to provide for limitations and requirements; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Code Section 43-30-1 of the Official Code of Georgia Annotated, relating to definitions
8 relative to optometrists, is amended by revising subparagraphs (C) and (D) of paragraph (2)
9 as follows:

10 "(C) A doctor of optometry shall not may administer any pharmaceutical agent agents
11 related to the diagnosis or treatment of diseases and conditions of the eye and adnexa
12 oculi by injection, except for sub-tenon, retrobulbar, peribulbar, facial nerve block,
13 subconjunctival anesthetic, dermal filler, intravenous injections, intramuscular
14 injections, intraorbital nerve block, intraocular, or botulinum toxin injections, if he or

15 she:
16 (i) Holds a current license or certificate of registration issued by the board and has
17 obtained a certificate showing successful completion of an injectables training
18 program, sponsored by a school or college of optometry credentialed by the United
19 States Department of Education and the Council on Postsecondary Accreditation,
20 consisting of a minimum of 30 hours approved by the board; or
21 (ii)(I) Is enrolled in an injectables training program, sponsored by a school or college
22 of optometry credentialed by the United States Department of Education and the
23 Council on Postsecondary Accreditation, in order to fulfill the requirements of such
24 training program consisting of a minimum of 30 hours approved by the board; and
25 (II) Is under the direct supervision of a physician licensed under Chapter 34 of this
26 title and board certified in ophthalmology.
27 (D) Pharmaceutical agents which are used by a doctor of optometry for treatment
28 purposes and administered orally may only be:
29 (i)(I) Nonnarcotic oral analgesics, and hydrocodone administered orally, and
30 Schedule III or Schedule IV controlled substances which are oral analgesics;
31 (II) Used for ocular pain; and
32 (III) Used for no more than 72 hours without consultation with the patient's
33 physician; provided, however, that with respect to hydrocodone, used for no more
34 than 48 hours without consultation with the patient's physician; or
35 (ii) Antibiotics, antivirals, corticosteroids, antifungals, antihistamines, or
36 antiglaucoma Other pharmaceutical agents related to the diagnosis or treatment of
37 diseases and conditions of the eye and adnexa oculi except Schedule I or Schedule II
38 controlled substances; provided, however, that a doctor of optometry shall not be
39 authorized to administer pharmaceutical agents by injection.
40 Doctors of optometry using such pharmaceutical agents shall be held to the same
41 standard of care imposed by Code Section 51-1-27 as would be applied to a physician
42 licensed under Chapter 34 of this title performing similar acts; provided, however, that
43 a doctor of optometry shall not be authorized to treat systemic diseases."
44 SECTION 2.
45 All laws and parts of laws in conflict with this Act are repealed.

Rule Discussion:

• Rule 430-13-.02. Licensure By Endorsement: Federal Service

~~In the case of an optometrist applying for licensure by endorsement who has practiced optometry while in any branch of the federal service, said applicant shall: The Board will consider applications by~~
Endorsement for military spouses and transitioning service members as defined in O.C.G.A. § 43-1-34 (2017) subject to the following:

~~(a) cause his or her commanding officer to provide the Board with official documentation of the applicant's credentialing and quality assurance review to satisfy the requirements of subparagraphs (a), (e)2. and (e)4. of Board Rule 430-13-.01;~~

~~(b) cause the boards of any state in which he or she is or has been licensed to practice optometry to provide the Georgia State Board of Optometry with all of the remaining information required by Rule 430-13-.01; and~~

~~(c) pay all applicable licensing fees set forth in Board Rule 430-2-.01.~~

(a) As used in this rule, the following terms shall mean:

1. "Military" means the United States armed forces, including the National Guard.
2. "Military spouse" means a spouse of a service member or transitioning service member.
3. "Service member" means an active or reserve member of the armed forces, including the National Guard.
4. "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(b) A military spouse or transitioning service member may qualify for a license or certificate of registration by endorsement where the applicant:

1. Holds a license in good standing from another state for which the training, experience, and testing substantially meet or exceed the requirements to obtain a license as an Optometrist in Georgia;
2. Has submitted to the Board a verification of licensure from the appropriate licensing agency referenced in number one (1.) above showing that the applicant's active license is in good standing in that state;
3. Has submitted documentation satisfactory to the Board which verifies the applicant's status as a military spouse or transitioning service member as defined in O.C.G.A. §43-1-34;
4. Has submitted a completed application for licensure by endorsement on a form approved by the Board and has paid the required fee; and
5. Has taken and passed the Georgia Jurisprudence (Laws and Rules) Examination of the Georgia State Board of Optometry.

(c) Effective July 1, 2017, military spouses and transitioning service members may qualify for expedited processing of the license application by showing that the applicant is a military spouse or transitioning service member and that the applicant has paid the fee and meets the requirements for a license under the laws and rules for the type of license for which the applicant has applied.

Authority: O.C.G.A. §§ 43-1-34 and 43-30-5 (2016)

Dr. Prchal moved, Dr. Brown seconded and the Board voted to post the proposed rule amendments for the minimum thirty days for public view with a public rule hearing to be conducted at a conference call meeting to be scheduled on Tuesday, June 13, 2017 beginning at 12:15 p.m. None opposed, motion carried.

After discussion, Ms. Canupp motioned, Dr. Brown seconded and 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. §§ §§ 43-1-34 and 43-30-5 (2016), and, that it is not legal or feasible to meet the objectives of O.C.G.A. §§ §§ 43-1-34 and 43-30-5 (2016) 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.

Ms. Lindsey 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) for the purpose of reviewing applications. Voting in favor of the motion were those present who included Whisenant, McCullough, Prchal, Brown, Lindsey and Canupp.

At the conclusion of Executive Session on Wednesday, May 10, 2017, 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.

Application:

- J.R.N.
- D.B.

Recommendation:

Submit Petition for Variance/Waiver
Complete reinstatement requirements

Dr. Prchal moved, Dr. Brown seconded and the Board voted to approve the recommendations made regarding the applications as presented. None opposed, motion carried.

There being no further business for discussion, Ms. Lindsey, motioned, Ms. Canupp seconded, and the conference call Board meeting was adjourned at 8:40 a.m.

Minutes recorded by:

Linsey Brookins, BSS, 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: **July 12, 2017**