

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes of January 16, 2019 * 10:00 a.m.

The Georgia State Board of Optometry met on Wednesday, January 16, 2019, at 237 Coliseum Drive, Macon, Georgia with the following members participating:

Board Members Present:

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

Attorney General's Office:

Wylencia Monroe, Esq., Asst. Attorney General

Administrative Staff Present:

Brig Zimmerman, Executive Director
Linsey Brookins, Board Support Specialist
Morgan Hinrichsen, Licensing Analyst
Amanda Allen, Licensing Supervisor

Dr. Canupp, President, established a quorum was present and called the meeting to order at 9:55 a.m.

Agenda: Approved as presented

Dr. Brown moved, Dr. McCullough 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 review Applications, review the executive session minutes and correspondence, and receive the Cognizant (Complaints) and Assistant Attorney General's report. Voting in favor of the motion were those present who included Canupp, Brown, McCullough, Whisenant, Lindsey and Prchal.

At the conclusion of Executive Session, Dr. Canupp 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.

Applicant Interviews:

- J.S.
- T.K.

Recommendation:

Refer to AG's Office
Issue license

Dr. Canupp moved, Ms. Lindsey seconded and the Board voted to approve the recommendation and refer to matter of J.S. to the AG's office as presented. None opposed, motion carried.

Dr. Brown moved, Ms. Lindsey seconded and the Board voted to approve the recommendation from the applicant interview of T.K. and to issue the license as presented. None opposed, motion carried.

Attorney General's Report:

A written status report, which included information on any cases referred for action, requests for advice and/or requests for authority for proposed rules, provided for Board review

Dr. Prchal moved, Dr. Canupp seconded, and the Board voted to approve the Assistant Attorney General's report as presented. None opposed, motion carried.

Cognizant Report:

❖ **Recommend for Closure:**

OPT180019, OPT180022, OPT190001, OPT190007, OPT190009

❖ **Recommend Pending for Receipt of Additional Information:**

OPT170014, OPT170020, OPT180004, OPT180005, OPT180007, OPT180008, OPT180023, OPT190002 (*B. Lindsey Recused), OPT190004, OPT190005, OPT190008, OPT190010 and OPT190011

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

Executive Session Minutes:

- October 17, 2018

Recommendation:

Approve as presented

Dr. Whisenant moved, Dr. Prchal seconded, and the Board voted to approve the October 17, 2018 Board Executive Session meeting minutes as presented. None opposed, motion carried.

Meeting Minutes:

- October 17, 2018

Recommendation:

Approve as presented

Dr. Whisenant moved, Dr. Prchal seconded, and the Board voted to approve the October 17, 2018 Board meeting minutes as presented. None opposed, motion carried.

Board Chair Report:

Dr. Canupp did not have a report to present to Board during today's meeting.

GA Prescription Drug Monitoring Program Registration:

Discussion regarding the statutory mandate that all licensed Optometrists who hold a DEA Permit were required to have registered with the GA PDMP on or before January 1, 2018. The Board discussed the available actions to take with regard to those licensed optometrists with DEA Permits who have not registered on or before the January 1, 2018 deadline. The facts regarding this registration are:

- If you have a DEA permit, you must register.
- If you have a DEA Permit, but you don't prescribe, you still must register.
- If you have a DEA Permit, but you haven't prescribed in a long time, you still must register.
- If you don't have a DEA Permit, you should submit some proof to the Board that you do not or no longer have a DEA.

Dr. Prchal moved, Dr. Canupp seconded, and the Board voted to send a final reminder notice to licensees, via USPS Mail service and email to those licensees who have not registered with the PDMP advising that registration must be completed by June 30, 2019. Failure to abide by the new requirements by such date may result in disciplinary actions against the professional license. None opposed, motion carried.

Disciplinary actions to be considered by the Board for non-registering licensees will be discussed during the scheduled July 24, 2019 board meeting.

Public Rules Hearings: 11:30 a.m.

There were no visitors present for the public rule hearings. The only written comments received by the Board were with regard to proposed rule amendments to 430-4-.01. The Board addressed the correspondence prior to the vote to adopt the proposed amendment.

- **Rule 430-2-.04. Continuing Education Requirements; Approval of Education 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 in this category~~ shall obtain one (1) hour ~~biennially~~ of CE in ~~ethics and Georgia laws and rules~~. This one (1) hour shall be included in the total eighteen (18) hours required for renewal. 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~~ All licensees are required to obtain thirty-six (36) hours per biennium beginning in the third calendar year of licensure. Licensees shall obtain one (1) hour of Board-approved continuing education in Georgia laws and rules. This one (1) hour shall be included in the total thirty-six (36) hours required for renewal.

~~(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. All CE hours on Georgia laws and rules must be prior approved by the Board.~~ 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. 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 Board shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. 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.

(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.

Authority: O.C.G.A. §§ 43-30-5, 43-30-8(b)

Dr. Prchal moved, Dr. Canupp seconded and the Board voted to adopt the amendments to Board Rule 430-2-.04 Continuing Education Requirements; Approval of Education Programs presented. None opposed, motion carried.

In addition, Dr. Prchal moved, Dr. Canupp seconded the Board voted that the formulation and adoption of the proposed rule amendments to 430-2-.04 does not impose excessive regulatory cost on any licensee or training program applicant and any cost to comply with the proposed new rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the O.C.G.A. §§ 43-30-5, 43-30-8(b). Additionally, the Board voted that it is not legal or feasible to meet the objectives of the O.C.G.A §§ 43-30-5, 43-30-8(b) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50- 13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this new rule will impact every licensee and training program applicant in the same manner and each licensee is independently licensed in the field of nursing home administration. None opposed, motion carried.

Dr. Prchal moved. Dr. Canupp seconded and the Board voted for the public release of the AG's office Memorandum of Statutory Authority received for Rule 430-2-.04. None opposed, motion carried.

- **Rule 430-4-.01. Unprofessional Conduct**

The Board discussed the written comments received from the National Association of Optometrists and Opticians (NAOO) regarding the proposed rule amendments. Regarding the four points made in the communication from NAOO, the Board determined:

- 1. The Board is not at liberty to disclose information regarding investigations/complaints – See O.C.G.A. § 43-1-19(h)*
- 2. Non-licensed personnel not employed by an Optometrist – See O.C.G.A. § 43-29-18(f)*
- 3 & 4. The Board does not consider a Registered Apprentice as an unlicensed person. An apprentice's ability to work and obtain licensure is not restricted or limited by proposed new rule section 430-4-.01(2)(w) because the Board does not consider a registered apprentice as an unlicensed person. See O.C.G.A. § 43-29-18(f)*

Rule 430-4-.01. Unprofessional Conduct

(1) By the authority granted under Section 43-30-5 of the Official Code of Georgia Annotated, the Georgia Board of Examiners in Optometry has the authority to adopt, establish, enforce, and maintain rules and regulations applicable to the practice of optometry adequate to put O.C.G.A. Chapter 30, Title 43 into effect and to regulate the practice of optometry as a profession in conformity with and in compliance with accepted professional standards.

(2) Any one or all of the following acts committed by a doctor of optometry licensed in Georgia are in violation of the accepted professional standards for the practice of optometry in this State and shall constitute "unprofessional conduct" within the meaning of the O.C.G.A. Section 43-30-9, as amended:

- Continuing to practice optometry while suffering from any physical or mental disease or disability, which renders the further practice of optometry dangerous to patients or the public;
- Habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to render the licensed doctor of optometry unfit for the careful performance of his professional duties;
- The intentional making of any fraudulent, misleading, or deceptive statement in any form of advertising connected with the practice of optometry, including but not limited to the tactic of 'bait and switch', whereby a product or service is advertised for a specific price but the consumer must in fact purchase additional products or product or service previously advertised;
- Making untruthful or improbable statements or flamboyant or extravagant claims concerning the licensed doctor of optometry's skills which are likely to deceive the public;
- Assisting any person other than another licensed doctor of optometry or a doctor of medicine skilled in diseases of the eyes in the prescribing or fitting of a contact lens for a patient, unless the person so assisted is under his direct, personal supervision while upon the same premises. In releasing a prescription for contact lens all parameters necessary for fabrication of the lens must be included;
- Practicing or continuing to practice optometry under, or use in connection with his practice of optometry, any assumed name, corporate name, trade name, or any name other than the name under which he is licensed to practice optometry in Georgia except under the following conditions:

- When doctors of optometry are practicing as partners, they may practice under the full or last names of the partners. Doctors of optometry who are employed by other doctors of optometry shall practice in their own names, but may practice in an office listed under the name of the individual or partnership of doctors of optometry by whom they are employed, provided, however, that their names shall be displayed in a manner similar to the other doctors of optometry in the practice. In the event of the death or retirement of a doctor of optometry or sale of the optometric practice, the surviving doctor or doctors or the purchaser of the practice may continue to use the name of the predecessor in addition to his own name for a period not to exceed two (2) years from the death or retirement of said predecessor. This rule shall not be construed to authorize conduct otherwise prohibited by the Patient Self-Referral Act, codified at O.C.G.A Section 43-1B-1et seq.

- Publicly displaying of the licensed doctor of optometry's name upon or in any premises used for the practice of optometry, unless a licensed doctor of optometry is actually present at times optometric services are provided and

unless such licensed doctor of optometry is in the practice of optometry at such premises for a minimum of four (4) hours per week;

(h) Failing to advise each patient whenever consultation with an optometric colleague or referral for other professional care seems advisable;

(i) Failing to hold in professional confidence all information concerning a patient;

(j) Exaggerating the patient's condition for the purpose of prescribing or dispensing unnecessary optometric services;

(k) Performing any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public;

(l) Consistently misdiagnosing or consistently prescribing improper therapy;

(m) Violating, attempting to violate, or conspiring to violate any provision of the laws or rules pertaining to the practice of optometry in this State;

(n) Failing to provide adequate safeguards against patient abandonment. For purposes of this Rule, an optometrist shall be deemed to have provided such safeguards if he/she:

1. makes himself/herself available for twenty-four (24) hour access;
2. arranges alternative coverage by a licensed practitioner or other appropriate healthcare facility; or
3. advises prospective patients, in writing, at the time of their first visit that it is his/her policy not to be available during non-office hours;

(o) Assisting, allowing, or permitting an unlicensed person, firm, association or corporation to practice optometry in this State;

(p) Accepting any direct or indirect payment, gift, or other remuneration of any optometric service not actually rendered;

(q) Placing his license at the disposal or in the service or control of any person, firm, association or corporation not licensed to practice optometry in this State;

(r) Entering into any agreement that allows an unlicensed person, firm, association, or corporation to control or attempt to control the professional judgment, the manner of practice, or the practice of a doctor of optometry. For purposes of this section, "control or attempt to control the professional judgment, the manner of practice, or the practice of the doctor of optometry" shall include but not be limited to:

1. setting or attempting to influence the professional fees of a doctor of optometry;
2. restricting or attempting to restrict a doctor of optometry's freedom to see patients on an appointment basis;
3. terminating or threatening to terminate any lease, agreement, or other relationship in an effort to control the professional judgment, manner of practice, or practice of a doctor of optometry;
4. making or guaranteeing a loan to a doctor of optometry in excess of the value of the collateral securing the loan;
5. agreeing to divide or split fees received for professional services with any person, firm, association, or corporation for the solicitation or referral of a patient, provided that the following acts shall not be construed as unprofessional conduct under this regulation unless the person, firm, association, or corporation controls or attempts to control the practice of the doctor of optometry:
 - (i) entering into a bona fide lease or rental agreement based upon a percentage of gross income;
 - (ii) advertising in a truthful, non-deceptive manner, or paying for such advertising based upon a percentage of gross income, as long as such advertising otherwise complies with Rules 430-4-.01(2)(c), (d) and (f) and other applicable statutes and regulations.
 - (iii) nothing in this rule shall be construed to prohibit professional relationships between optometrists, medical doctors, health maintenance organizations and/or hospitals. This rule shall not be construed to authorize conduct otherwise prohibited by the Patient Self-Referral Act, codified at O.C.G.A. Section 43-1B-1et seq.

(s) It is the intent of subsection (r) to prevent manufacturers, wholesalers, or retailers of optical goods from controlling or attempting to control the professional judgment, manner of practice or the practice of a doctor of optometry, and the provisions of this section shall be liberally construed to carry out this intent.

(t) Subsection (r) shall not apply where the manufacturer, wholesaler, or retailer of ophthalmic goods is a licensed doctor of optometry or a licensed physician or legal entity 100 percent owned and controlled by one or more licensed doctors of optometry or licensed physicians; however, the exception set forth in this subsection shall not apply where the doctor of optometry or legal entity has offices at more than three (3) locations.

(u) Failing to release patient records within a reasonable period of time to a Physician or another Doctor of Optometry upon written authorization from the patient.

1. The patient shall be responsible to pay the costs of search, retrieval, copying and mailing the patient record.
 - (v) Failing to respond within the time specified to a subpoena from the Board or the Board's agent.
 - (w) Supervising the dispensing activities of a non-licensed person who is not directly employed by the optometrist and working exclusively for the optometrist.
- (3) No optometrist, or employee or agent thereof acting on his behalf, shall offer, agree to accept, or receive compensation in any form for the referral of professional services to or from another health care provider or entity. This prohibition includes any form of fee division or charging of fees for the referral of a patient.

Authority: O.C.G.A. §§ 43-1-19 (a)(6), 43-30-5 and 43-30-9(a)

Dr. Prchal moved, Dr. Brown seconded and the Board voted to adopt the amendments to Board Rule 430-4-.01 Unprofessional Conduct as presented. None opposed, motion carried.

In addition, Dr. Prchal moved, Dr. Brown seconded the Board voted that the formulation and adoption of the proposed rule amendments to 430-4-.01 does not impose excessive regulatory cost on any licensee or training program applicant and any cost to comply with the proposed new rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the O.C.G.A. §§ 43-1-19(a)(6), 43-30-5 (there is only one paragraph to this statute and there are no subparagraphs) and 43-30-9(a). Additionally, the Board voted that it is not legal or feasible to meet the objectives of the O.C.G.A §§ 43-1-19(a)(6), 43-30-5 and 43-30-9(a) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50- 13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this new rule will impact every licensee and training program applicant in the same manner and each licensee is independently licensed in the field of nursing home administration. None opposed, motion carried.

Dr. Prchal moved. Dr. Canupp seconded and the Board voted for the public release of the AG's office Memorandum of Statutory Authority received for Rule 430-4-.01. None opposed, motion carried.

- **Rule 430-10-.02 Approved Therapeutic Examinations**

- (1) The following examination has been approved by the Board as meeting the requirements for therapeutic certification:
 - (a) The ~~International Association of Boards~~ National Board of Examiners in Optometry (NBEO) ~~E~~examination in "Treatment and Management of Ocular Disease" (TMOD).
 - (2) The Board reserves the right to approve additional examinations for therapeutic certification upon evidence provided to the Board that such examinations adequately test knowledge of pharmacology for treatment and management of ocular diseases.
 - (3) The only examination approved at this time for certification to use therapeutic agents is the TMOD examination or an equivalency score from the National Board for the content of the TMOD administered with Part 2: Clinical Science.

Authority: O.C.G.A. §§ 43-30-1 (2017 Supp.) and 43-30-5 (2016)

Dr. Prchal moved, Dr. Brown seconded and the Board voted to adopt the amendments to Board Rule 430-10-.02 Approved Therapeutic Examinations as presented. None opposed, motion carried.

In addition, Dr. Prchal moved, Ms. Lindsey seconded the Board voted that the formulation and adoption of the proposed rule amendments to 430-10-.02 does not impose excessive regulatory cost on any licensee or training program applicant and any cost to comply with the proposed new rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the O.C.G.A. §§ 43-30-1 (2017 Supp.) and 43-30-5 (2016). Additionally, the Board voted that it is not legal or feasible to meet the objectives of the O.C.G.A. §§43-30-1 (2017 Supp.) and 43-30-5 (2016) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50- 13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this new rule will impact every licensee and training program applicant in the same manner and each licensee is independently licensed in the field of nursing home administration. None opposed, motion carried.

Dr. Prchal moved. Dr. Canupp seconded and the Board voted for the public release of the AG's office Memorandum of Statutory Authority received for Rule 430-10-.02. None opposed, motion carried.

- **Rule 430-10-.04 Enforcement**

The license of any doctor of optometry who commits any of the following acts has engaged in unprofessional conduct and shall be subject to disciplinary sanctions pursuant to O.C.G.A. 43-1-19 and 43-30-9:

(a) using any pharmaceutical agent for treatment purposes prior to becoming certified to use such agents by the Board;

(b) using any pharmaceutical agent for treatment purposes which is not contained in Rule 430-10-.03;

~~(c) administering any pharmaceutical agent by injection.~~

~~(d-c)~~ administering or prescribing any pharmaceutical agent for treatment purposes before obtaining \$1,000,000 in Professional Liability Insurance and becoming certified in Cardiovascular Pulmonary Resuscitation (CPR).

Auditing of these requirements will be handled as the auditing for continuing education.

Authority: O.C.G.A. §§ 43-30-1 (2017 Supp.) and 43-30-5 (2016)

Dr. Prchal moved, Ms. Lindsey seconded and the Board voted to adopt the amendments to Board Rule 430-10-.04 Enforcement as presented. None opposed, motion carried.

In addition, Dr. Prchal moved, Ms. Lindsey seconded the Board voted that the formulation and adoption of the proposed rule amendments to 430-10-.04 does not impose excessive regulatory cost on any licensee or training program applicant and any cost to comply with the proposed new rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the O.C.G.A. §§ 43-30-1 (2017 Supp.) and 43-30-5 (2016). Additionally, the Board voted that it is not legal or feasible to meet the objectives of the O.C.G.A. §§ 43-30-1 (2017 Supp.) and 43-30-5 (2016) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this new rule will impact every licensee and training program applicant in the same manner and each licensee is independently licensed in the field of nursing home administration. None opposed, motion carried.

Dr. Prchal moved. Dr. Canupp seconded and the Board voted for the public release of the AG's office Memorandum of Statutory Authority received for Rule 430-10-.04. None opposed, motion carried.

- **Rule 430-11-.01 Examination Requirements**

~~(1)~~ Candidates for licensure in Georgia will be required to pass Parts 1, 2 and 3 if applicable of the National Board examinations; and Treatment and Management of Ocular Disease (TMOD) examination or a subsequent examination approved by the board which tests knowledge of pharmacology for treatment and management of ocular diseases; and the Georgia State Jurisprudence examination administered by an organization approved by the board. In addition, after July, 1994, all candidates must have completed all requirements for therapeutic certification before making application to take the jurisprudence examination.

~~(2) There shall be an exception to the requirement for successful completion of the National Board examination for candidates meeting the following qualifications:~~

~~(a) Any candidate who has held a valid license in good standing to practice Optometry in another state and has practiced the profession continually in said State since a date prior to January 1, 1974, shall be eligible to take the jurisprudence examination given by an organization approved by the board provided that:~~

- ~~1. The State in which said candidate is licensed is deemed by the Board to have established standards and qualifications that are equivalent to the standards and qualifications required for licensure in the State of Georgia;~~
- ~~2. The State in which said candidate is licensed has established requirements for re-licensure which are deemed by the Board to be equivalent to the requirements for re-licensure in the State of Georgia;~~
- ~~3. Provided that said candidate meets all other requirements for licensure.~~

Authority: O.C.G.A. §§ 43-30-5 and 43-30-7(b)

Dr. McCullough moved, Dr. Whisenant seconded and the Board voted to adopt the amendments to Board Rule 430-11-.01 Examination Requirements as presented. None opposed, motion carried.

In addition, Dr. McCullough moved, Dr. Whisenant seconded the Board voted that the formulation and adoption of the proposed rule amendments to 430-11-.01 does not impose excessive regulatory cost on any licensee or training program applicant and any cost to comply with the proposed new rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the O.C.G.A. §§ 43-30-5 and 43-30-7(b).

Additionally, the Board voted that it is not legal or feasible to meet the objectives of the O.C.G.A. §§ 43-30-5 and 43-30-7(b) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50- 13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of this new rule will impact every licensee and training program applicant in the same manner and each licensee is independently licensed in the field of nursing home administration. None opposed, motion carried.

Dr. Prchal moved. Dr. Canupp seconded and the Board voted for the public release of the AG's office Memorandum of Statutory Authority received for Rule 430-11-.01. None opposed, motion carried.

Additional Rules Discussion:

- Rule 430-10-.03. Approved Therapeutic Drugs

The Board discussed further revisions to the Therapeutic Drugs rule they have been working on based on information provided by the Board's legal counsel.

Dr. Prchal moved, Dr. Brown seconded and the Board voted to approve changes to the previously proposed rule amendment and to request the AG's office Memo of Statutory Authority. In addition, upon receipt of the AG's office memo, the Board voted to post the proposed rule amendments to rule 430-10-.03 for the required thirty days with a public rule hearing to be conducted during the next scheduled meeting.

Ratify List: Licenses issued administratively between meetings (10/17/2018 - 1/15/2019):

License No.	Licensee
OPT003131	Preston Langdon
OPT003132	Lizabeth Frontino
OPT003133	Erica Lynne Bridges
OPT003134	Purvi Patel
OPT003135	Kelsey Anne Price
OPT003136	Page Jian
OPT003137	Ashley M Toland
OPT003138	Kiah Summer
OPT003139	Monica Kennedy
OPT003140	John E .K. Ackep

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

Petition for Rule Waiver/Variance:

- S. Gupta
- D. Saliba

Recommendation:

Deny; has ability to obtain CE hours online by renewal deadline
Tabled; Recommend withdrawing petition

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to deny the petition request for S. Gupta; however, the Board will offer an alternative and allow licensee to obtain the required CE hours online by the renewal deadline as presented. None opposed, motion carried.

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted table the petition for D. Saliba and recommend he withdraw the petition based on the Boards inclination to deny the petition and request he submit proof of the CE's obtained in 2017. None opposed, motion carried.

Correspondence:

- COPE 2018

Recommendation:

For Board Information Only

Misc. Discussion Items:

- ARBO Report – Dr. L. Brown Update on OE Tracker meeting
- Hydrocodone Prescriptions – Dr. R. McCullough Defer to GA Board of Pharmacy

2019 Board Officer Elections:

Chair: Karen Canupp

Vice-Chair: Larry Brown

Dr. Prchal moved, Dr. Whisenant seconded, the Board voted to approve the nominations for the 2019 Board officers as presented. None opposed, motion carried.

There being no further business for discussion, Dr. McCullough moved, Dr. Brown seconded, and the Board meeting adjourned at 3:25 p.m.

Minutes recorded by:

Linsey Brookins, Board Support Specialist

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director,

DR. KAREN CANUPP

President

BRIG ZIMMERMAN

Executive Director HC1

These minutes were reviewed and approved on: **April 17, 2019**