

**GEORGIA STATE BOARD OF OPTOMETRY**  
**Board Meeting Minutes of April 17, 2019 \* 10:00 a.m.**

The Georgia State Board of Optometry met on Wednesday, April 17, 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. (via teleconference)  
Jerry Prchal, O.D.

**Attorney General's Office:**

Wylencia Monroe, Esq., Asst. Attorney General  
Melissa Tracy, Esq., Asst. Attorney General

**Board Members Absent:**

Betty Ann Lindsey, Consumer Member

**Administrative Staff Present:**

Brig Zimmerman, Executive Director  
Linsey Joiner, Board Support Specialist

**Visitors: (Open Session)**

Perry McGuire, Esq.

Dr. Canupp, President, established a quorum was present and called the meeting to order at 10:07 a.m.

**Agenda:** Approved as presented

**Dr. Prchal 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 review Applications, review the executive session minutes and correspondence, conduct an Investigative Interview and receive the Cognizant (Complaints) and Assistant Attorney General reports. Voting in favor of the motion were those present who included Canupp, Brown, McCullough, Whisenant and Prchal.**

**Applications:**

*None to present*

**Cognizant Report:**

- ❖ **Recommend for Closure:** OPT190008, OPT190011, OPT190013, OPT190014
- ❖ **Recommend Pending for Receipt of Additional Information:** OPT180005, OPT180007, OPT190002, OPT190010, OPT190019, OPT190020

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 for the purpose of allowing the visitor of the meeting, Mr. McGuire to address his concerns to the Board. No votes were taken in the closed session.

**Dr. Brown moved, Dr. McCullough seconded and the Board voted to enter back into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2) and 43-1-2(k) to conduct the scheduled Investigative Interview, review the executive session minutes and correspondence, and receive the Cognizant (Complaints) and Assistant Attorney General report. Voting in favor of the motion were those present who included Canupp, Brown, McCullough, Whisenant 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 closed session.

❖ **Investigative Interview Conducted:**

- OPT170014

**Recommendation:**

Tabled; Pending receipt of additional information

**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.**

**Attorney General's Report:**

Wylenia Monroe, Assistant Attorney General provided a status report which included information on any cases referred for action, requests for advice and /or requests for authority for proposed rules.

Ms. Monroe introduced AAG Melissa Tracy who will be replacing her as the Boards legal counsel. The Board thanked Ms. Monroe for her years of representing the Board, and wished her good luck with her future position.

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

**Executive Session Minutes:**

- January 16, 2019

**Recommendation:**

Approve as presented

**Dr. Brown moved, Dr. Prchal seconded, and the Board voted to approve the January 16, 2019 Board Executive Session meeting minutes as presented. None opposed, motion carried.**

**Meeting Minutes:**

- January 16, 2019
- March 5, 2019

**Recommendation:**

Approve as presented

Approve as presented

**Dr. Brown moved, Dr. Prchal seconded, and the Board voted to approve the January 16, 2019 Board meeting minutes as presented. None opposed, motion carried.**

**Dr. Whisenant moved, Dr. Prchal seconded, and the Board voted to approve the March 5, 2019 Board meeting minutes as presented. None opposed, motion carried.**

**Misc. Discussion Items:**

- NBEO – NCCTO Updated – *Board Information Only*
- Student Injectable Certification – B. McCullough – *Board Discussion Only*
- ARBO Report – B. McCullough – *Board Information Only*

**Application Ratify List: Licenses issued between 1/16/2019 - 4/16/2019**

License No.	Licensee
OPT003141	Thomas Fenton Koepke
OPT003142	Muqdisa Bibi Hashmi
OPT003143	Stephen Eric Chambers
OPT003144	Lianne Innes
OPT003145	Radhakrishna Ishwarbhai Patel
OPT003146	Zachary James Boeskool
OPT003147	Katie Lynn Boeskool
OPT003148	Meredith Tonks
OPT003149	My Lien Thi Nguyen
OPT003150	Ronnie Ching Hei Mak
OPT003151	Kourosh Farahvashi

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

**Public Rules Hearings: 11:00 a.m.**

*There were no visitors for the public rule hearing, nor were any written comments or other submissions regarding the proposed new rule received within the thirty days of posting for public view and comment for the public rule hearing.*

• **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)**

*Following discussion, the Board determined that the purpose of the above rule changes were to provide better communication between the Board and continuing education providers, as well as to be certain that licensees are updated in accordance with the law regarding continuing education.*

**Dr. Prchal moved, Dr. Brown 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. Brown 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 psychology. None opposed, motion carried.

Dr. Prchal moved. Dr. Brown 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 430-10-.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) 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)**

*Following discussion, the Board determined the purpose of the amendments to Board rule 430-10-.02 were to update the rule language with the current name of the owner/administrator of the required licensure examination for certification in therapeutics. The International Association of Boards of Examiners in Optometry changed its name to the National Board of Examiners in Optometry (NBEO) some time ago and the rule had not been updated to reflect the new name.*

Dr. Prchal moved, Dr. McCullough 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, Dr. Canupp 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 psychology 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-.03. ~~Approved Therapeutic Drugs~~ Pharmaceutical Agents**

(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, hydrocodone administered orally, 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~~ Other pharmaceutical 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.
- (e) Pharmaceutical agents related to the diagnosis or treatment of diseases and conditions of the eye and adnexa oculi by injection, except for sub-tenon, retrobulbar, peribulbar, facial nerve block, subconjunctival anesthetic, dermal filler, intravenous injections, intramuscular injections, intraorbital nerve block, intraocular, or botulinum toxin injections, so long as the licensed optometrist meets the requirements found in the law and the Board's rules regarding injections.
- (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) In addition to the above, ~~the~~ 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, C & D) 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- ;
- (j) hydrocodone as provided above; and,
- (k) other pharmaceutical 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.
- (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(2), 43-30-1(2)(C), 43-30-1(2)(D)(i)(I) and (ii), 43-30-1(2)(D)(i)(II), 43-30-1(2)(C), (D), and (E), 43-30-5**

*Following discussion, the Board determined the purpose of the amendments to Board rule 430-10-.03 was to update the rules language to be consistent with the language of the law.*

**Dr. Prchal moved, Dr. Canupp seconded and the Board voted to adopt the amendments to Rule 430-10-.03 Pharmaceutical Agents as 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 430-10-.03 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 O.C.G.A. §§ 43-30-1(2), 43-30-1(2)(C), 43-30-1(2)(D)(i)(I) and (ii), 43-30-1(2)(D)(i)(II), 43-30-1(2)(C), (D), and (E), 43-30-5. Additionally, the Board voted**

that it is not legal or feasible to meet the objectives of the O.C.G.A. §§ 43-30-1(2), 43-30-1(2)(C), 43-30-1(2)(D)(i)(I) and (ii), 43-30-1(2)(D)(i)(II), 43-30-1(2)(C), (D), and (E), 43-30-5 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 psychology. 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-.03. 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 Joiner, 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: **July 24, 2019**