

GEORGIA STATE BOARD OF OPTOMETRY
Board Meeting Minutes of August 19, 2020 * 10:00 a.m.
Conference Call/ZOOM

The Georgia State Board of Optometry met via teleconference/ZOOM on Wednesday, August 19, 2020, at 237 Coliseum Drive, Macon, Georgia with the following members participating. The Board's Executive Director hosted the meeting from the Professional Licensing Division, 237 Coliseum Drive, Macon, Georgia 31217.

Board Members Present:

Karen Canupp, O.D. – President
Larry Brown, O.D. - Vice-President
Robert McCullough, O.D.
Jerry Prchal, O.D.
Jeffrey Hackleman, O.D.

Board Members Absent:

Betty Ann Lindsey, Consumer Member

Attorney General's Office

Melissa Tracy, Esq., Asst. Attorney General

Administrative Staff Present:

Brig Zimmerman, Executive Director
Linsey Joiner, Board Support Specialist
Sarah Collet, Licensing Analyst

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

Visitors:

Stacy Guest

Agenda: Approved as presented

Meeting Minutes:

- April 27, 2020 Conf. Call
- April 30, 2020 Conf. Call
- June 2, 2020 Conf. Call

Recommendation:

Approve as amended
Approve as presented
Approve as presented

Dr. Prchal moved, Dr. McCullough seconded, and the Board voted to approve the April 27, 2020 Conference Call Board meeting minutes as amended. None opposed, motion carried.

Dr. Prchal moved, Dr. Hackleman seconded, and the Board voted to approve the April 30, 2020 Conference Call Board meeting minutes as amended. None opposed, motion carried.

Dr. Prchal moved, Dr. McCullough seconded, and the Board voted to approve the June 2, 2020 Conference Call Board meeting minutes as amended. None opposed, motion carried.

Correspondence:

- S. Ellis – COPE Approved Live CE Events – *Board to monitor the COVID-19 pandemic and develop policies/emergency rules etc. as needed.*
- ARBO Member Letter RE Location of Part 3 Exam – *Board Information Only*
- S. Browser – Extension of Emergency Rule Provisions - *Board to monitor the COVID-19 pandemic and develop policies/emergency rules etc. as needed.*

Dr. Hackleman moved, Dr. Canupp seconded, and the Board voted to respond as directed to the correspondences above as presented. None opposed, motion carried.

Application Ratify List: Licenses issued between: 6/3/2020 - 8/18/2020

license No	Licensee
OPT003237	Alina Wheeler
OPT003238	CHANG YE
OPT003239	Vikarma Wayne Brooks
OPT003240	Elizabeth Cappellari Brooks
OPT003241	Corbin Leigh Wellford
OPT003242	UyenThu Vo
OPT003243	Marlene Silva Catarino
OPT003244	Amir Ghanipour
OPT003245	Courtney Sartin
OPT003246	Mohammad Zaid Aljabi
OPT003247	Steven Nguyen
OPT003248	Tracy Tran
OPT003249	Brenda Bella Luu
OPT003250	Ekram Ali
OPT003251	Joella Martire
OPT003252	Kenneth Trevor Shealy, Trevor
OPT003253	Kira Elise Winston
OPT003254	Tony Lam
OPT003255	Janice Chau
OPT003256	Anita Pandya
OPT003257	Arpit N Patel
OPT003258	Shelby Alyssa Kruse
OPT003259	Selma Hashimi Daud
OPT003260	Ashleigh Marie Sprouse
OPT003261	Craig Bryant Brown
OPT003262	Jake Donald Pucci
OPT003263	Jhaleil Phillips
OPT003264	Laura Anne Kahn
OPT003265	Lisa June Chen
OPT003266	Olawale Adedamola Babalola
OPT003267	Thomas Earl Manning
OPT003268	Sasha Deepak Patel
OPT003269	Clare Rose Masson
OPT003270	Melanie Mathews Denton
OPT003271	Russul A Abbas
OPT003272	Kristen Danielle Purdy
OPT003273	Thien Kim Nguyen Vuong

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

Misc. Discussion Items:

- ARBO Report – L. Brown

Dr. Prchal moved, Dr. Hackleman seconded, and the Board voted to approve the ARBO Report as presented. None opposed, motion carried.

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, receive the Cognizant (Complaints) and Assistant Attorney General reports. Voting in favor of the motion were those present who included Canupp, Brown, McCullough, Prchal and Hackleman.

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.

Cognizant Report:

- ❖ **Recommend Investigative Interview:** OPT190022 & 190025, OPT190020, OPT190016
- ❖ **Recommend Referral to Investigations:** OPT210002 and OPT200008
- ❖ **Recommend Closure:** OPT190017

OPEN SESSION - Public Rule Hearing: 11:30 A.M.

There were no visitors present or written submissions received regarding the proposed rule change during the minimum thirty (30) days pre-hearing posting of the rule. Following the rule hearing and discussion regarding proposed amendments, including the guest’s comments of support for the changes, the Board voted to adopt the following proposed rule amendment as posted.

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Rule 430-2-.08. Volunteers in Optometry

(1) The Board ~~may~~ shall issue volunteer licenses ~~in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for optometric services, and when it has located a competent optometrist to fulfill such need.~~ in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for optometric services, and when it has located a competent optometrist to fulfill such need. ~~In granting these volunteer licenses, the Board shall observe~~ to optometrists who meet the following criteria:

~~(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply optometric services. In determining what constitutes an inadequate supply of optometry personnel, the Board shall consider various factors, including the optometrist patient ratio in the area in question, the distance between patients and existing optometrist, the misdistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate optometric services in or reasonably accessible to the area in question. Any group or groups of persons seeking to secure such an optometrist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.~~

~~(b) Qualification of the Optometrist.~~

~~1. The optometrist must submit an application for a volunteer license to the Board and must be retired from the practice of optometry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing;~~

(a) The optometrist must submit an application for a volunteer license to the Board and must:

1. hold a current, unrestricted license in good standing to practice optometry in any licensing jurisdiction of the United States; or

2. must be retired from the practice of optometry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full, unrestricted licensure in good standing in any licensing jurisdiction of the United States;

(b) The volunteer licensee shall be permitted to practice optometry only in the noncompensated employ of public agencies or institutions, not for profit agencies, not for profit institutions, nonprofit corporations, or not for profit associations which provide health care specialty services only to indigent patients in areas which are underserved by that specialty or critical need population areas of the state, as determined by the board of optometry, or pursuant to Article 8 of Chapter 8 of Title 31;

(c) The person applying for the volunteer license under this Code section shall submit to the optometry board a copy of his or her health care specialty degree, a copy of his or her health care specialty license in his or her current or previous licensing and regulating jurisdiction, and a notarized statement from the employing agency, institution, corporation, association, or health care program on a form prescribed by that board, whereby he or she agrees unequivocally not to receive compensation for any health care specialty services he or she may render while in possession of the special license;

~~2. (d) As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the Board; Any applicant for a volunteer license who has not been actively engaged in the direct observation and treatment of patients within the five (5) years immediately preceding the date of application may, at the board's discretion, be required to pass an examination administered by the board or a testing agency designated and approved by the Board;~~

~~3. (e) If the Board determines there is that an applicant has demonstrated an inability to practice optometry with reasonable skill and safety to the public, and reasonable grounds exist to inquire into an applicant's mental and physical capacity, the applicant may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;~~

4. (f) If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license, the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license. During the period of time the licensee maintains such license, the licensee must comply with the continuing education requirements established by the Board;

5. (g) There shall be no application or licensing fee for initial issuance of a volunteer license;

~~6. (h) Volunteer licenses shall expire at the close of December 31st in all odd-numbered years, and shall be administratively revoked for failure to renew on January 31 of the following even-numbered year. Fees for license renewal shall be assessed as shown on the schedule of fees adopted by the board; Licenses which have been administratively revoked shall be reinstated only in the discretion of the board;~~

7. (i) Any other provisions of Chapter 30, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the Georgia Volunteers in Health Care Specialties Act, O.C.G.A. 43-1-28, ~~provisional license statute~~ shall be fully applicable to all licensed optometrists.

Authority: O.C.G.A. §§ 43-1-19(a)(10), 43-1-25, 43-1-28, 43-1-28(c)(1) and (2), 43-1-28(d), 43-1-28(e), 43-1-28(f), 43-1-28(g), 43-30-5 and 43-30-8

The purpose of the proposed rule amendments is remove unnecessary, outdated language of the 2006 rule, and offer a rule compatible with the revisions in 2008 to the Georgia Volunteers in Health Care Specialties Act (the "Act") O.C.G.A. § 43-1-28.

Dr. McCullough motioned, Dr. Brown seconded, and the Board voted to adopt Board Rule 430-2-.08 Volunteers in Optometry as presented above and to send the rule adoption packet to the Governor as required. None opposed, motion carried.

Dr. McCullough motioned, Dr. Brown seconded, and the Board voted to release publicly the Board legal counsel's memo of statutory authority for the rule revisions provided by the Board's legal counsel regarding Rule 430-2-.08. Volunteers in Optometry as presented. 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 O.C.G.A. §§ 43-1-19(a)(10), 43-1-25, 43-1-28, 43-1-28(c)(1) and (2), 43-1-28(d), 43-1-28(e), 43-1-28(f), 43-1-28(g), 43-30-5 and 43-30-8 and that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19(a)(10), 43-1-25, 43-1-28, 43-1-28(c)(1) and (2), 43-1-28(d), 43-1-28(e), 43-1-28(f), 43-1-28(g), 43-30-5 and 43-30-8 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.

Dr. Prchal moved, Dr. Brown 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 continue to receive the Cognizant (Complaints) Report, review Applications, Executive Session Minutes and Assistant Attorney General reports. Voting in favor of the motion were those present who included Canupp, Brown, McCullough, Prchal and Hackleman.

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.

Cognizant Report Cont’d:

- ❖ **Recommend Close Case:** OPT200009, OPT200010, OPT200012, OPT200014, OPT200016, OPT200018, OPT210001
- ❖ **Recommend Referral to AG’s Office:** OPT200013
- ❖ **Pending Receipt of Additional Information:** OPT200017, OPT210002

Dr. McCullough moved, Dr. Hackleman seconded, and the Board voted to accept the signed Board order of OPT190017 and in addition for the Boards Executive Director to sign the signed Consent Order received between meetings by express permission and to submit for docketing. None opposed; motion carried. as presented. None opposed, motion carried.

Dr. McCullough moved, Dr. Hackleman 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:

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

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to designate Dr. Prchal and Dr. Brown to draft a response concerning remote exam or tele-optometry to the AG’s office without requiring full Board discussion as presented. None opposed, motion carried.

Dr. Prchal moved, Dr. McCullough seconded, and the Board voted to request an official memorandum of advice from the AG’s office to review the statute and determine the Boards authorization with regard to student credentials with Injectables Courses that are part of the educational degree program currently, and prior years. None opposed, motion carried.

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

Applications:

- C.M.

Recommendation:

Issue license

Dr. Prchal moved, Dr. McCullough seconded, and the Board voted to accept the recommendation on the application above as presented. None opposed, motion carried.

Ex. Session Misc. Discussion Items:

- Committee Report Law and Rules Test – *Board Information Only*

Executive Session Minutes:

- April 27, 2020 Conf. Call
- June 2, 2020 Conf. Call

Recommendation:

- Approve as presented
- Approve as presented

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to approve the April 27, 2020 Board Conference Call Executive Session meeting minutes as presented. None opposed, motion carried.

Dr. McCullough moved, Dr. Prchal seconded, and the Board voted to approve the June 2, 2020 Conference Call Board Executive Session meeting minutes as presented. None opposed, motion carried.

Additional Discussion Items:

After discussion, the Board determined that “live” continuing education hours are considered as “**online**” hours and are **not** considered as “in-person” hours. Emergency Rule 430-2-0.1-.04 Continuing Education Requirements; Approval of Educational Programs outlines that only 18 CE hours are allowed by for any coursework that is offered by correspondence or electronic medium; this includes online hours. However, changes may occur with further discussion by the Board. Please continue to check the Boards website for any additional revisions or amendments to Boards rules.

There being no further business for discussion, Dr. McCullough moved, Dr. Prchal seconded, and the Board meeting adjourned at 2:54 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: **November 18, 2020**