

**GEORGIA STATE BOARD OF OPTOMETRY**  
**Board Meeting Minutes of May 3, 2023 \* 10:00 a.m.**  
**Conference Call/ZOOM**

The Georgia State Board of Optometry met via teleconference/ZOOM on Wednesday, May 3, 2023 at 237 Coliseum Drive, Macon, Georgia. The Board's Executive Director hosted the meeting from the Professional Licensing Division, 237 Coliseum Drive, Macon, Georgia 31217.

**Board Members Present:**

Robert "Bob" McCullough, O.D., President  
Paul Ajamian, O.D., Vice-President  
Jeffrey Hackleman, O.D.  
Jeanne Perrine, O.D.  
Ellen Fitzgerald, O.D.

**Members Absent:**

B. Thassanee Gutter-Parker – Consumer Member

**Administrative Staff Present:**

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

**Attorney General's Office:**

Bryon Thernes, AAG

**Dr. Bob McCullough, President, established a quorum was present and called the meeting to order at 10:16 a.m.**

**Agenda:** Approved with additional late items:

- DEA- CE Requirements – Dr. McCullough
- UV Light – Dr. Ajamian
- Jurisprudence – Dr. Fitzgerald

**Meeting Minutes:**

- February 15, 2023 C.C. Board Meeting

**Recommendation:**

Approve as presented

**Dr. Fitzgerald moved, Dr. Ajamian seconded, and the Board voted to approve the February 15, 2023 Conference Call Board meeting minutes as presented. None opposed, motion carried.**

**Board Rules Discussion:**

- 430-5-.01 Treatment Plans, Eye Exams & Patient Records – *Tabled for further review*
- 430-5-.02 Contents of Prescriptions for Contact Lenses – *Tabled for further review*  
*A Rule Committee will be scheduled to review these two rules, presenting the final product to the Board for a vote to refer to AG's office for statutory authority.*

**Misc. Discussion Items:**

**Telehealth/Virtual Eye Exam FAQ's and Answers from your State Board of Optometry**

Q: Is telemedicine permitted as a means of performing an eye examination in Georgia?

A: Simply, the answer is yes. In our state, the examinations performed must be "synchronous", meaning that the exam is done by a technician gathering data at one location and a Georgia licensed Doctor of Optometry looking at the results and analyzing them at another location concurrently. This type of care uses videoconferencing as a core technology. Participants are separated by distance but interact in real- time. There

is a federal provision for the VA System *only*, which allows for asynchronous examinations, where data is collected at one time and analyzed by a remote doctor at a later time.

Q: What is the role of the Georgia Board of Optometry in regulating businesses providing optometric services via telemedicine?

A: The Georgia State Board of Optometry is a six-member board appointed by the Governor to protect, promote, and preserve the public health, safety, and welfare of the citizens of Georgia. The Board is composed of five licensed, practicing optometrists and one consumer member. They are responsible for the regulation of licensed optometrists in Georgia. The Board reviews applications, administers examinations, licenses qualified applicants, and regulates the practice of optometry licensees throughout the state. Complaints are investigated and, if warranted, disciplinary action may be taken by the board. *The Board does not regulate businesses and does not have the authority to shut down a business.* However, if a doctor of optometry practicing at one of these locations or any other fails to meet the standard of care of practice for optometrists in the area, the Board can begin an investigation and take appropriate action on the licensee.

Q: Why the sudden surge in telemedicine or “virtual” eye exams in Georgia?

A: Multiple factors are probably responsible, including the COVID-19 pandemic causing an uptick in the use of telemedicine, increased patient demand and desire for convenience, and a shortage of optometrists in Georgia and nationwide. This is driving businesses to find creative ways to staff multiple offices without having a doctor present at all offices while lowering overall cost of delivery. Other factors might include a national trend toward telemedicine generally, increased patient access to devices that facilitate virtual interaction, decreased patient cost, and increased patient convenience.

Q: Do all eye conditions lend themselves to telemedicine exams?

Routine eye-wellness exams and chronic conditions such as cataracts, AMD or diabetic retinopathy seem to work well with this modality. Acute conditions such as red eyes, ulcers, iritis, neuropathology, and most acute retinal pathologies seem less well-suited for telehealth, and those patients should always be encouraged to seek an in-person exam.

Q: What does AOA say about virtual eye exams?

A: The AOA supports the appropriate use of telemedicine<sup>1</sup> in optometry to access high-value, high-quality eye, health, and vision care. Telemedicine in optometry can serve to expand patient access to care, improve coordination of care, and enhance communication among all health care practitioners involved in the care of a patient. The AOA supports coverage of and fair and equitable reimbursement for appropriate use of telemedicine in optometry.

#### 1. AOA Position Statement Regarding Telemedicine in Optometry 2022

Q: Do patients receiving virtual eye examinations receive the same level of care as patients receiving in-person eye exams?

A: The standard of care for eye, health, and vision services must remain the same regardless of whether services are provided in-person, remotely via telehealth, or through any combination thereof. Doctors may not waive this obligation or require patients to waive their right to receive the standard of care.

Further, a payor may not require either the doctor or patient waive the right to receive the standard of care. Fundamental elements of the doctor-patient relationship must be established and maintained.

Optometrists must act as advocates on behalf of the patient and are obligated to discuss necessary and appropriate treatment alternatives, and in good faith to fully inform the patient of all treatment options.

Q: Does the optometrist need to be licensed in Georgia to provide telemedicine in Georgia?

A: A Doctor of Optometry delivering telemedicine in optometry must be licensed in the state in which the patient receives care and must abide by that state's licensure laws, regulations and Board Rules. Patients must be made aware of the limitations of telemedicine in optometry. A Doctor of Optometry delivering eye, health, and vision services via telemedicine in optometry must arrange for 24-hour access (as outlined in Board Rule 430-4(n)) and, when clinically appropriate, promptly provide in-person care or refer the patient for an in-person visit with a Doctor of Optometry or refer to another qualified physician for diagnosis and/or care. Referrals must adhere to the same standard of care regarding the timeframe for appropriate referral. The patient's relevant health history must be collected as part of telemedicine in optometry.

Q: What type of virtual eye care is not permitted by Georgia Optometrists?

A: Optometrists are not allowed to practice the "Asynchronous store-and-forward transmission" which is the process of collecting a patient's relevant health information and the transmission of the data from an originating site to a health provider at a distant site without the presence of the patient.

Q: What does "Eye Examination" mean in the Georgia code that governs Optometry?

A: Refer to the GA Code Ann. 31-12-12, "Eye Examination" means an in-person assessment, which includes telemedicine at a physician's office or optometrist's office or in a hospital setting or hospital health system setting in accordance with the applicable standard of care, of the ocular health and visual status of an individual that does not consist of solely objective refractive data or information generated by an automated device, including an autorefractor or kiosk, in order to establish a medical diagnosis or for the establishment of refractive error.

Q: What does "Kiosk" mean in the Georgia code that governs Optometry?

A: "Kiosk" means automatic equipment or application designed to be used on a telephone, a computer, or an Internet based device that can be used either in person or remotely to conduct an eye examination. This online refraction form of "examination" does not constitute a complete eye examination and thus does not meet the standard of care.

Q: Can Optometrists write prescriptions for contact lenses or spectacles without performing an eye examination?

A: No person in this state shall write a prescription for contact lenses or spectacles unless an eye examination is performed. The prescription shall take into consideration any medical findings and any refractive error discovered during the eye examination. Refer to O.C.G.A. § 31-12-12.

**Dr. Hackleman moved, Dr. Perrine seconded, and the Board voted to approve the above Telehealth/Virtual Eyes Exam FAQs as amended and to post on the Board website for public view. None opposed, motion carried.**

**Misc. Discussion Items:**

- UV Light – from L. Fiscale, OD, presented to Board by Dr. Ajamian – "Can OD's do the post op care using the UV light after the LAL Light Adjustable Lens (IOL) procedure to tweak the IOL power?"  
*It is the Board's reading of the statutory language and rules, it is the Board's opinion that as an OD, you can provide procedures involving UV Light pursuant to Board rules/law, specifically Board Rule 430-5-.03 and O.C.G.A. 43-30-1(2)(a).*
- DEA – CE Requirements – Dr. McCullough – *Board Information Only*

- Jurisprudence Exam – Test Questions Review – *A subcommittee of the Board consisting of Dr. McCullough and Dr. Fitzgerald to review and present back to Board.*
- Jurisprudence CE Course Approval (1 hour) – Omni Amelia Island, FL. – Approve – Dr. Fitzgerald will present the course requested by Robert D. Houghteling, OD, American Assoc. of Corporate Optometrist (AACO).

**Dr. Perrine moved, Dr. Hackleman seconded, and the Board voted to approve Dr. Fitzgerald to present the one hour GA Jurisprudence Course approval as presented. None opposed, motion carried.**

**Correspondence:**

- ARBO - RE ACOE Site Visitor – *Board Information Only*
- ACOE - 2023 03 Memo re Tech programs phase-out plan - *Board Information Only*
- ACOE - Changes in Accreditation - *Board Information Only*
- ACOE 2023 03 Memo re COVID and OD Std 2.10.2.1 - *Board Information Only*

**Dr. Ajamian moved, Dr. Perrine seconded, and the Board voted to approve the recommendations and respond as directed to the correspondences as presented. None opposed, motion carried.**

**Application Ratify List:** Licenses issued between: 2/15/2023 - 5/2/2023

license No	Licensee
OPT003487	Megan Nicole DeMartino
OPT003488	Soshella Jalaluddin
OPT003489	Al'Tiana Wynnisia Manning

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

**Dr. Hackleman moved, Dr. Ajamian seconded, and the Board voted to enter 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 McCullough, Hackleman, Ajamian, Perrine and Fitzgerald.**

**At the conclusion of Executive Session on Wednesday, May 3, 2023, Dr. McCullough declared the meeting back into “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during the closed session.**

**Applications:** *None presented*

**Cognizant Report:**

- ❖ **Recommend Closure:** OPT180004, OPT180008, OPT180023, OPT230013, OPTOPT230014, OPT230016
- ❖ **Recommend Peer Review:** OPT210012
- ❖ **Recommend Referral to AG’s Office:** OPT220010/220012 \*P. Ajamian Recused\*, and OPT230011
- ❖ **Pending Investigative Report/Board Review:** OPT230007
- ❖ **Pending Receipt of Additional Information:** OPT230015, OPT230017, OPT230018

**Dr. Perrine moved, Dr. Ajamian seconded, and the Board voted to refer OPT210012 to a Peer Reviewer as presented. None opposed, motion carried.**

**Dr. Perrine moved, Dr. Fitzgerald seconded, and the Board voted to refer OPT220010/220012 to the AG's office as presented. None opposed, motion carried.**

**Dr. Perrine moved, Dr. Ajamian seconded, and the Board voted to refer OPT220011 to the AG's office as presented. None opposed, motion carried.**

**Dr. Perrine moved, Dr. Ajamian 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:**

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

**Executive Session Minutes:**

- February 15, 2023 Board Meeting
- April 18, 2023 Inv. Int. Cmte Meeting

**Recommendation:**

Accept as presented  
Accept as presented

**Dr. Hackleman moved, Dr. Perrine seconded, and the Board voted to approve the February 15, 2023 Executive Session Board Meeting Conference Call minutes as presented. None opposed, motion carried.**

**Dr. Hackleman moved, Dr. Perrine seconded, and the Board voted to approve the April 18, 2023 Executive Session Investigative Interview Committee meeting minutes as presented. None opposed, motion carried.**

**Board Rules Discussion Cont'd:**

- 430-2-.01 Applications
- 430-2-.04 Continuing Educating Requirements
- 430-2-.05 Requirements for Inactive License Status
- 430-2-.07 Renewal of Licenses

**Dr. Ajamian moved, Dr. Fitzgerald seconded, and the Board voted to accept the AGs for a Memo of Statutory Authority as presented for Board Rule 430-2-.05 Requirements for Inactive License Status and 430-2-.07 Renewal of Licenses and to post the proposed rule amendments for the minimum thirty days for public view with a public rule hearing to be scheduled for the next available date following the thirty-day public posting. None opposed, motion carried.**

**Dr. Perrine moved, Dr. Hackleman seconded, and the Board voted to approve proposed rule amendments to Board Rules 430-2-.01 Applications, 430-2-.04 Continuing Educating Requirements and refer to the AG's office for review and statutory authority, posting the rule upon receipt for the minimum thirty days for public view with a public rule hearing to be scheduled for the next available date following the public posting. None opposed, motion carried.**

**\*\*Please Note:** The Board requested that the scheduled August 16, 2023 Board meeting be rescheduled for Wednesday, August 23, 2023 at 10:00 a.m.

**There being no further business for discussion, the Board meeting adjourned at 2:50 p.m.**

**Minutes recorded by:**

Linsey Joiner, Board Support Specialist

**Minutes reviewed and edited by:**

Brig Zimmerman, Executive Director

**DR. ROBERT MCCULLOUGH**

**BRIG ZIMMERMAN**

President

Executive Director HC1

Minutes reviewed and approved **August 23, 2023**