

GEORGIA JURISPRUDENCE

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GEORGIA BOARD
OF OPTOMETRY

THANK YOU!

PSS EYECARE
FORUM ON
PRIMARY EYECARE



GEORGIA JURISPRUDENCE

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GEORGIA BOARD
OF OPTOMETRY

*"... to protect,
promote and
preserve the public
health, safety and
welfare of the citizens
of Georgia"*



GEORGIA BOARD
OF OPTOMETRY

WHY HAVE A BOARD?

The job of any professional
board is to carry out the intent
of the legislature and protect
the public from harm



GEORGIA BOARD
OF OPTOMETRY

LEGISLATION

SB 153 - INJECTIONS



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SB 153 - INJECTIONS

- Amendment of code defining optometry – law, not a rule
- Authorizes subconj and lid procedures
- Excludes retrobulbar, nerve block, dermal filler, intravenous, intramuscular, intraocular, Botox
- Requires 30 hour course
- GA Dept. of Public Health



SB 153 - INJECTIONS

- Rules have been modified / approved
- 3rd course held on Aug. 15-19
- Sponsored by GOA and SCO
- Complete the course = certified to perform procedures
- Course counts for CE
- Recent grads....



SB 153 - INJECTIONS

- SB 153 also maintains rules on controlled substances
- Sched. 3 and 4 - 72 hrs w/o consult
- Hydrocodone - 48 hrs w/o consult
- Still maintains list of allowed drug categories - antibiotics, etc.



SB 153 - INJECTIONS

- Adds: "other pharmaceutical agents related to the diagnosis and treatment of diseases and conditions of the eye and adnexa"
- No more modifying rules for new drugs (really the best part)



POLICY STATEMENTS ON THERAPEUTICS

The scope of optometric practice includes the following and are not considered to be surgery:

- Medicated contact lenses
- Epithelial debridement
- Suture removal



ORGANIZATION, PROFESSIONAL LICENSING BOARDS

Brad Raffensperger
Secretary of State
Brig Zimmerman
Exec. Director, Board of Optometry
Wylencia Monroe, J.D.
Asst. Attorney General



BOARD OF OPTOMETRY

Dr. Karen Canupp
President
Dr. Larry Brown
VP, ARBO Rep, Rules, CE
Audit
Dr. Jerry Prchal
Cognizant, Rules, CE Audit
Dr. Bob McCullough
CE Course Approval
Ms. Betty Ann Lindsey
Public Member



WEB SITE

- Online renewal
- Meeting information
- Optometry law, rules and regulations
- Change of address / phone / email
- Notice of intent to adopt rules
- Meeting minutes
- How to contact the board



The screenshot shows the Georgia Board of Optometry website. At the top, there are navigation tabs: BOARD INFORMATION, ONLINE SERVICES, LAWS, POLICIES & RULES, and OTHER INFORMATION. The main heading is "GEORGIA BOARD OF OPTOMETRY". Below this, there is a paragraph describing the board's mission and a "Candidature Bulletin" link. On the right side, there is a "QUICK LINKS" section with buttons for "Apply Online", "Appointments/Perm Downloads", "License Search", "FAQ", "Online Complaint", and "Application Status".



The screenshot shows the "Business Mailing/Personal Address" form on the Georgia State Licensing website. The header includes the Georgia State Seal and the text "PROFESSIONAL LICENSING GEORGIA SECRETARY OF STATE BRIAN P. KEMP". Below the header, there is a "Menu" section with links for "Licensing Home Page", "Legal", and "Steps". The form fields include: Street Address (101 Marketplace Blvd.), City (Cartersville), State (GA), Zipcode (30121), Country (United States), Phone (770.386.0022), Fax (770.382.3188), and Email (larrybrown@bdcfla.com). A "Continue" button is at the bottom right.



The screenshot shows a synopsis of proposed changes to the Georgia Board of Optometry Board Rule Chapter 430-10 Certification for Use of Therapeutic Agents, Rule 430-10-03. The text includes the purpose of the amendments, the main feature of the proposed rule, and a list of differences between the existing rule and the proposed amendments. The proposed rule title is "Rule 430-10-03. Approved Therapeutic Drugs Pharmaceutical Agents". The text specifies that pharmaceutical agents used 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



The screenshot shows the "PROPOSED RULES" page on the Georgia Board of Optometry website. It features a search bar at the top and a list of proposed rules. One rule is highlighted: "Hydrocodone - 430-2-04". On the right side, there is a "QUICK LINKS" section with buttons for "Apply Online", "Appointments/Perm Downloads", "License Search", "FAQ", "Online Complaint", and "Application Status".





IMPORTANT NOTICEPLEASE READ

MEMO To GA Board licensed
Optometrists reported to the Board who
have not registered with the GA Dept of
Public Health (DPH), Prescription Drug
Monitoring Program (PDMP)

OPTOMETRISTS WITH DEA PERMITS
ARE REQUIRED TO REGISTER FOR THE

PRESCRIPTION DRUG MONITORING PROGRAM (PDMP)

Optometrists who possess a DEA permit are required to register to use the PDMP no later than January 1, 2018 and are encouraged to register as soon as possible. All new DEA prescriber registrants must register with the PDMP within thirty (30) days of obtaining a DEA Permit.

To register for the PDMP visit <https://dph.georgia.gov/pdmp> on the Georgia Department of Public Health (DPH) website. For additional information or to submit any questions, requests or concerns regarding this please contact DPH at 404-463-1517 or send an email to pdmpsupport@dph.ga.gov.

Please click here to view the June 2018 PDMP System Reliability Certification.



QUESTIONS FOR THE BOARD

- Why we might not give you an answer in person
- Existing law and rules govern
- There may not be an answer
- Influence of the Attorney General
- Our board only regulates optometrists
- Best bet - ask in writing



ROLE OF THE MEMBERS IN MONITORING CE

- Review course approval requests from CE providers
- Perform CE compliance audit
 - Random selection from list of all licensed O.D.'s (150 docs in 2017)
 - Review for completion of 36 hours per biennium including 1 hour jurisprudence
 - The course work is looked at in detail (pharm, path, management)



CONTINUING EDUCATION

- Minimum 18 hours in pharmacology and pathology related to the eye
- 10 hours can be obtained through other media (journals, Internet) but all must be COPE-approved
- No more than 10 hours in practice management **related to patient care**
- Jurisprudence is part of the 36



CONTINUING EDUCATION

- Grand rounds courses count as 1 hour credit for every 2 course hours (limit is 8 credited hours)
- CPR is in addition to the base of 36
- Any non-COPE courses must be approved in advance of the course
- Requests for approval must be received 30 days prior to the course



CONTINUING EDUCATION

Courses sponsored by the following are automatically approved:

- AOA , GOA, AAO, ABO, SECO
- Society of Professional Optometrists
- COPE
- Schools and Colleges of Optometry
- Georgia medical schools (10 maximum)
- Any other state board or association



CE AUDITS

- Random selection of licensees
- Licensee is notified before renewal
- Basically, almost everyone passes
- **New rule (2017) allows board to audit after renewal – no chance to make up CE in December**
- **Penalty – fine, extra CE, on your record**



OE TRACKER

- COPE courses and local providers will usually submit on your behalf but it's your responsibility to know
- OE Tracker has a member fee of \$25/\$60
- As a member, you can see and review your CE hours in detail
- If you are not a member, courses can still be submitted but you can only see a total and not the details



OE TRACKER

- **The State of Georgia cannot require OE Tracker membership**
- As of June 2014, you can no longer submit courses on your own if you are not a member
- If you choose not to join, keep paper certificates for at least 3 years
- **Please match the name you use for license and OET**



PATIENT ABANDONMENT

- A licensee must be available for 24 hour access
- Must arrange alternate coverage when unavailable to patients
- Advise patients in writing at their first visit if your policy is to not be available on a 24 hour basis



PATIENT ABANDONMENT

- The rules are not very specific but you might "consider":
 - Phone recorder message after hours giving emergency advice
 - Give your home or cell number on your recorded message
 - Have your office phone transferred to your cell after hours
 - Employ a messaging service



ROLE OF THE COGNIZANT MEMBER

- The cognizant reviews every complaint that comes to the board offices and can:
- Close the complaint (ex: fee disputes)
 - Request a response
 - Review all information submitted
 - Interview the individuals involved



ROLE OF THE COGNIZANT MEMBER

- Refer for investigation
- Refer to the board attorney
- Present the case at a board meeting
- Make recommendations to the board



ROLE OF THE COGNIZANT MEMBER

The identity of the parties is confidential so judgments are as unbiased as possible

- 5 of the 6 board members will know the doctor only as a case number
- Exception – when the board takes some sort of legal action (consent order) against the doctor and his/her identity becomes public record



ORIGIN OF COMPLAINTS

- Complaints that are pure fee disputes as determined by the cognizant are closed with a letter of explanation
- If a complaint alleges a deficit in the standard of care, it is always investigated
- Sources include consumers, other professional boards, other medical professionals
- All malpractice reports will be investigated and O.D.'s named in a suit will be asked to respond



IF YOU HAVE A COMPLAINT

- A written response will be required
- Copies of records may be requested
- You will submit evidence of CPR completion and current professional liability insurance
- You will submit proof of CE for current licensure including jurisprudence
- You may be asked to appear in person on the date of a board meeting



IF YOU HAVE A COMPLAINT FILED AGAINST YOU

- Respond to all requests promptly and professionally
- Ignoring a board request is not wise
- Do not alter medical records
- If you are subject to any legal order, know what you are signing



BOARD OPTIONS RE COMPLAINTS

- Dismiss without action
- Private letter of concern
- Consent orders
- Additional continuing education
- Fines
- Probation
- Suspension
- Revocation



BOARD OPTIONS RE COMPLAINTS

You may have to reveal the last 6 actions to:

- Other licensing entities
- Private insurance plans
- Government insurance plans
- Professional liability insurers



DISMISSED WITHOUT ACTION

- Pure fee disputes ("the doctor charged too much")
- Bedside manner ("the doctor was rude")
- Sensitivity to patient complaints ("my glasses didn't fit and they wouldn't fix it")
- Misunderstanding on charges
- Misunderstanding on insurance



PRIVATE LETTER OF CONCERN

- Not violating any rules but something isn't quite right
- Multiple minor complaints
- You might want to reconsider...
- Your records are marginal
- Not a legal action by the board



AVOIDING BOARD COMPLAINTS

- Don't allow patient disputes to go unresolved
- Be sensitive to patient concerns
- Delegate but supervise troubleshooting
- Written financial / insurance policies
- Respond to your patients



AVOIDING BOARD COMPLAINTS

- Impression: origin of many complaints is that patient did not get something they wanted and are lashing out
- Avoid comments of a sexual nature
- Watch your clinical recordkeeping
- **The "morphing complaint"**



RULE 430-5-.01 TREATMENT PLANS

- History / gen. medical observations
- External / internal path with diagnoses
- The need for additional tests
- External exam
- Ophthalmoscopy
- Gross visual fields



RULE 430-5-.01 TREATMENT PLANS

- Visual acuity
- Ocular alignment and motility
- Refraction
- Binocular status
- Accommodation
- Diagnosis
- Plan



RECORDKEEPING "SUGGESTIONS"

- CL fit observations
- Dilation orders
- "WNL" ???
- "Neg" ???
- Clear patient instructions / advice / warnings
- Think like an attorney



A WISE PERSON ONCE SAID.....

*"He who documents wins
regardless of the facts"*

Aubrey Vellines



AVOIDING BOARD COMPLAINTS

When in Doubt, BE NICE!!!!

*Patients don't complain about
(or sue) someone they like*



THANK YOU!

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