

South Carolina Department of Labor, Licensing and Regulation (LLR)
Board of Examiners in Optometry
Board Minutes
February 13, 2013
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

Public notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act. A quorum was present at all times. Dr. Spearman called the meeting to order at 2:02 p.m.

BOARD MEMBERS PRESENT:

Dr. William W. Spearman, President
Dr. Thomas E. Tucker, Vice President
Dr. Derek Van Veen
Dr. Peter V. Candela
Isaac L. Johnson, Jr., Esquire, Public Board Member
Dr. James Vaught

VACANT POSITION:

Public Member (One)

SCLLR STAFF PRESENT:

Sheridon Spoon, Esquire, Office of Advice Counsel
Angie M. Combs, Administrator
For IRC Report and OGC Report:
David Love, Chief Investigator, Office of Investigations and Enforcement
Serrena Swartz, Investigator, Office of Investigations and Enforcement
Erin Baldwin, Esquire, Office of General Counsel

OTHERS PRESENT:

Jackie Rivers, S.C. Optometric Physicians Association
Anna Straub, S.C. Optometric Physicians Association
Gary A. Haygood, Professional Court Reporter, Capital City Reporting

APPROVAL OF AGENDA: A **motion** was made by Dr. Van Veen to accept the order of the February 13, 2013 Agenda. The motion was seconded by Dr. Tucker and carried unanimously.

APPROVAL OF MINUTES: A **motion** was made by Dr. Tucker to accept the November 7, 2012 minutes as written. The motion was seconded by Dr. Candela and carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT PRESENTATION: Mr. Love, Ms. Baldwin, and Mr. Spoon provided information concerning the investigative complaint flow process starting with the origination of a complaint through the final outcome.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT REPORT AND INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Mr. Love presented the Office of Investigations and Enforcement (OIE) Statistical Report. The Board accepted this report as information.

Mr. Love provided the Investigative Review Committee (IRC) Report. It was recommended to dismiss Case #2012-22. A **motion** was made by Dr. Vaught, seconded by Dr. Van Veen, and unanimously carried to accept the IRC recommendation of dismissal. It was recommended to dismiss with a Letter of Caution Case #2012-26. A **motion** was made by Dr. Candela, seconded by Dr. Tucker, and unanimously carried to accept the IRC recommendation of dismissal with a Letter of Caution.

OFFICE OF GENERAL COUNSEL REPORT: Ms. Baldwin reported there are no outstanding cases in the Office of General Counsel.

REPORTS / INFORMATION

Information was provided concerning the following topics:

- Licensee Totals – there are 773 South Carolina licensed optometrists; 511 practice in South Carolina.
- 2012 Continuing Education Audit is currently being conducted.
- Branch Registrations – The Board reviewed and approved applications for Marie Brusgard-Cerra, O.D., Nikolas Vastis, O.D., and Justine Sieger Petty, O.D.
- Financial Report provided – accepted as information.
- Statement of Economic Interests Report – information was provided concerning completing report online.
- Board Member Elections – two terms are expiring in 2014. Dr. Van Veen and Dr. Vaught will review election processes and report any recommendations to the Board.
- Association of Regulatory Boards of Optometry (ARBO) 2013 Meeting – information provided.
- Continuing Education (CE) Course Approval – no courses presented for review.

UNFINISHED BUSINESS

1. **Applicants for Licensure that have Not Recently Practiced:** A committee was created to gather information concerning applicants that have met all requirements for licensure by credentials but have not recently practiced or have not maintained a current license in another state that requires continuing education; Drs. Vaught, Van Veen, and Candela were selected for the committee.

NEW BUSINESS

1. **Board Certification:** Drs. Candela, Tucker, Van Veen, and Mr. Johnson to provide the Board with a recommendation / motion concerning the use of the term Board Certified by optometrists in South Carolina.
2. **Issuing Cease and Desist Orders for Contact Lens Sales Without a Prescription:** A **motion** was made by Dr. Vaught, seconded by Dr. Tucker, and unanimously carried that the Board feels this practice is a violation of the Optometry Practice Act and it is LLR's responsibility to fully investigate any complaint concerning someone selling contact lenses without a prescription.

3. **Department of Motor Vehicles (DMV) Report of Vision Screening:** A **motion** was made by Dr. Vaught, seconded by Mr. Johnson, and unanimously carried to request that someone from the DMV that was involved in determining the minimum vision standards stated on the Report of Vision Screening form appear before the Board to provide the process used to establish the vision requirements and to clarify the minimum visual acuity requirements stated on the new forms. In the case the information is not provided, a **motion** was made by Dr. Candela that Ms. Combs will request from the DMV, under the Freedom of Information Act, information from any meetings on how the vision requirements were determined. The motion was seconded by Dr. Candela and carried unanimously.
4. **Visual Evoked Potential (VEP) and Electroretinography (ERG):** The Board has received a request to confirm in writing that both VEP and ERG are within the scope of practice in South Carolina for optometrists. A **motion** was made by Dr. Vaught, seconded by Dr. Tucker, and unanimously carried that a letter be sent confirming that VEP and ERG are within the scope of practice of optometry.

ANNOUNCEMENTS

Ms. Combs will contact the Board members concerning the next Board meeting date.

A **motion** was made by Dr. Tucker, seconded by Dr. Van Veen, and unanimously carried to adjourn the meeting. Dr. Spearman adjourned the meeting at 4:30 p.m.

These minutes are a record of the official actions taken by the Board and a summary of the meeting provided by Angie M. Combs, Administrator. Minutes are presented to the Board for final approval.