

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**Board of Examiners in Optometry**  
**Board Minutes**  
**October 28, 2015**  
**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.

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBER ABSENT:**

Dr. James E. Vaught

**VACANT POSITION:**

Public Member (One)

**SCLLR STAFF PRESENT:**

Mary League, Esquire, Office of Advice Counsel  
Angie M. Combs, Administrator  
Missy L. Jones, Administrative Assistant  
*For IRC Report:*  
David Love, Chief Investigator, Office of Investigations and Enforcement  
Adriane Rivera, Investigator, Office of Investigations and Enforcement  
*For ODC Report and MOA Hearing:*  
Erin Baldwin, Esquire, Office of Disciplinary Counsel  
Shanika Johnson, Esquire, Office of Disciplinary Counsel

**PRESENT:**

Tina F. Behles, Nationally Certified Court Reporter  
Dr. Joel G. Bailey

**CALL TO ORDER:** At 3:04 p.m. the Board meeting was called to order by Dr. VanVeen.

**APPROVAL OF AGENDA:** A **motion** was made by Dr. Spearman to accept the order of the October 28, 2015 Agenda. The motion was seconded by Dr. Candela and carried unanimously.

**APPROVAL OF ABSENT BOARD MEMBER(S):** A **motion** was made by Dr. Spearman to approve Dr. Vaught's absence. The motion was seconded by Mr. Johnson and carried unanimously.

**APPROVAL OF JULY 29, 2015 MEETING MINUTES:** A **motion** was made by Dr. Candela to accept the July 29, 2015 minutes as written. The motion was seconded by Dr. Tucker and carried unanimously.

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) REPORT:** Mr. Love presented the OIE Statistical Report. The Board accepted this report as information.

**INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT:** Mr. Love provided the IRC Report from the September 23, 2015 IRC meeting. It was recommended to dismiss Case #2015-10. A **motion** was made by Dr. Spearman to accept the IRC dismissal recommendations for Case #2015-10. The motion was seconded by Dr. Candela and carried unanimously.

**OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT:** Ms. Baldwin reported that Case #2014-8 is being brought before the Board at this meeting. Ms. Baldwin also introduced Ms. Shanika Johnson as the new Board's Disciplinary Counselor.

**MEMORANDUM OF AGREEMENT HEARING – CASE #2014-8:** Case #2014-8 was brought before the Board for final decision and sanction. A **motion** was made by Dr. Spearman to go into Executive Session to receive legal advice. The motion was seconded by Mr. Johnson and carried unanimously. A **motion** was made by Mr. Johnson to come out of Executive Session. The motion was seconded by Dr. Tucker and carried unanimously. A **motion** was made by Dr. Candela to go back into Executive Session to receive legal advice. The motion was seconded by Dr. Spearman and carried unanimously. A **motion** was made by Dr. Spearman to come out of Executive Session. The motion was seconded by Mr. Johnson and carried unanimously. A **motion** was made by Mr. Johnson to accept the Memorandum of Agreement; to impose a public reprimand; to impose \$500.00 fine; Dr. Bailey's license shall be subject to a five year suspension that is stayed subject to compliance with the conditions of the order which include abstinence from mood-altering substances unless there's a legitimate medical purpose which must be reported to the board; and he be subject to alcohol and drug testing at his expense; that he continue to comply with the RPP contract until a period of not less than five years of documented sobriety and compliance is established and until further direction of the Board, at which time the Board will consider requiring the RPP Senior Program or other appropriate program; and that he is prohibited from prescribing controlled substances. The motion was seconded by Dr. Spearman and carried unanimously.

### **REPORTS / INFORMATION**

- Licensee Totals – there are 849 S.C. licensed optometrists; 546 practice in South Carolina.
- Endorsement Applicant Report – one endorsement candidate have been licensed since July 20, 2015 through October 26, 2015.
- Financial Report - provided and accepted as information.
- Board Member Election – Mrs. Combs gave a brief report on the Board member elections that were held at S.C. Optometric Physicians Association Business Meeting on August 20, 2015.
- Continuing Education (CE) Course Approvals – no courses presented for approval.

### **UNFINISHED BUSINESS**

**Branch Office Registration Fees:** This item will be carried over to the next scheduled Board Meeting.

**Endorsement Application Fees:** The motion that was made at the July 29, 2015 Board Meeting to add an additional \$100.00 fee for all Endorsement Applications was upheld and is effective immediately.

### **NEW BUSINESS**

**Opternative Online Eye Exam:** This item is carried over to the next scheduled Board Meeting. Ms. Combs will contact the South Carolina Optometric Physicians Association to obtain an update on their stance concerning Opternative.

**Finalize 2016 Board Meeting Dates:** The Board requested that Mrs. Jones email the Board with the list of 2016 Board Meeting dates to be finalized.

### **PUBLIC COMMENTS**

There were no public comments.

### **ANNOUNCEMENTS**

The next Board meeting is tentatively scheduled for February 10, 2016; date to be confirmed.

### **ADJOURNMENT**

A **motion** was made by Mr. Johnson, seconded by Dr. Candela, and unanimously carried to adjourn the meeting. Dr. Van Veen adjourned the meeting at 4:50 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.*