

**South Carolina Department of Labor, Licensing and Regulation (SCLLR)**  
**Board of Examiners in Opticianry**  
**Board Meeting Minutes**  
**February 11, 2016**  
**110 Centerview Drive, Kingstree Building, Room 204**  
**Columbia, South Carolina**

**BOARD MEMBERS PRESENT:**

Daniel B. Gosnell, Chairman  
James L. Rhodes  
Keith Hayes  
Grant Brown  
Emily Mikell  
John Hollis Inabinet, Esquire, Public Member

**VACANT POSITION:**

Public Member (One)

**SCLLR STAFF PRESENT:**

Donnell Jennings, Esquire, Office of Advice Counsel  
April Koon, Administrator  
Missy L. Jones, Administrative Assistant  
*For IRC Report:*  
Todd Bond, Program Coordinator, OIE  
*For ODC Report:*  
Shanika Johnson, Esquire, OD

**PRESENT:**

Amy Stutsman, President, S.C. Association of Opticians  
Ron Harbert, S.C. Association of Opticians  
Jay Simon, S.C. Association of Opticians  
Kathryn J. Lindler, Court Reporter, Creel Court Reporting

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Opticianry, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with section 30-4-80 of the South Carolina Freedom of Information Act. A quorum was present at all times.

**CALL TO ORDER:** Chairman Gosnell called the meeting to order at 9:00 a.m.

**APPROVAL OF AGENDA:** A **motion** was made by Mr. Hayes to accept the February 11, 2016 Agenda. The motion was seconded by Mr. Rhodes and carried unanimously.

**INTRODUCTION OF NEW BOARD MEMBERS:** Mr. Brown and Ms. Mikell were formally introduced and welcomed to the board.

**APPROVAL / DISAPPROVAL OF ABSENT BOARD MEMBER(S):** All board members were present at this meeting.

**INTRODUCTION OF NEW BOARD ADMINISTRATOR – APRIL KOON:** Mrs. Koon was formally introduced and welcomed to the board.

**APPROVAL OF MINUTES:** A **motion** was made by Mr. Rhodes to accept the October 22, 2015 minutes as written. The motion was seconded by Mr. Hayes and carried unanimously.

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) STATISTICAL REPORT:** Todd Bond, OIE Program Coordinator, provided the OIE Statistical Report; the board accepted this as information.

**INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT:** Mr. Bond provided the IRC Report from the January 20, 2016 IRC meeting. It was recommended to dismiss case #2015-3. A **motion** was made by Mr. Brown to accept the IRC dismissal recommendations. The motion was seconded by Mr. Rhodes and carried unanimously.

**OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT:** Ms. Johnson reported that there were no cases pending in the Office of Disciplinary Counsel.

**ABO & NCLE PRACTICAL EXAMINATION INFORMATION – JAMES M. MORRIS, ESQ. AND DR. ROY FERGUSON:** Dr. Ferguson presented the board with information regarding the current South Carolina Practical Examination. Mr. Morris presented information to the board regarding the ABO & NCLE Practical Examination. This was provided to the board as information only.

**ADVICE COUNSEL LEGISLATIVE UPDATE –** Mr. Jennings gave the board a brief legislative update.

**MOTION FOR REINSTATEMENT OF LAPSED LICENSE – Janice L Burgess:** Ms. Burgess was before the board for a Motion for Reinstatement of her Optician's license. A **motion** was made by Mr. Hayes to go into executive session to receive legal advice. The motion was seconded by Mr. Brown and carried unanimously. A **motion** was made by Mr. Rhodes to come out of executive session. The motion was seconded by Mr. Hayes and carried unanimously. A **motion** was made by Mr. Brown to conditionally approve Ms. Burgess' reinstatement application contingent upon payment of all appropriate fees and proof of required continuing education hours. The motion was seconded by Mr. Hayes and carried unanimously.

#### **REPORTS / INFORMATION**

Information provided by Ms. Koon concerning the following topics:

- **Licensee Totals Report** – 533 S.C. licensed opticians; 450 opticians practice in S.C.; 83 practice out-of-state, 105 registered apprentices.
- **S.C. Practical Examination** – One candidate is currently scheduled to take the June 6, 2016 exam.
- **Financial Report** – presented as information.
- **CE Audit** – Mrs. Koon reported to the board that all selected licensees complied with the 2015 CE audit.
- **Continuing Education (CE) – Course Approval – International Vision Expo & Conference East 2016** – A **motion** was made by Mr. Inabinet that Mr. Brown is approved as the designee to work with staff on courses that will be approved and whether they are technical or non-technical. The motion was seconded by Mr. Hayes. A **motion** was made by Mr. Hayes for Mr. Brown and staff to compile a list of approved courses and inform International Vision Expo East of the approved list. The motion was seconded by Mr. Inabinet and carried unanimously.
- **Statement of Economic Interests – Due March 30, 2016** – Accepted as information by the board.

## **UNFINISHED BUSINESS**

**Board Member Election Procedures:** The candidate for the Board seat must have ten signatures to run in the election. Staff prepares ballots with candidates' names, which seat they are running for, and a brief bio to all active licensees. Once all ballots are returned, staff tallies the votes and drafts a letter to the Governor's office with the winners for approval and appointment.

**Suggestions for Board General Public Member:** This item will be carried over to the next scheduled board Meeting.

## **NEW BUSINESS**

**Election of Board Officers:** A **motion** was made by Mr. Hayes to elect Mr. Gosnell as the Board's Chair for 2016. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was made by Mr. Rhodes to elect Mr. Hayes as the Vice Chair for 2016. The motion was seconded by Ms. Mikell and carried unanimously.

**Investigative Review Committee Professional Member – Ray Sansbury (current member):** This item will be carried over to the next scheduled board meeting.

**Clarification for Apprenticeship Renewal:** Mr. Hayes proposed to the board for a change to the apprenticeship program to reflect two years apprenticeship up to an additional two years to pass the board examination after which point there would be a resting period of two years. An applicant can re-apply for the program and start over. This motion also includes possible extensions to this timeframe should the individual have special circumstances that may be considered after the initial four years with an appearance before the board. A **motion** was made by Mr. Inabinet for staff to draft a policy statement for the board to review at the next scheduled meeting. The motion was seconded by Mr. Hayes and carried unanimously.

**\*Motion was not upheld because this would require a legislative change. See June 30, 2016 Meeting Minutes.\***

**Definition of Dispensing – Ron Harbert:** Mr. Harbert proposed to the board to change the title of the board's position statement "Definition of Dispensing" to "Definition of Dispensing for Contact Lens Only". A **motion** was made by Mr. Grant to amend the board's position statement title to "Definition of Dispensing for Contact Lens Only". The motion was not seconded and failed.

Jay Simon, an optician, asked the board for an explanation as to why the definition of dispensing of eye glasses stops at the lensometer and anyone can dispense the eyeglasses. A **motion** was made by Mr. Rhodes for Mr. Simon to put his recommendations and concerns in writing for the board's consideration. The motion was seconded by Mr. Inabinet and carried unanimously.

**CE Broker – Dylan Sitterle:** Mr. Sitterle gave a brief presentation on the CE Broker program offered by LLR. A **motion** was made by Mr. Hayes to carry this item over to the next scheduled board meeting. The motion was seconded by Mr. Inabinet and carried unanimously.

**Elect Media Designee:** A motion was made by Mr. Inabinet to elect the Board Chair as the Media Designee and the Vice Chair as the alternate. The motion was seconded by Mr. Hayes and carried unanimously.

**Occupational Licensure – Ron Harbert:** The Board took this under advisement at this time.

**Eye Care Consumer Protection Law:** Mr. Jennings gave the board an update on the Eye Care Consumer Protection Law and the board accepted as information. This item will be carried over to the next scheduled meeting.

**Delegation of Authority to New Board Administrator:** The board will delegate authority to the new administrator on a case by case basis.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **ANNOUNCEMENTS**

The next South Carolina Board Examiners in Opticianry Board Meeting will be held June 30, 2016 in Room 204.

The next South Carolina Practical Examination in Opticianry will be administered June 6, 2016, 110 Centerview Drive, Columbia, South Carolina, Kingstree Building, Room 115.

#### **ADJOURNMENT**

A **motion** was made by Mr. Brown to adjourn the meeting. The motion was seconded by Mr. Inabinet and unanimously carried. Mr. Gosnell adjourned the meeting at 12:32 p.m.

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