

**South Carolina Department of Labor, Licensing and Regulation (SCLLR)**  
**Board of Examiners in Opticianry**  
**Board Meeting Minutes**  
**June 30, 2016**  
**110 Centerview Drive, Kingstree Building, Room 204**  
**Columbia, South Carolina**

**BOARD MEMBERS PRESENT:**

Daniel B. Gosnell, Chairman  
Grant Brown  
Emily Mikell  
John Hollis Inabinet, Esquire, Public Member

**ABSENT BOARD MEMBERS:**

James L. Rhodes  
Keith Hayes, Vice Chair

**VACANT POSITION:**

Public Member (One)

**SCLLR STAFF PRESENT:**

Mary League, Esquire, Office of Advice Counsel  
April Koon, Administrator  
Missy L. Jones, Administrative Assistant  
Holly Beeson, Esquire, Office of Communication and Governmental Affairs  
*For IRC Report:*  
David Love, Chief Investigator, Office of Investigations and Enforcement  
*For ODC Report:*  
Shanika Johnson, Esquire, Office of Disciplinary Counsel

**PRESENT:**

Kathryn Lindler, Court Reporter, Capital City Reporting, LLC

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. Brown to accept the June 30, 2016 Agenda. The motion was seconded by Ms. Mikell and carried unanimously.

**APPROVAL / DISAPPROVAL OF ABSENT BOARD MEMBER(S):** A **motion** was made by Ms. Mikell to approve the absence of Mr. Hayes and Mr. Rhodes. The motion was seconded by Mr. Brown and carried unanimously.

**APPROVAL OF MINUTES:** A **motion** was made by Mr. Inabinet to accept the February 11, 2016 minutes as written. The motion was seconded by Ms. Mikell and carried unanimously.

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) STATISTICAL REPORT:** Mr. Love provided the OIE Statistical Report; the Board accepted this as information.

**INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT:** Mr. Love provided the IRC Report from the June 8, 2016 IRC meeting. It was recommended to dismiss cases #2016-4 and case #2016-6. A **motion** was made by Mr. Inabinet to accept the IRC dismissal recommendations. The motion was seconded by Ms. Mikell and carried unanimously.

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

**LEGISLATIVE UPDATE** – Ms. Beeson gave the Board a brief legislative update regarding The Eye Care Consumer Protection Law that was passed under Chapter 24. Ms. Beeson also gave the Board a brief legislative update regarding the Regulation which the Board intended to promulgate regarding the Apprenticeship Program. Initially there were no objections to the changes when it was published in the State Register. Once the legislation went to the Regulatory and Administrative Procedures Subcommittee, there were concerns there was no grandfathering language in the proposed changes. After speaking with the Board Chair, the Board Advice Counsel, and the Board Administrator the Regulation was withdrawn. After a brief discussion, the Board instructed Ms. Beeson to resubmit the Regulation in January 2017 to the Regulatory and Administrative Procedures Subcommittee. Mrs. Koon inquired if the Eye Care Consumer Protection Law effected the Board’s definition of dispensing. Ms. League stated that it does not change the Board’s definition of dispensing.

#### **REPORTS / INFORMATION**

Information provided by Ms. Koon concerning the following topics:

- **Licensee Totals Report** – 543 S.C. licensed opticians; 458 opticians practice in S.C.; 85 practice out-of-state, 131 registered apprentices.
- **S.C. Practical Examination** – Twelve candidates took the June 6, 2016 exam. Five candidates passed and seven candidates failed.
- **Financial Report** – presented as information.

#### **UNFINISHED BUSINESS**

**Investigative Review Committee Professional Member – Ray Sansbury (current member):** A **motion** was made by Ms. Mikell to reappoint Ray Sansbury as the Investigative Review Committee Professional Member. The motion was seconded by Mr. Brown and carried unanimously.

**Clarification for Apprenticeship Renewal:** A **motion** was made by Mr. Brown to add the Annual Sponsor Evaluation form that must be signed by the Sponsor and Apprentice as a part of their renewal. Mrs. Koon, Administrator for the Board, can receive and approve the Certificate of Study for applicants taking the South Carolina Practical Exam for the third or more times. The motion was seconded by Ms. Mikell and carried unanimously.

At the February 11, 2016 Board meeting, the Board made a motion and proposed changes to the apprenticeship program concerning examinations and resting periods. Mary League, Advice Counsel for the Board, discussed the motions made and explained to the Board what they proposed required legislative changes so therefore the motion from the February 11<sup>th</sup> meeting could not be upheld.

## NEW BUSINESS

**Acceptance of electronic transcripts:** A **motion** was made by Mr. Brown to accept electronic transcripts directly from the university, college, or school foreign and domestic. The motion was seconded by Ms. Mikell and carried unanimously.

**Request for Continuing Education hours to be extended or excused – Sandra Hudson:** A **motion** was made by Mr. Inabinet to deny Ms. Hudson's request for an extension or excuse her Continuing Education hours for 2016. The motion was seconded by Ms. Mikell and carried unanimously.

**Clarification of Election Procedures:** A **motion** was made by Mr. Brown to hold the election again due to clerical error using colored paper and removing the name and signature lines on the ballot. The motion was seconded by Ms. Mikell and carried unanimously.

**Revision of Cease and Desist Order Procedures:** A **motion** was made by Mr. Inabinet for the Order of Cease and Desist to be signed by the Board Chair and in the event the Board Chair has a conflict the Order is to be signed by the Board Vice Chair. The motion was seconded by Mr. Brown and carried unanimously.

## PUBLIC COMMENTS

There were no public comments.

## ANNOUNCEMENTS

The next South Carolina Board Examiners in Opticianry Board Meeting will be held October 6, 2016 in Room 204.

The next South Carolina Practical Examination in Opticianry will be administered December 5, 2016, 110 Centerview Drive, Columbia, South Carolina, Kingstree Building, Room 115.

## ADJOURNMENT

A **motion** was made by Mr. Inabinet to adjourn the meeting. The motion was seconded by Mr. Brown and unanimously carried. Mr. Gosnell adjourned the meeting at 11:60 a.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.*