

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
Board of Examiners in Opticianry
Meeting Minutes
October 22, 2015
110 Centerview Drive, Kingtree Building, Room 202-02
Columbia, South Carolina

BOARD MEMBERS PRESENT: Daniel B. Gosnell, Chairman
C. Milton Corley, Jr., Vice Chairman
James L. Rhodes
John Hollis Inabinet, Esquire, Public Member

BOARD MEMBER ABSENT: Margie Chapman
Keith L. Hayes

PUBLIC MEMBER (1): Vacant

SCLLR STAFF PRESENT: Mary Sowell League, Esquire, Office of Advice Counsel
Angie M. Combs, Administrator
Missy L. Jones, Administrative Assistant
For IRC Report:
Lorie Graham, Investigator, OIE
For ODC Report:
Erin Baldwin, Esquire, ODC
Shanika Johnson, Esquire, ODC

IN ATTENDANCE: Amy Stutsman, President, S.C. Association of Opticians
Ron Harbert, S.C. Association of Opticians
Jay Simon, S.C. Association of Opticians
Michael Tharin
W. Grant Brown
Alexandra Patrick, Court Reporter, Creel Court Reporting

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.

CALL TO ORDER: Chairman Gosnell called the meeting to order at 8:58 a.m.

APPROVAL OF AGENDA: A **motion** was made by Mr. Rhodes to accept the order of the October 22, 2015 Agenda. The motion was seconded by Mr. Inabinet and carried unanimously.

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

APPROVAL OF MINUTES: A **motion** was made by Mr. Corley to accept the June 18, 2015 as written. The motion was seconded by Mr. Rhodes and carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) STATISTICAL REPORT: Ms. Graham, Investigator, provided the OIE Statistical Report; the Board accepted this as information.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Ms. Graham provided the IRC Report from the September 23, 2015 IRC meeting. It was recommended to dismiss Case #2015-1 and Case #2015-2. A **motion** was made by Mr. Inabinet to accept the IRC dismissal recommendations. The motion was seconded by Mr. Rhodes and carried unanimously.

OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT: Ms. Baldwin reported there are no cases. Ms. Baldwin introduced Ms. Shanika Johnson as the Board's Disciplinary Counsel.

MOTION FOR REINSTATEMENT OF LAPSED LICENSE – MICHAEL THARIN: Mr. Tharin was before the Board for a Motion for Reinstatement of his Optician's license. A **motion** was made by Mr. Corley to go into Executive Session to receive legal advice. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was made by Mr. Corley to come out of Executive Session. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was made by Mr. Inabinet to disapprove Mr. Tharin's application for reinstatement based on failure to comply with Regulation 96-107, specifically subsection (a)(3) regarding the completion of continuing education hours for a 12 month period for each year for which the license has been lapsed. The motion was seconded by Mr. Rhodes and carried unanimously.

ADVICE COUNSEL UPDATE ON LEGAL CHANGES – A **motion** was made by Mr. Rhodes to go into Executive Session to received legal advice. The motion was seconded by Mr. Inabinet and carried unanimously. A **motion** was made by Mr. Corley to come out of Executive Session. The motion was seconded by Mr. Rhodes and carried unanimously.

REPORTS / INFORMATION

Information provided by Ms. Combs concerning the following topics:

- **Licensee Totals Report** – 846 licensed opticians / 697 practice in state, 149 practice out-of-state, 286 licensed contact lens dispensing opticians, and 133 registered apprentices.
- **S.C. Practical Examination** – 14 candidates are currently scheduled to take December 7, 2015 exam.
- **Financial Report** – presented as information.
- **License Renewal** – 85 licensees have not yet renewed, licenses lapse November 1, 2015 if not renewed.
- **Update on Board Member Election** - presented as information.

NEW BUSINESS

ABO/NCLE Practical Examination Announcement: Ms. Combs presented the announcement to the Board as information. The Board requested that Ms. Combs inquire if the ABO/NCLE is now offering this Exam. This item will be carried over to the next Board Meeting.

Inquiry: a. Delegation of tasks; b. Appropriate supervision; c. Apprentice sponsor: A **motion** was made by Mr. Inabinet to go in to Executive Session to received legal advice. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was made by Mr. Corley to come out of Executive Session. The motion was seconded by Mr. Rhodes and carried unanimously.

Board Member Election Procedures: The Board elected to draft policies and guidelines for Board Member elections. The Board also wants an example ballot to be presented at the next Board meeting. A **motion** was made by Mr. Inabinet that for the purpose of electing nominated candidates, the names of all of the candidates will be on one ballot and the electorate will be asked to vote for the number of candidates that match the number of seats available. The motion was seconded by Mr. Rhodes and carried unanimously.

Finalize 2016 Board Meeting Dates: A **motion** was made by Mr. Inabinet to accept the meeting dates for 2016 as February 11, 2016, June 23, 2016 and October 6, 2016. The motion was seconded by Mr. Rhodes and carried unanimously.

PUBLIC COMMENTS

Mr. Grant Brown presented a letter from Mr. Bill Brown. A discussion ensued.

ANNOUNCEMENTS

The next South Carolina Board Examiners in Opticianry Board Meeting will be held February 11, 2016 in Room 204.

The next South Carolina Practical Examination in Opticianry will be administered December 7, 2015, Kingstree Building, Room 115, Columbia, South Carolina.

ADJOURNMENT

A **motion** was made by Mr. Corley to adjourn the meeting. The motion was seconded by Mr. Inabinet, and unanimously carried. Mr. Gosnell adjourned the meeting at 11:06 a.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.