



South Carolina
Department of Labor, Licensing and Regulation

Board of Examiners in Opticianry

Mark Sanford
Governor

Adrienne Riggins Youmans
Director



110 Centerview Drive
Post Office Box 11329
Columbia, SC 29211-1329
Phone: (803) 896-4681
FAX: (803) 896-4719
www.llr.state.sc.us

Minutes of the South Carolina Board of Examiners in Opticianry

December 6, 2006

110 Centerview Drive, Room 306-30, Columbia, South Carolina

Board Members Present:

Daniel B. Gosnell, Chairman
C. Milton Corley, Jr., Vice Chairman
Ray A. Sansbury
William M. Whitlock
Leonard B. Harrington

Board Member Not Present - Excused Absence

Debra L. Johnson Austin, Ph.D., Public Member

Also Present:

Lee Carter, S.C. Practical Examination Administrator

SCLLR Staff Present:

Angela M. Combs, Board Administrator
Janice D. Meetze, Administrative Assistant
Sharon Dantzer, Deputy General Counsel
Kathy Meadows, Chief Investigator, Investigations & Enforcement

Present for Hearings:

Thomas L. Spitz, O.D., applicant
Debra J. Whitmire, applicant
Melissa S. Crocker, applicant
Joyce E. Hicks, License #538

CALL TO ORDER

The regular session of The South Carolina Board of Examiners in Opticianry was held on December 6, 2006, in Room 306-30 at 110 Centerview Drive in Columbia, South Carolina. Whereas, proper notice of date, time, place having been properly provided to THE STATE NEWSPAPER and ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the hearing and a quorum having been determined, Chairman Gosnell called the meeting to order at 12:38 p.m.

APPROVAL OF AGENDA

Motion was made and seconded to approve the agenda. The motion carried.
S.C. Board of Examiners in Opticianry Minutes
December 6, 2006
Page 2

APPROVAL OF MINUTES

Motion was made and seconded to approve the June 8, 2006 minutes as written. The motion carried.

CHAIRMAN'S REMARKS

Chairman Gosnell welcomed everyone and reserved further remarks for within the context of the meeting.

REPORTS / INFORMATION

In the administrative report, Ms. Combs reported licensee totals to be 458 licensed opticians and 179 licensed contact lens dispensers for a total of 637 licensees. Apprentice renewal applications were mailed in mid-August 2006; 72 apprentices have renewed to date. The financial report is available for review upon request; the Complaint Status Report was deferred until later in the meeting. The Board meeting dates established for 2007 are: January 28, 2007, May 6, 2007, June 7, 2007, and December 5, 2007. Chairman Gosnell announced that Ms. Margie Chapman, South Carolina licensed optician, will represent South Carolina at the National Committee of State Opticianry Boards (NCSORB) meeting scheduled for January 26-27, 2007 in St. Petersburg, Florida.

S.C. PRACTICAL EXAMINATION

Mr. Lee Carter thanked the Board for the opportunity to administer the S.C. Practical Examination to twenty-eight candidates. He stated that the examination went well and recommended further refinement of certain questions. The Board welcomed Mr. Carter and appreciated his willingness to serve as the examination administrator.

Mr. Carter departed the meeting at 12:42 p.m.

The Board discussed the importance of all eligibility requirements being met before a candidate should be allowed to sit for the S.C. Practical Examination. Chairman Gosnell requested Mr. Sansbury and Ms. Combs, with Ms. Dantzer's assistance, to review and update the S.C. Practical Examination Application to include a statement to be signed by the applicant assuring no misunderstanding of the requirements to sit for the examination.

LICENSURE APPLICATION HEARINGS

Chairman Gosnell adjourned the meeting at 12:45 p.m. to hear the Licensure Application Hearings of Thomas L. Spitz, O.D., Debra Whitmire, and Melissa Crocker, respectively.

Licensure Application Hearing – Thomas L. Spitz, O.D.

EXECUTIVE SESSION

Motion: A motion was made that the Board be recessed to go into executive session to discuss the Licensure Application Hearing of Thomas L. Spitz, O.D. The motion received a second. The motion carried. Time recessed: 1:00 p.m.

RECONVENE IN PUBLIC SESSION

Motion: A motion was made that the Board reconvene in public session. The motion received a second. The motion carried. Meeting reconvened at 1:26 p.m.

Licensure Application Hearing – Debra Whitmire

EXECUTIVE SESSION

Motion: A motion was made that the Board be recessed to go into executive session to discuss the Licensure Application Hearing of Debra Whitmire. The motion received a second. The motion carried. Time recessed: 1:40 p.m.

RECONVENE IN PUBLIC SESSION

Motion: A motion was made that the Board reconvene in public session. The motion received a second. The motion carried. Meeting reconvened at 1:55 p.m.

Licensure Application Hearing – Melissa Crocker

EXECUTIVE SESSION

Motion: A motion was made that the Board be recessed to go into executive session to discuss the Licensure Application Hearing of Melissa Crocker. The motion received a second. The motion carried. Time recessed: 2:05 p.m.

RECONVENE IN PUBLIC SESSION

Motion: A motion was made that the Board reconvene in public session. The motion received a second. The motion carried. Chariman Gosnell reconvened the meeting in public session at 2:30 p.m. to conduct the Unfinished and New Business items on the agenda.

Hearings recorded and transcribed by Eric Gore, Certified Court Reporter. A Transcript of Proceeding is available upon request for each hearing.

For information purposes: Dr. Spitz's application for licensure was accepted by the Board; Ms. Crocker's application for licensure was denied by the Board; Ms. Whitmire's application for licensure was denied by the Board.

Ms. Danztler departed the meeting at 2:30 p.m.

Ms. Meadows arrived at 2:30 p.m.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT – KATHY MEADOWS

Ms. Meadows, Chief Investigator, Office of Investigations and Enforcement, gave a brief synopsis on the Investigative Review Committee (IRC) process and how case information and facts are prepared for the IRC. All complaints are initially submitted to the Office of Investigations and Enforcement. After the investigation is complete then information is provided by an IRC Report to the Board that is limited to the case number, issue description, investigation findings, and the IRC logic. From an investigative standpoint, the facts are gathered and presented to the legal staff for a decision as to whether the law is strong enough to support filing a charge. Statutes, regulations, and the laws governing the regulation of professions and occupations (LLR engine), respectively, are consulted.

Investigator Meadows presented the Investigative Review Committee (IRC) Report in open session with the right reserved to move into executive session at the discretion of the Board.

Motion: Mr. Harrington made a motion to accept the IRC's recommendation that Case #2006-1 be dismissed with no violation of the practice act noted. The motion received a second. The motion carried.

Motion: Mr. Corley made a motion to accept the IRC's recommendation for a formal complaint for Case #2004-1, #2006-2, #2006-3, #2006-6. The motion received a second. The motion carried.

Motion: Mr. Corley made a motion to accept the IRC's recommendation that Case #2006-4 be dismissed with a letter of caution. The motion received a second. The motion carried.

Ms. Meadows recommended that letters of caution be signed by the Board Chairman. A letter of caution denotes insufficient evidence for a formal complaint and hearing; the letter is placed in the licensee's file for future reference. A formal complaint is resolved by a full board hearing, consent agreement, or memorandum of agreement.

Ms. Meadows departed the meeting at 2:40 p.m.

UNFINISHED BUSINESS

Definition of Dispensing Contact Lenses – Review Board Position Statement

Ms. Dantzler prepared a Position Statement draft for Board review on the definition of dispensing contact lenses. Discussion followed regarding the actual type of license required was not stipulated. **Motion:** Mr. Harrington made a motion to defer approval of the Position Statement until clarification of license type is specified. The motion received a second. The motion carried. Ms. Combs will request Ms. Dantzler to make the requested revision to the Position statement. Ms. Combs will forward to the Board a draft of the revised Position Statement prior to the January 28, 2007 Board meeting.

NEW BUSINESS

Optometry Board Regulations – Rewrite in 2007

Ms. Combs reported that Optometry Board Regulations are in the process of being rewritten to be introduced in the 2007 legislative session. The final version will be forwarded to Board members.

S.C. Board of Examiners in Opticianry Minutes

December 6, 2006

Page 5

Establish Guideline – Appearance before the Board when license has lapsed for more than two years

Section 40-38-260 states: “If the license or registration has been lapsed for more than two years, the person shall appear before the board, which shall determine if the license or registration should be reinstated and the terms under which the reinstatement is to be made.” Ms. Dantzler has previously informed Ms. Combs that “appearance” does not necessarily mean physically standing before the Board, i.e., documentation, back fees, and continuing education hours could be presented to the Board for their response. Ms. Combs will request Ms. Dantzler draft guidelines to be reviewed at the January 28, 2007 meeting.

ANNOUNCEMENTS:

The next meeting general Board meeting will be held January 28, 2007, Embassy Suites, Columbia, S.C.

There being no further business, Chairman Gosnell adjourned the meeting at 3:05 p.m.

Respectfully submitted,

Angie M. Combs
Administrator