

South Carolina Department of Labor, Licensing and Regulation
South Carolina Board of Examiners in Opticianry
Regular Meeting Minutes
110 Centerview Drive, Room 111, Columbia, South Carolina
June 7, 2007

Board Members Present:

Daniel B. Gosnell, Chairman
C. Milton Corley, Jr., Vice Chairman
Ray A. Sansbury
William M. Whitlock
Leonard B. Harrington, Jr.
Debra Johnson Austin, Ph.D., Consumer

SCLLR Staff Present:

Angela M. Combs, Board Administrator
Sharon Dantzler, Deputy General Counsel, OGC
Sheridan Spoon, Assistant General Counsel, OGC
James Saxon, LLR Advice Counsel, Director's Office
Paula Margargle, LLR Attorney, OGC
Ruby Brice, Assistant Deputy Director, LLR/POL/HMRP
Steve Freshley, Investigator, Investigations & Enforcement
Janice D. Meetze, Administrative Assistant

Also Present:

Reginald Wayne O'Dell, Apprenticeship (lapsed)
Dale Howard Roberson, License #641 (lapsed)
Melba R. West, License #870 (lapsed)
Vicki Dawn Greene, License #695 (lapsed)
Theodore A. Brown, License #514
Mrs. Theodore Brown
Luther J. Battiste, III, Attorney
Danny Wilson, witness for hearing
Charita Harmon, witness for hearing

CALL TO ORDER: The regular session of the South Carolina Board of Examiners in Opticianry was held on June 7, 2007, in Room 111 at 110 Centerview Drive in Columbia, South Carolina. Whereas, proper notice of date, time, and 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 12:15 p.m.

APPROVAL OF AGENDA: Motion was made and seconded to approve the agenda. The motion carried.

APPROVAL OF MINUTES: Motion was made and seconded to approve the May 6, 2007 minutes as written. The motion carried.

CHAIRMAN'S REMARKS: Chairman Gosnell welcomed Board members and reserved further remarks within the context of the meeting.

REPORTS / INFORMATION

Administrative Report: Ms. Combs reported licensee totals to be 473 licensed opticians and 184 licensed contact lens dispensers for a total of 657 licensees; 103 apprentices are registered. The financial report is available upon request, and the Complaint Status Report was deferred until later in the meeting.

REINSTATEMENT APPLICATION HEARINGS

Chairman Gosnell adjourned the meeting at 12:18 p.m. to hear the Reinstatement Application Hearings of Reginald Wayne O'Dell, Dean Howard Roberson, Melba R. West, and Vicki Dawn Greene, respectively; and two hearings, i.e., Combined Case #2004-1 and Case #2006-6, and Combined Case #2006-2 and Case #2006-3, scheduled to commence at 1:00 p.m., respectively.

Reinstatement Application Hearing – Reginald Wayne O'Dell, Apprentice:

EXECUTIVE SESSION

Motion: A motion was made that the Board be recessed to go into executive session to discuss the Reinstatement Application Hearing of Reginald Wayne O'Dell. The motion received a second. The motion carried. Time recessed: p.m. 12:25 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 12:45 p.m.

Motion: A motion was made to reinstate Reginald Wayne O'Dell's registered apprenticeship contingent upon submission of the required educational hours and payment of past fees to reinstate his apprenticeship to a current status. The motion received a second. The motion carried.

Reinstatement Application Hearing – Dean Howard Roberson:

EXECUTIVE SESSION

Motion: A motion was made that the Board be recessed to go into executive session to discuss the Reinstatement Application Hearing of Dean Howard Roberson. The motion received a second. The motion carried. Time recessed: 12:50 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 12:55 p.m.

Motion: A motion was made to reinstate Dean Roberson, Optician License #641, contingent upon submission of the required educational hours and payment of past fees to reinstate his license to a current status. The motion received a second. The motion carried.

Reinstatement Application Hearing – Melba West:

Motion: A motion was made to reinstate Melba West, Optician License #870, contingent upon submission of the required educational hours and payment of past fees to reinstate her license to a current status. The motion received a second. The motion carried.

Reinstatement Application Hearing – Vicki Green:

Motion: A motion was made to reinstate Vicki Greene, Optician License #695, contingent upon submission of the required educational hours and payment of past fees to reinstate her license to a current status. The motion received a second. The motion carried.

Assistant General Counsel Sheridan Spoon, Attorney Luther J. Battiste, III, and Mr. and Mrs. Theodore G. Brown entered the meeting at 1:25 p.m.

HEARING – COMBINED CASE #2004-1 AND CASE #2006-6

Motion: A motion was made that the Board be recessed to go into executive session to deliberate Combined Case #2004-1 and Case #2006-6. The motion received a second. The motion carried. Time recessed: 1:35 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 in public session at 2:00 p.m.

Motion: A motion was made that the Board respectfully decline the Consent Agreement and proceed with a hearing for Combined Case #2004-1 and Case #2006-6. The motion received a second. The motion carried.

Chairman Gosnell stated the case will be set for hearing and the parties will be notified of the date and time.

Attorney Luther J. Battiste, III and Mr. and Mrs. Theodore G. Brown departed the meeting at 2:00 p.m.

Break – Five Minutes

HEARING – COMBINED CASE #2006-2 AND CASE #2006-3

Motion: A motion was made that the Board be recessed to go into Executive Session to deliberate Combined Case #2006-2 and Case #2006-3. The motion received a second. The motion carried. Time recessed: 2:10 p.m.

RECONVENE IN PUBLIC SESSION

Motion: A motion was made to revoke the Respondent's license to practice opticianry in the State of South Carolina, and that the Respondent shall pay a fine of One Thousand Dollars (\$1,000.00), which shall not be deemed paid until received by the Board. The motion received a second. The motion carried.

Ms. Dantzler departed the meeting at 4:15 p.m.

Reinstatement Application Hearings and Combined Case Hearings recorded and transcribed by Annette B. Gore, Certified Court Reporter. Transcripts available upon request.

Motion: Chairman Gosnell made a motion that the Board resume with the Unfinished and New Business items on the agenda. The motion received a second. The motion carried.

Mr. Freshley arrived at 4:15 p.m.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT – STEVE FRESHLEY

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

Motion: Mr. Corley made a motion to accept the IRC's recommendations made on May 31, 2007 to dismiss Case #2007-1, noting no violation and that all parties were properly licensed; and to proceed with a formal complaint for Case #2007-10 due to violation of the Practice Act. The motion received a second. The motion carried.

Mr. Freshley departed the meeting at 4:40 p.m.

UNFINISHED BUSINESS

On-line Renewals/Continuing Education Audit: Ms. Combs reported that with implementation of on-line renewals all licensees would not be required to submit proof of continuing education hours at renewal time; a random audit of education would be instituted. At the conclusion of the renewal period a letter would be sent to licensees, randomly selected for the audit, requesting proof of continuing education hours. Paper renewal forms would be available upon request.

Motion: A motion was made to conduct a random audit of twenty-five percent (25%) of all licensed opticians to submit proof of continuing education upon conclusion of the renewal period ending October 1, 2007. The motion received a second. The motion carried.

NEW BUSINESS

Election of Board Officers/Review IRC Member:

Motion: A motion was made to nominate Daniel Gosnell as Chairman. The motion received a second. The motion carried.

Motion: A motion was made to nominate C. Milton Corley as Vice Chairman. The motion received a second. The motion carried.

There was discussion recommending the appointment of two members to the Investigative Review Committee. George Lee is currently on the IRC.

Motion: A motion was made to nominate Lee Carter as an Investigative Review Committee member. The motion received a second. The motion carried. Mr. Carter will be contacted to inquire of his interest to serve in this capacity.

Mr. Sansbury departed the meeting at 4:41 p.m.

Business Registration Form – Review Requirement: Regulation 96-110(C) stipulates that every location of each optical business must be registered by means of a Business Registration Form with the Board within ten days of opening by the licensed optician and the business owner.

Florence-Darlington Technical College Opticianry Certificate Program: A Certificate in Optical Science offered by Florence-Darlington Technical College was approved by the Board May 4, 2003 as meeting the formal education requirement of apprentices. Robert Puddy, Ph.D., Associate Vice President, Health & Sciences, Florence-Darlington Technical College, requested approval of a change in the delivery mode of the Certificate in Optical Science. This program will be taught exclusively through the Internet, thus eliminating restrictive schedules and commuting for students. The content will remain the same as in the originally approved Opticianry Certificate Program. **Motion:** A motion was made to accept the proposed delivery terms of the Florence-Darlington Technical College Opticianry Certificate Program. The motion was seconded. The motion carried.

***Deferred:* License Coverage – Optometrist:** The matter was *deferred* to the December 5, 2007 meeting.

ANNOUNCEMENTS

The next general Board meeting will be held Wednesday, December 5, 2007, Columbia, South Carolina.

The next South Carolina Practical Examination in Opticianry will be held on Wednesday, December 5, 2007, 8:30 a.m., Rooms 105 and 107.

There being no further business, Chairman Gosnell adjourned the meeting at 4:50 p.m.

Respectfully submitted,

Angie M. Combs
Administrator