

**South Carolina Department of Labor, Licensing and Regulation**  
**South Carolina Board of Examiners in Opticianry**  
**Regular Meeting Minutes**  
**110 Centerview Drive, Room 108, Columbia, South Carolina**  
**December 5, 2007**

Board Members Present:

Daniel B. Gosnell, Chairman  
C. Milton Corley, Jr., Vice Chairman  
William M. Whitlock  
James L. Rhodes  
Leonard B. Harrington

Excused Absence: Debra Johnson Austin, Ph.D., Consumer

SCLLR Staff Present:

Angela M. Combs, Board Administrator  
Sheridan Spoon, Deputy General Counsel, OGC  
Shirley Robinson, Hearing Counsel, Director's Office  
Ruby Brice, Assistant Deputy Director, POL/OHMRP  
Steve Freshley, Investigator, Investigations & Enforcement  
Janice D. Meetze, Administrative Assistant

Also Present:

Theodore A. Brown, License #514  
Mrs. Theodore Brown  
Luther J. Battiste, III, Attorney

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**CALL TO ORDER:** The regular session of The South Carolina Board of Examiners in Opticianry was held December 5, 2007, in Room 108 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 meeting and a quorum having been determined, Chairman Gosnell called the meeting to order at 12:15 p.m.

**APPROVAL OF AGENDA: Motion:** Mr. Harrington made a motion to approve the agenda. Mr. Corley seconded the motion. The motion carried.

**Motion:** Mr. Harrington made a motion to adjourn the meeting for the hearing of Combined Case #2004-1 and Case #2006-6. Mr. Corley seconded the motion. The motion carried. Chairman Gosnell adjourned the meeting at 12:16 p.m.

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

Combined Case #2004-1 and Case #2006-6 Hearing recorded and transcribed by Eric Gore, Certified Court Reporter. Transcript is available upon request.

*The following is for information purposes:*

Mr. Corley recused himself from participating in the hearing.

Board recessed to go into Executive Session to deliberate at 12:22 p.m.

Board reconvened in Public Session at 12:32 p.m.

**Motion:** Mr. Harrington made a motion that taking into consideration no other complaints have been received for the respondent since 2005, the Board agrees to accept the Consent Agreement for Combined Case #2004-1 and Case #2006-6. Mr. Whitlock seconded the motion. The motion carried.

*Sheridan Spoon, Luther J. Battiste, III, Mr. and Mrs. Theodore G. Brown, and Steve Freshley departed the meeting at 12:33 p.m.*

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

**CHAIRMAN'S REMARKS:** Chairman Gosnell welcomed Mr. James L. Rhodes to the Board and thanked him for his willingness to serve. Also, he expressed the Board's gratitude for the contributions that Ray Sansbury made during sixteen years of service to the Board and the citizens of South Carolina. Further remarks were reserved for within the context of the meeting.

**APPROVAL OF MINUTES:** **Motion** was made by Mr. Harrington and seconded by Mr. Corley to approve the June 7, 2007 minutes as written. The motion carried.

### **REPORTS / INFORMATION**

**Administrative Report:** In the administrative report, Ms. Combs reported licensee totals to be 437 licensed opticians and 174 licensed contact lens dispensers for a total of 611 licensees; 90 apprentices are registered. The biennial renewal period October 1, 2007 through October 1, 2009 has concluded. A total of 48 licensed opticians (35 in-state) have not renewed their license to date; lapsed license notice letters will be mailed shortly. **Online renewal** was offered for the first time and was utilized by approximately two-thirds of licensed opticians and three-fourths of registered apprentices; many favorable comments were received. A random continuing education audit has been instituted as a result of implementation of on-line renewals. A letter requesting proof of continuing education hours is sent at the conclusion of the renewal period to licensees randomly selected for the audit. A motion was made and carried at the June 7, 2007 Board meeting to conduct a random audit of twenty-five percent (25%) of all licensed opticians upon conclusion of the renewal period ending October 1, 2007. **Motion:** Mr. Harrington made a motion to reduce the CE audit percentage from 25% to 15%, with the implementation of a wider range, if warranted. Mr. Whitlock seconded the motion. The motion carried.

Board Meeting and Examination dates for 2008 were provided. Minutes from the January 27, 2007 **National Committee of State Opticianry Regulatory Boards** (NCSORB) meeting were provided, as well as an agenda for the next meeting to be held in Charleston, South Carolina, January 25-26, 2008. Chairman Gosnell will attend the upcoming NCSORB meeting. The financial report is available upon request.

**December 5, 2007 SC Practical Examination in Opticianry Recap:** In the absence of Lee Carter, Examination Administrator, the South Carolina Practical Examination was administered by Board members and staff to the twenty-four candidates scheduled to sit for the examination.

### **INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT**

Ms. Combs 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. Harrington made a motion to accept the IRC's recommendations made at the November 27, 2007 IRC meeting to dismiss the following: Case #2007-4, Case #2007-5, Case #2007-6, Case #2007-7, Case #2007-8, Case #2007-9, and Case #2007-13; Case #2007-12 was resolved to the complainant's satisfaction; Letters of Caution were recommended for Case #2007-2 and Case #2007-3. Mr. Whitlock seconded the motion. The motion carried.

### UNFINISHED BUSINESS

**Optometrists Providing License Coverage for the Practice of Opticianry:** The matter was deferred from the June 5, 2007 meeting. Mr. Harrington asked the Board to defer the topic until June 5, 2008, in an effort to gather information from the Optometry Board concerning their definition of an *independent* doctor of optometry. Ms. Combs will accommodate the request and work with the Board of Optometry in establishing the proper and legal definition of *independent* to determine any violation.

### NEW BUSINESS

**Florence-Darlington Technical College Opticianry Certificate:** The Florence-Darlington Technical College Certificate in Optical Science was approved by the Board May 4, 2003 as meeting the formal education requirement for apprentices. Ms. Combs reported the Florence-Darlington program has now been discontinued. The National Academy of Opticianry Career Progression Program and the Durham Technical College Optical Apprentice Certificate Program are currently the only pre-approved formal education programs. Applicants may submit other formal optical education programs for Board approval.

**Information/Reminder Letter to Apprentices:** As of March 1, 2003 completing a pre-approved formal optical education program became a required part of the apprenticeship program. In order to avoid any misunderstanding, Ms. Combs will prepare a letter reminding apprentices that all requirements of the apprenticeship program must be completed and documented before being qualified to sit for the South Carolina Practical Examination in Opticianry.

**Information/Reminder Letter to Licensees:** Ms. Combs will begin to work on a future information letter to be sent to licensees.

### ANNOUNCEMENTS

The next general Board meeting will be held Sunday, January 20, 2008, Embassy Suites, Columbia, South Carolina.

There being no further business, Chairman Gosnell adjourned the meeting at 12:58 p.m.

Respectfully submitted,

Angie M. Combs  
Administrator