

**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 5, 2008**

Board Members Present:

Daniel B. Gosnell, Chairman  
C. Milton Corley, Jr., Vice Chairman  
William M. Whitlock  
James L. Rhodes  
Leonard B. Harrington  
Debra L. Johnson-Austin, Ph.D., Consumer

SCLLR Staff Present:

Angela M. Combs, Board Administrator  
Paula Magargle, Esquire, Assistant General Counsel  
Shirley Robinson, Esquire, Legal Advisor to the Board  
Steve Freshley, Investigator, Investigations & Enforcement  
Sharon A. Dantzler, Esquire, Deputy General Counsel  
Janice D. Meetze, Administrative Assistant

Also Present:

Horace Ferguson, Jr., Optician License #436  
Travis Dayhuff, Attorney for Respondent, Nelson, Mullins, Riley &  
Scarborough  
Hollie Gillespie, Attorney for Respondent, Nelson, Mullins, Riley &  
Scarborough  
Ben P. Clark, O.D.

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**CALL TO ORDER:** The regular session of The South Carolina Board of Examiners in Opticianry was held on June 5, 2008, in Room 111 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 12:10 p.m.

Chairman Gosnell adjourned the meeting at 12:10 p.m. to hear Case #2007-10.

**HEARING – CASE #2007-10**

The hearing for Case #2007-10 was recorded and transcribed by Randolph N. Gore, Certified Court Reporter, Gore Court Reporting; transcript is available upon request.

*The following is included in the transcript and provided here for information purposes:*

**EXECUTIVE SESSION**

**Motion:** A motion was made that the Board be recessed to go into executive session to discuss Case #2007-10. The motion received a second. The motion carried. Time recessed: 2:00 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 3:00 p.m.

**Motion:** Mr. Corley made a motion that with the testimony given the case against Earl Ferguson be dismissed. Dr. Johnson-Austin seconded the motion. The motion carried.

*Paula Magargle, Esquire, Shirley Robinson, Esquire, Travis Dayhuff, Esquire, Hollie Gillespie, Esquire, Ben P. Clark, O.D., Horace Ferguson, Jr., and Stephen Freshley departed the meeting at 3:02 p.m.*

Break – 10 Minutes

**Motion:** Chairman Gosnell made a motion that the Board resume with the regular Board meeting as listed on the agenda. The motion received a second. The motion carried. Time: 3:15 p.m.

**CHAIRMAN'S REMARKS:** Chairman Gosnell reserved further remarks to be within the context of the meeting.

**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 4, 2008 minutes as written. The motion carried.

**REPORTS / INFORMATION**

**Administrative Report:** Ms. Combs reported licensee totals to be 468 licensed opticians and 194 licensed contact lens dispensers for a total of 662 licensees; 107 apprentices are registered. There are four complaints under investigation. The Notice of Board Member Election for candidate nominations to fill one Board position for the term September 13, 2008 through September 13, 2012, will be mailed shortly to all currently licensed opticians. The South Carolina Practical Examination in Opticianry was administered by Mr. Lee Carter to 20 of the 21 scheduled candidates preceding the Board meeting.

*Dr. Debra Johnson-Austin departed at 3:25 p.m.  
Ms. Sharon Dantzler arrived at 3:25 p.m.*

**UNFINISHED BUSINESS**

**Optometrists Providing License Coverage:** This topic was deferred from the May 4, 2008 meeting. Ms. Dantzler stated that licensed optometrists and medical doctors are allowed to delegate tasks to personnel, licensed or unlicensed, after it has been determined to their own professional satisfaction that the person has been properly trained and is competent to perform the delegated work. Licensed opticians may delegate tasks to assistants working under the licensees' "direct supervision." The licensee and the assistant are not required to have the same employer. Legal theory has been developed historically from hospitals where duties are delegated along lines that do not follow traditional employment patterns, i.e., technicians and nurses are employed by a hospital while staff physicians that delegate tasks are employed elsewhere. The licensed professional is responsible for quality assurance of delegated tasks performed by the assistant.

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**S.C. Practical Examination:** Ms. Combs provided pass/fail statistics by examination section for Board review. The statistics were accepted as information.

**S.C. Practical Examination – Review Board Members’ Role:** Deferred until the December 11, 2008 Board meeting.

**ANNOUNCEMENTS:**

The next Board meeting will be held Thursday, December 11, 2008, Noon, Columbia, South Carolina.

The next South Carolina Practical Examination in Opticianry will be held Thursday, December 11, 2008, 8:30 a.m.

There being no further business, Chairman Gosnell adjourned the meeting at 3:42 p.m.

Meeting recorded and minutes transcribed by Janice D. Meetze, Administrative Assistant  
Reviewed and respectfully submitted by Angie M. Combs, Administrator