

South Carolina Department of Labor, Licensing and Regulation
South Carolina Board of Examiners in Opticianry
Regular Meeting Minutes
Embassy Suites, Columbia, South Carolina
January 18, 2009

Board Members Present:

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

Excused Absence:

Debra L. Johnson-Austin, Ph.D., Consumer Member

SCLLR Staff Present:

Angela M. Combs, Board Administrator
Janice D. Meetze, Administrative Assistant

Present:

Jerry Beasley

CALL TO ORDER: The regular session of the South Carolina Board of Examiners in Opticianry was held January 18, 2009, Embassy Suites, 200 Stoneridge Drive, Columbia, South Carolina. At least twenty-four hours prior to the scheduled meeting time, public notice was properly posted at the Board's office and provided to requesting persons, organizations, and 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 having been determined, Chairman Gosnell called the meeting to order at 8:40 a.m.

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

APPROVAL OF MINUTES: Motion was made by Mr. Corley and seconded by Mr. Whitlock to approve the December 11, 2008 minutes as written. The motion carried.

CHAIRMAN'S REMARKS: Chairman Gosnell suspended the order of the agenda to allow Mr. Jerry Beasley to address the Board. Chairman Gosnell reserved further remarks to be within the context of the meeting.

Mr. Beasley stated he has been lobbying in South Carolina since 1970; he reviewed with the Board the importance of staying in touch with their legislators and to keep them updated on the practice of opticianry in South Carolina.

Mr. Beasley departed the meeting at 9:07 a.m.

ADMINISTRATIVE REPORTS / INFORMATION

- Ms. Combs reported licensee totals to be 491 licensed opticians and 216 licensed contact lens dispensers for a total of 707 licensees; 88 apprentices are registered.
- Licensees and Registered Apprentices will be renewing this year; renewal notices will be mailed out by the Licensure and Compliance Division and due October 1, 2009.
- The South Carolina Practical Examination in Opticianry was administered December 11, 2008 by Mr. Lee Carter to 21 candidates and resulted in 11 passing and 10 failing the examination.
- Board meeting and examination dates for 2009 were provided.
- It was announced the State Ethics Commission Statement of Economic Interests form is due April 15, 2009. Filing may be done electronically or forms may be downloaded at the Web site address <http://ethics.sc.gov>.
- Ms. Combs stated that optometry legislation has been introduced in the 2009 legislative session; a copy of H.3303 was provided.

Investigative Review Committee (IRC) Report: Complaints submitted to LLR that allege a violation of the Practice Act are investigated; the findings are presented to the Investigative Review Committee (IRC) for recommendation of action that is then presented to the Board for their decision on how to proceed. Chairman Gosnell recommended consulting with the IRC professional member for the validity of a complaint *prior* to the initiation of a lengthy investigation. Ms. Combs will relay this request to Mr. David Love, Chief of Investigations and Enforcement.

Ms. Combs presented the IRC Report in open session with the right reserved to move into executive session at the discretion of the Board.

- Case #2007-15 / Failure to supervise Apprentices - As the result of the investigation, no evidence was found to support any violation of the Practice Act; the IRC recommends dismissal.
- Case #2008-3 / Unlicensed practice – As the result of the investigation, no evidence was found to support the alleged violation of unlicensed practice; the IRC recommends dismissal.

Motion: A motion was made by Mr. Whitlock and seconded by Mr. Harrington to dismiss Case #2007-15 and Case #2008-3. The motion carried.

UNFINISHED BUSINESS

Sponsor Section on Apprenticeship Application: Currently the Affidavit Section on the apprenticeship application references both a sponsor and a supervisor. The Opticianry Practice Act states the sponsor is to conduct training for the apprentice. The Board agreed to remove the request for the supervisor's signature and include specific language that the sponsor should be readily accessible to the apprentice at the same work location as the apprentice.

Progressive Lens Identifier (PAL-ID) for Examination: Mr. Lee Carter, Examination Administrator, recommended the Board consider purchasing a Progressive Lens Identifier (PAL-ID) to be available for candidate use during the practical examination. Discussion followed. The Board concurred that the purchase was cost prohibitive and cannot act on his recommendation at this time.

Continuing Education Audit Reviewer: With the implementation of the Licensure and Compliance Division within LLR and basic renewal and licensing functions being transferred to that area, the Board previously inquired as to what area would be reviewing required continuing education hours submitted for renewal purposes. Ms. Combs reported the review of continuing education hours would remain under her jurisdiction.

NEW BUSINESS

Waiting Period After Two Examination Failures: Ms. Combs consulted with Ms. Dantzler as to whether it was necessary for a candidate to wait a year in the event of two examination failures, i.e., specific language states: “Upon taking and failing to pass twice, an applicant will not be permitted to take the examination within the calendar year following notice of the second or succeeding failures.” The Board agreed to continue to enforce the one year waiting period after two examination failures until a change is made in the law.

Taking PD Measurements - Inquiry: An inquiry has been made concerning while the licensed professional is away on vacation can the task of taking PD measurements be delegated to an unlicensed person. Section 40-38-300(B) states: “Nothing in this section precludes an optician who is supervising an assistant from being absent from the practice for reasonable periods *during the working day* including, but not limited to, lunch or other customary, practice-related absences.” Discussion followed. The Board agreed that South Carolina law clearly stipulates that all ophthalmic dispensing must be conducted or supervised by a licensed optician, optometrist, or medical doctor. **Motion:** Mr. Corley made a motion to clarify the Board will enforce South Carolina Law that an optician may not delegate duties that are the practice of opticianry to an unlicensed person while away from the office on vacation, unless supervised by a licensed optician, optometrist, or medical doctor. Mr. Harrington seconded the motion. The motion carried.

Election of Board Officers: Motion: Mr. Corley made a motion that Mr. Gosnell continue to serve as Chairman of the South Carolina Board of Examiners in Opticianry. The motion was seconded by Mr. Harrington. The motion carried. **Motion:** Chairman Gosnell made a motion that Mr. Corley continue to serve as Vice Chair of the South Carolina Board of Examiners in Opticianry. The motion was seconded by Mr. Whitlock. The motion carried. The Board concurred that one professional member to serve on the Investigative Review Committee was sufficient; Mr. Ray Sansbury has agreed to serve in that position.

ANNOUNCEMENTS

The next general Board meeting will be held Sunday, May 3, 2009, at Kingston Plantation, Myrtle Beach, South Carolina. The South Carolina Practical Examination in Opticianry and Board meeting will be held Thursday, June 4, 2009, examination begins at 8:30 a.m., Rooms 115 and 107, Kingstree Building, Columbia, South Carolina.

There being no further business, Chairman Gosnell adjourned the meeting at 9:44 a.m.

*Meeting recorded and minutes transcribed by Janice D. Meetze, Administrative Assistant.
Minutes reviewed and edited by Angie M. Combs, Administrator.
Minutes presented to the Board for final approval.*