

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
South Carolina Board of Examiners in Opticianry
Regular Meeting Minutes
110 Centerview Drive, Room 107, Columbia, South Carolina
June 4, 2009

BOARD MEMBERS PRESENT: C. Milton Corley, Jr., Vice Chairman
Leonard B. Harrington
William M. Whitlock
James L. Rhodes

NOT PRESENT - Excused Absence: Daniel B. Gosnell, Chairman

CONSUMER MEMBERS (2): Positions Vacant

SCLLR STAFF PRESENT: Angela M. Combs, Board Administrator
Sharon A. Dantzer, Office of General Counsel
David Love, Chief, Investigations & Enforcement
Cheryl C. McNair, Investigator, Investigations & Enforcement
Yarikza Alexander, Investigator, Investigations & Enforcement
Janice D. Meetze, Administrative Assistant

PRESENT FOR HEARING: Annice Nicole Beach, Optician License #817 (lapsed)
Eric Gore, Certified Court Reporter

CALL TO ORDER: The regular session of the South Carolina Board of Examiners in Opticianry was held June 4, 2009, in Room 107 at 110 Centerview Drive in 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, Vice Chairman Corley called the meeting to order at 12:15 p.m.

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

APPROVAL OF MINUTES: Motion was made by Mr. Harrington and seconded by Mr. Whitlock to approve the May 3, 2009 minutes as written. The motion carried.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT

Mr. David Love, Chief of Investigations and Enforcement, stated five cases went before the Investigative Review Committee (IRC) June 1, 2009. Investigators Cheryl McNair and Yarikza Alexander gave a brief description of each case followed by the IRC logic; four dismissals and one letter of caution were recommended. Motion: A motion was made by Mr. Harrington to accept the recommendations of the IRC on cases #2008-1/dismiss, #2009-1/dismiss, #2009-2/dismiss, #2009-3/dismiss, and #2009-6/letter of caution. The motion was seconded by Mr. Rhodes. The motion carried.

Mr. Love, Ms. McNair, and Ms. Alexander departed the meeting at 12:30 p.m.

REINSTATEMENT APPLICATION HEARING / ANNICE N. BEACH, OPTICIAN #817 (lapsed)

The reinstatement application hearing was conducted by the Board and recorded and transcribed by Eric Gore, Certified Court Reporter.

The following is provided for information only:

EXECUTIVE SESSION

Motion: A motion was made that the Board be recessed to go into executive session to discuss the reinstatement of Annice Nicole Beach. The motion received a second. The motion carried. The meeting was recessed at 12:45 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. The meeting reconvened at 12:50 p.m.

Motion: A motion was made by Mr. Whitlock to reinstate Annice N. Beach, Optician #817, 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.

REPORTS / INFORMATION

Administrative Reports and Information: Ms. Combs reported the following.

- There are 494 licensed opticians and 223 licensed contact lens dispensers for a total of 717 licensees; 114 apprentices are registered.
- There is one active complaint under investigation.
- A notice of election for Board member seats will need to be mailed to all licensees; Mr. Gosnell's and Mr. Harrington's terms expire in 2010.
- The South Carolina Practical Examination in Opticianry was administered preceding the Board meeting by Board members and staff to 14 of the 15 scheduled candidates.
- A new budget proviso will become law for the period from July 1, 2009 to June 30, 2010 which states: "The Director of the Department of Labor, Licensing and Regulation cannot authorize reimbursement under Section 40-1-50(A) of the 1976 Code to members of any board listed in Section 40-1-40(B) for meetings held at any location other than the offices of the department unless there has been a determination that the department is unable to provide space for the meeting in a state-owned or leased facility in Richland or Lexington County."
- LLR's Office of Licensure and Compliance will be conducting the biennial license renewals and annual apprenticeship registrations that are due October 1, 2009.

UNFINISHED BUSINESS

S.C. Practical Examination – Review information from The Learning Curve: In order to gain information, a candidate booklet for the Tennessee Board of Dispensing Opticians Practical Examination

prepared by Dr. Roy Ferguson of The Learning Curve was presented for review. Mr. Corley recommended the topic be deferred until the next Board meeting to allow each member to read over the information and formulate any questions. Ms. Dantzler advised that if The Learning Curve is able to certify that an examination prepared and administered by Dr. Ferguson is psychometrically valid the board's legal risks are significantly reduced. **Motion:** Mr. Harrington made a motion that a compilation of questions/requirements concerning the preparation and administration of the S.C. Practical Examination be presented at the December meeting. The motion received a second. The motion carried.

NEW BUSINESS

Number of Opticians Required Based on the Hours of Operation: Ms. Dantzler advised that without a change in the statute the Board cannot require staffing ratios according to hours of operation. Under both state and federal law if an employer pays appropriately under the Fair Labor Standards Act, there is no limit to the amount of overtime that can be assigned. As a separate issue, if unlicensed employees are dispensing without appropriate supervision and it can be demonstrated, then Cease and Desist notices can be issued to those individuals.

Verifying Prescriptions Prior to Dispensing Contact Lenses – Inquiry: Ms. Combs received an inquiry that after an order for contact lenses has been placed, boxed, and sent to a vision center, is the licensed contact lens dispenser required to verify the prescription prior to release to patient. Ms. Dantzler stated that according to the Board's policy statement on dispensing, the actual sales of contact lenses that have been selected and labeled under professional supervision can be completed in the contact lens dispensing licensee's absence.

Ms. Dantzler departed the meeting at 1:20 p.m.

ANNOUNCEMENTS

The next general Board meeting will be held Thursday, December 17, 2009, Noon, Columbia, South Carolina.

The next South Carolina Practical Examination in Opticianry will be held on Thursday, December 17, 2009, 8:30 a.m., Rooms 115 and 107.

There being no further business, Vice Chairman Corley adjourned the meeting at 1:25 p.m.

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