

South Carolina Department of Labor, Licensing and Regulation
South Carolina Board of Examiners in Opticianry
Called Meeting Minutes
110 Centerview Drive, Room 204, Columbia, South Carolina
August 20, 2009

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

CONSUMER MEMBERS (2): Positions Vacant

SCLLR STAFF PRESENT: Angela M. Combs, Board Administrator
Sharon A. Dantzler, Office of General Counsel, LLR
Janice D. Meetze, Administrative Assistant

PRESENT FOR HEARING: George Graham, Lapsed License #225
Eric B. Gore, Certified Court Reporter

IN ATTENDANCE: Roy Ferguson, Ph.D., The Learning Curve
Barbara Walters, License #782
Donna Waites, License #658
Stephen Hutcheson, License #347

CALL TO ORDER: A called session of the South Carolina Board of Examiners in Opticianry was held on August 20, 2009, in Room 204 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, Chairman Gosnell called the meeting to order at 10:02 a.m.

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

APPROVAL OF MINUTES: Motion was made by Mr. Corley and seconded by Mr. Rhodes to approve the June 4, 2009 minutes as written. The motion carried.

PRACTICAL EXAMINATION ADMINISTRATION PRESENTATION - Roy Ferguson, Ph.D, DBA The Learning Curve: Roy Ferguson, Ph.D., was invited by the Board to present information concerning the eyeglasses practical examination prepared and administered by The Learning Curve. Dr. Ferguson explained that The Learning Curve has developed an examination using the appropriate methods to ensure the examination reflects fairly the knowledge and abilities required to perform practical tasks related to the practice of opticianry. Dr. Ferguson reviewed with the Board scope of services, test development, recordkeeping, candidate information, examination security, and reviewed the terms of the contract. Discussion followed.

Motion: A motion was made by Mr. Harrington to accept the practical examination to be administered by Roy Ferguson, Ph.D., DBA The Learning Curve with implementation as soon as possible. The motion was seconded by Mr. Whitlock. The motion carried.

Dr. Ferguson departed the meeting at 10: 45 a.m.

REINSTATEMENT APPLICATION HEARING / GEORGE GRAHAM, OPTICIAN #225 (lapsed)

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

Two Board members, Mr. Harrington and Mr. Whitlock, asked to be recused from the hearing; they departed the meeting at 10:55 a.m.

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 George Graham. The motion received a second. The motion carried. The meeting was recessed at 10:55 a.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 11:00 a.m.*

Motion: *A motion was made by Mr. Corley that George Graham's application for reinstatement of his South Carolina Opticianry license to be granted at such time as he demonstrates a passing score on the current licensing examination for opticians in this state. The motion received a second. The motion carried.*

Mr. Graham departed the meeting at 11:05 a.m.

Mr. Harrington and Mr. Whitlock rejoined the meeting at 11:05 a.m.

REPORTS / INFORMATION

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

- There are 502 licensed opticians and 231 contact lens dispensers for a total of 733 licensees; 118 apprentices are registered.
- Online renewal for opticians is currently operational under the Office of Licensure and Compliance; 52 opticians have renewed to date. Notice of Lapsed License letters will be mailed by the Board's office after 11/1/2009.
- The Board will conduct a random Continuing Education audit after 11/1/2009.
- There are two complaints under investigation.
- Mr. Gosnell's and Mr. Harrington's terms expire in 2010. A notice of election for Board member seats will be mailed to all licensees the first part of January 2010. A Petition to Nominate a Candidate is accessible for printing from the Opticianry Board site navigated via the agency home page, www.llr.state.sc.us.
- The South Carolina Practical Examination in Opticianry was administered on June 4, 2009 by Board members to 14 candidates; 8 failed and 6 passed.

UNFINISHED BUSINESS

None to discuss.

NEW BUSINESS

Supervision: Ms. Dantzler was asked if an optometrist's license would provide coverage for the practice of opticianry for more than one location without the optometrist physically being present. Ms. Dantzler advised that the Optometry Statute states an optometrist may delegate tasks to assistants working under his or her direct supervision; direct supervision is defined as being present in the department or facility where the supervisee is performing the services and the optometrist must be immediately available to assist the supervisee and maintain continued involvement with appropriate aspects of each treatment. Nothing in the Optometry Statute prohibits an optometrist 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 practice-related absences. If there are no licensed professionals supervising the practice of opticianry in compliance with the Law then a lack of coverage exists. The issue is not who employs whom; the issue is who assumes responsibility under the terms of his/her professional practice act.

Ms. Dantzler stated the current statute needs updating to clarify definitions regarding supervision and other issues; the 2011 legislative session should be targeted to introduce legislation.

Mr. Gosnell requested that the matter be deferred until the December 2009 Board meeting.

Ms. Dantzler departed the meeting at 11:45 a.m.

ANNOUNCEMENTS

The next general Board meeting will be held December 17, 2009, Columbia, South Carolina. *This date was later changed to December 7, 2009.*

The next South Carolina Practical Examination in Opticianry will be held Monday, December 7, 2009, Room 115.

There being no further business, Chairman Gosnell adjourned the meeting at 11:47 a.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.