

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
South Carolina Board of Examiners in Opticianry
Regular Board Minutes
May 26, 2011
110 Centerview Drive, Kingstree Building, Room 105
Columbia, South Carolina

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

PROFESSIONAL MEMBER (1): Vacant

CONSUMER MEMBERS (2): Vacant

SCLLR STAFF PRESENT: David Love, Chief, Investigations & Enforcement
Cheryl McNair, Investigations & Enforcement
Christa Bell, Advice Counsel
Angela M. Combs, Board Administrator
Janice D. Meetze, Administrative Assistant

CALL TO ORDER: The regular session of the South Carolina Board of Examiners in Opticianry was held May 26, 2011, 110 Centerview Drive, Kingstree Building, Room 105, 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. After a quorum having been determined, Chairman Gosnell called the meeting to order at 9:03 a.m.

APPROVAL OF AGENDA: Motion was made by Mr. Whitlock 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. Whitlock to approve the January 23, 2011 minutes as written. The motion carried.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT REPORT: Mr. Love, Chief, Investigations and Enforcements, reported that three (3) cases have been closed for the period 1/1/2011 through 5/12/2011; for the period 1/1/2010 through 12/31/2010 three (3) cases had been closed and two (2) were pending IRC recommendation.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Mr. Love presented the IRC Board Report with recommendations to dismiss Cases 2010-4 and 2010-5 due to lack of evidence to support the reported allegations and dismiss Cases 2011-2 and 2011-3 with Cease and Desist Orders having been served. Motion was made by Mr. Corley to accept the recommendations of the IRC and seconded by Mr. Rhodes. The motion carried.

Mr. Love and Ms. McNair departed the meeting at 9:10 a.m.

REPORTS / INFORMATION

Administrative Reports and Information:

- **Licensee Count:** There are currently 512 licensed opticians, 237 licensed contact lens dispensers, and 90 active registered apprentices.
- **Licensee Renewal 2011:** Online renewal instructions will be generated mid-August and renewals will be due by October 1, 2011.
- **Office of Board Services (OBS)** now oversees the needs of the Professional Occupational Licensing Boards and responsibilities include renewals and initial licensure.
- **Office of General Counsel** has no opticianry cases residing in its area.
- **Financial Report** for Fiscal Years 2009-2011 was provided.
- **Board Member Appointments Update:** The Governor's Office has been contacted and board member appointments should be forthcoming.
- **South Carolina Practical Examination:** The S.C. Practical Examination will be administered by Dr. Roy Ferguson of The Learning Curve to twenty (20) candidates on June 6, 2011.
- **National Committee of State Opticianry Regulatory Boards (NCSORB) Examination:** Mr. Jon Bright, Examination Chairman of NCSORB, has offered to demonstrate an overview of the newly created standardized examination at the Board's September meeting.
- **NCSORB National Meeting** will be held in Cincinnati, Ohio, September 9-10, 2011.
- **Optometry Legislation Update (S.503)** This legislation is seeking to add language to the Optometry Law that "no medications may be given by injection or intravenously"; the language except for injections into the eyelid has been requested to be added.
- **Cease and Desist Orders** have been served on two business establishments for the unlicensed practice of selling contact lenses.

UNFINISHED BUSINESS

Commission on Opticianry Accreditation Letter – Review Proposed Changes: At the semi-annual meeting of the Commission on Opticianry Accreditation (COA), the Commissioners voted to change portions of *Essentials of an Accredited Educational Program for Opticianry*. The proposed changes were accepted as information.

NEW BUSINESS

Use of Board Policies: Ms. Combs reported that administrators received information stating that some boards may rely on policy rather than statute and regulation to make licensure decisions. If it is determined that statutes and regulations are no longer sufficient to regulate licensing, the process to make law changes should be initiated.

Northern Alberta Institute of Technology: The Board has been asked to consider the Northern Alberta Institute of Technology (NAIT) Optical Sciences Eyeglasses Diploma as approved formal education for apprentices. **Motion:** Mr. Corley made a motion to accept the Northern Alberta Institute of Technology (NAIT) Eyeglass Diploma for the required formal education for apprentices. The motion was seconded by Mr. Rhodes and the motion carried.

Spectacle Inserts for Respiratory Masks: The Board received an inquiry as to whether an optician's license is required to sell spectacle inserts for respiratory masks. The spectacle attaches to the faceplate of the mask via suction cup and no adjustment or fitting would be required on the seller's part. If the customer wishes to have prescription lenses installed, the spectacle and prescription would be sent to a licensed optician. The Board concurred that this practice is acceptable.

Licensure Requirement Exemption Request: The Board received an inquiry requesting an exemption from a licensure requirement. Per advice from Ms. Bell, advice counsel, Ms. Combs will notify the inquirer that an application must be submitted with this request in order for an application hearing to be scheduled if needed.

DISCUSSION ITEM: The Board discussed the Registration of Optical Business requirement stated in Regulations. Ms. Combs will gather additional information.

ANNOUNCEMENTS:

The next general Board meeting will be held, Thursday, September 22, 2011, 9:00 a.m., Kingstree Building, Room 105, Columbia, South Carolina.

The next South Carolina Practical Examination in Opticianry will be held December 5, 2011, Kingstree Building, Room 115, Columbia, South Carolina.

There being no further business, Chairman Gosnell adjourned the meeting at 10:00 a.m.

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