

**South Carolina Department of Labor, Licensing and Regulation (SCLLR)**  
**Board of Examiners in Opticianry**  
**Board Meeting Minutes**  
**May 30, 2019**  
**110 Centerview Drive, Kingstree Building, Room 204**  
**Columbia, South Carolina**

Public notice of this meeting was properly posted at the S.C. Board of Examiners in Opticianry office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**BOARD MEMBERS PRESENT:**

Daniel B. Gosnell, Chairman  
Grant Brown  
James L. Rhodes  
Emily Mikell  
John Hollis Inabinet

**SCLLR STAFF PRESENT:**

Mary League, Office of Advice Counsel  
Meredith Buttler, Administrator  
Patricia Lutz, Program Assistant  
Tina Brown, Office of Disciplinary Counsel

**PRESENT:**

Tina Behles, Court Reporter  
Randy Smith, ABO/NCLE  
Jim Morris, ABO/NCLE  
Fallon Lore  
Mike Storey  
Laura Lore

**CALL TO ORDER:** Chairman Gosnell called the meeting to order at 9:00 a.m.

**APPROVAL OF AGENDA**

**Motion:** To approve the agenda.  
Rhodes/Mikell/approved.

**APPROVAL OF ABSENT BOARD MEMBER**

**Motion:** To approve the absence of Keith Hayes due to work obligation.  
Brown/Mikell/approved.

**APPROVAL OF FEBRUARY 28, 2019**

**Motion:** To approve the minutes from the February 28, 2019 meetings.  
Rhodes/Mikell/approved.

**CHAIRMAN'S REMARKS**

Mr. Gosnell opened the floor to allow public guests introduce themselves to the Board.

## **STAFF REPORTS**

### Administrator Report

Ms. Buttler stated that to date the Board has 560 active Optician license (477 in-state/83 out-of-state), 287 Contact Lens Dispensing Opticians (242 in-state/45 out-of-state), and 145 Apprentices. As of January 2019 the Board's account balance is -\$310,074.00.

The SC Practical Exam will be administered on June 4, 2019 at the Fire Academy. Currently there are 13 candidates registered for the exam.

Prior to April Koon's departure, she had begun discussions with CE Broker. Ms. Buttler has since met with CE Broker representatives and a finalized roll-out plan has been developed. The current target launch date is July 29, 2019. CE Broker will not be a requirement of the upcoming renewals but will be in full effect for the 2021 renewal cycle.

Ms. Buttler informed the Board that we are still awaiting the Governor's approval for the two current eligible optician seats. Ms. Buttler is working with LLR IT to create an election portal that will hopefully be developed in time for utilization of the two upcoming seat elections in 2019.

### OIE Report

On behalf of David Love, Ms. Buttler reported there are no open OIE cases.

### IRC Report

On behalf of David Love, Ms. Buttler reported there is no IRC report.

### ODC Report

Tina Brown reported that there are no cases pending at this time.

## **APPLICANT HEARING**

- a) Mr. Lester Storey appeared before the Board for a Reinstatement Application Hearing. He was not represented by counsel. Mr. Storey was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

### **Executive Session**

**MOTION:** For the Board to enter into executive session to seek legal advice regarding the application hearing.

Brown/ Mikell/approved.

### **Return to Public Session**

**MOTION:** For the Board to return to public session.

Rhodes/Mikell/approved.

Board Chairman, Daniel Gosnell, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** To approve Mr. Storey's application for reinstatement.

Brown/Mikell/approved.

- b) Ms. Fallon Lore appeared before the Board for a Reinstatement Apprentice Application Hearing. She was not represented by counsel. Ms. Lore was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

### **Executive Session**

**MOTION:** For the Board to enter into executive session to seek legal advice regarding the application hearing.

Rhodes/ Brown/approved.

### **Return to Public Session**

**MOTION:** For the Board to return to public session.

Inabinet/Mikell/approved.

Board Chairman, Daniel Gosnell, noted for the record that no votes or actions were taken while in executive session. The Board asked Ms. Lore additional questions.

### **Executive Session**

**MOTION:** For the Board to enter into executive session to seek legal advice regarding the application hearing.

Brown/ Mikell/approved.

### **Return to Public Session**

**MOTION:** For the Board to return to public session.

Rhodes/Mikell/approved.

**MOTION:** To deny reinstatement of apprenticeship. Ms. Lore must re-apply for apprenticeship and begin the two year work experience requirement. Ms. Lore's current formal education program will be accepted under the new apprentice application.

Brown/Mikell/approved.

## **NEW BUSINESS**

### a) ABO Hands on Practical Exam Review

Mr. Jim Morris and Mr. Randy Smith from ABO/NCLE gave a presentation to the Board regarding the on-line Practical examination. ABO/NCLE informed the Board that currently 10 states are utilizing the ABO Practical Exam and the Contact Practical Exam. South Carolina and Massachusetts are the remaining two states utilizing a hands-on practical exam and due to financial reasons, ABO/NCLE is struggling to continue providing the hands-on practical. Mr. Morris informed the Board that the on-line practical exams is conducted in the same testing facilities and same security measures as the ABO National exam. With increase testing date opportunities, various testing location sites, and reduced costs, the new exams are a benefit to the licensees as well as the Board. The new exam tests on multiple instruments whereas the hands-on exam is relegated to the lens metes due to equipment availability.

**MOTION:** To appoint Grant Brown as board delegate to work with staff to investigate the feasibility and practicality of moving to the ABO Practical exam and report finding to the Board.

Inabinett/Mikell/approved.

## **STAFF REPORTS**

### Legislative Update

Ms. Holly Beeson reported that there were no Opticianry specific matters to report. Ms. Beeson provided an overview of various proposed bills that would affect LLR. The bills all reflect the current legislative climate of making it easier to enter professions with less restrictions.

## UNFINISHED BUSINESS

### a) Apprenticeship Program

At the last board meeting, the Board requested further research be done regarding work experience time associated with apprentice programs throughout the country. Ms. Buttler presented the research she had done for the twenty states that currently license opticians. Of the twenty states, fifteen of them have apprenticeship programs. After review, Ms. Buttler stated that there was no a consensus of time period, part-time vs. full time work, and formal education requirements. The Board discussed reviewing the apprenticeship requires as currently written in the regulations. A committee to review the regulations was proposed.

**MOTION:** To form a committee to review Board regulations specific to the apprenticeship program. The committee will be comprised of Board members Keith Hayes, Emily Mikell, James Rhodes and a licensed optician currently sponsoring an apprentice and a member of the SC Optician's Association.  
Brown/Inabinet/approved.

Ms. Buttler will notify Holly Beeson of the Boards intent to file a Notice of Drafting.

## NEW BUSINESS

### f) Consideration of possible Committee to review revising CE Regulation requirements

Mr. Brown presented information to the Board regarding Georgia's recent requirement of a law course within their CE requirements. Mr. Brown asked the Board to consider forming a committee to review the Continuing Education requirements and evaluate the need for a law course requirement. Ms. League advised the Board to evaluate the need for the law course as legislation may view it as burdensome to the licensees unless substantial proof is provided. Ms. Buttler presented case totals that have come into the Office of Investigations and Enforcement as well as the Office of Disciplinary Council. The report provided covered the last ten years of operations. The Board tabled the discussion for future meetings.

### b) Request for Approval of Online Continuing Education

Ms. Criss submitted a petition to the Board to have her CE hours be approved for online for this renewal cycle due to medical hardship. Ms. Criss was unable to be present at the meeting and Ms. Buttler presented the request on her behalf.

**MOTION:** For the Board to allow Ms. Criss to gain the required CE hours for this renewal cycle from online sources pending they are ABO approved and pre-approved by the Board.  
Inabinet/Brown/approved.

### c) Apprentice Program

Ms. Buttler shared with the Board, that in attempts to learn the Board she has gone through and updated all application and forms. In doing so and conducting the apprenticeship program research, she has developed revised forms, applications and procedures to ensure the apprenticeship program is operating according to the regulations. Ms. Buttler shared the revised documents.

**MOTION:** To approved the revised documents, forms and notification procedures proposed by Ms. Buttler for the apprenticeship program  
Inabinett/Brown/approved.

### d) IRC Member Nomination

Ms. Mikell asked to take a moment to recognize the late Mr. Ray Sansbury's contribution to both

the Board and the opticianry community. His passing signifies a great loss.

Due to Mr. Sansbury's passing, Ms. Buttler asked the Board for nominations of members to the IRC committee. Ms. Mikell nominated former board member, Milton Corley.

**MOTION:** To approve Milton Corley to the IRC committee pending his acceptance.  
Mikell/Gosnell/approved.

- e) Discussion and Action: Delegation of authority to Board Chair to issue C&D for unlicensed practice  
Ms. League reported that all boards within LLR are being presented with this new system. To streamline the process and provide quicker service to unlicensed individuals, the C&D order would not go through the steps of IRC review and Board review but would instead be reviewed internally first by OIE, then ODC, and then to OAC before being brought to the Board President for signature and issuance. The C&D order signed by the President would be the last step in the process and constitute a final order, not requiring Board review.

Motion: To approve delegation of authority to Board President to issue C&D for unlicensed practice.  
Inabinett/Mikell/approved.

- g) Guidance for FAQ of inactive licensee and CE Requirements  
LLR as a whole is working on a new website and in doing so, Ms. Buttler is currently reviewing all board information currently posted. A question was posed to the board regarding a inactive licensee returning to active status and the requirements regarding their CE hours. Ms. Buttler shared the Board Regulations regarding CEs and Inactive Licensee. After discussion, the Board provided clarification regarding 96-108, in that all licensees, including those in 'select inactive' status, must complete the four CE hours per year. To return to active status, a 'select inactive' licensee must pay the required fees as per Board Statute 40-38-260(B).

Motion: To approve the clarified wording for inclusion on the board FAQ section.  
Inabinett/Mikell/approved.

### **Public Comments**

There were no public comments

### **Announcements**

The next South Carolina Board of Examiners in Opticianry Meeting will be held August 1, 2019.

### **Adjournment**

MOTION To adjourn  
Brown/Mikell/approved.

The Board meeting was adjourned at 12:30 p.m.