

**South Carolina Department of Labor, Licensing and Regulation  
Board of Examiners in Opticianry  
Board Meeting Minutes  
August 1, 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  
Keith Hayes, Vice Chairman  
Grant Brown  
James L. Rhodes  
Emily Mikell  
John Hollis Inabinet

**SCLLR STAFF PRESENT:**

Mary League, Office of Advice Counsel  
Meredith Buttler, Administrator  
Emily Farr, Director of LLR

**PRESENT:**

Robin Dunn, Court Reporter  
Leah Anderson  
Anna Courson

**CALL TO ORDER:** Chairman Gosnell called the meeting to order at 9:03 a.m.

**APPROVAL OF AGENDA**

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

**APPROVAL OF ABSENT BOARD MEMBER**

No Board member absence

**APPROVAL OF MAY 30, 2019**

**Motion:** To approve the minutes from the May 30, 2019 meetings.  
Hayes/Inabinet/approved.

**DIRECTOR OF LLR**

Emily Farr, Director of LLR, introduced herself to the Board and thanked them for their Service. Director Farr, shared with the Board information regarding new agency website and logo. Ms. Farr invited board members to contact board staff should they see any information that needs updating on the website. Director Farr informed the board of new staffing in place and the restructuring of reports and processes to improve

accountability. Additionally, the agency is at the conclusion of a mandated review of board fees. Should the Opticianry Board be identified as needing to revise its fees, Director Farr and Director of Finance Abhijit Deshpande would attend a future meeting to share further information.

## **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 94 active opticians and 490 active-in-renewal opticians (495 in-state/89 out-of-state), 51 active contact lens dispensing opticians and 248 active-in-renewal contact lens dispensing opticians (251 in-state/48 out-of-state), and 80 active registered apprentices and 65 active-in-renewal registered apprentices.

Renewals opened on July 1, 2019 with renewal notices sent via email to all licensees who verified their email address and paper renewal notices sent to those who did not. Online renewals are due by midnight October 1, 2019. Ms. Buttler will be working with IT to have the online portal remain open till midnight October 31, 2019. Renewals submitted October 2 – 31, 2019 will be subject to a \$25 late fee. After October 31, 2019, licenses will be lapsed and a reinstatement application is required to active their license.

After close of renewals on October 1, 2019, a computer randomized audit will be conducted. A five percent audit will be conducted, resulting in roughly 30 licensed opticians and 15 licensed contact lens dispensers being selected for audit. For the next renewal cycle, licensees will be audited through the CE Broker system prior to being authorized to renew their license.

Ms. Buttler stated that we are in the final stages of the set up processes with CE Broker. Communications regarding the implementation of the CE tracking system have been approved and notification will begin later this month. Communication plan includes multiple eblasts throughout the next year, posting to the website, and inclusion in the upcoming newsletter. Licensees will have the next year to activate their free basic account. CE Broker does have paid plans which offer additional services to licensees.

The Board's current account balance as of May 31, 2019 is -\$321,264.13.

The SC Practical Examination was conducted at the SC Fire Marshall Academy on June 4, 2019. There were a total of 19 applicants that took the exam, 12 passed, 7 did not for a passing rate of 63%. This is on par with previous examinations, December 2018 was 65% and June 2018 was 53%. The average passing rate since 2009 is 55%.

Board seat elections are open for the two seats currently held by Mr. Grant Brown and Mr. James Rhodes. Election notices were sent at the beginning of July to all licensed opticians. The Board election petition forms are available on the board website. The deadline to received petitions is September 1, 2019. Should more than three candidates submit petitions, an election ballot will be distributed to active licensees with the top two candidates being sent onto the Governor's office.

The committee tasked by the Board at the May 30, 2019 to review the regulations regarding the apprenticeship program will be meeting this afternoon at 1pm. The committee is comprised of three board members and two licensed opticians with sponsor experience. The committee's recommendations will be brought to the Board for approval either in a special called meeting or at the next Board meeting.

We hope to be able to submit the approved revisions for legislative review by October 1, 2019. However, if additional time is need to ensure proper review, submission of the revised regulations will be postponed.

#### Advisory Opinions

None at this time

#### OIE Report

Ms. Buttler reported there are no open OIE cases.

#### IRC Report

Ms. Buttler reported there is no IRC report.

#### ODC Report

Ms. Butter reported that there are no cases pending at this time.

### **APPLICANT HEARING**

- a) Ms. Leah Anderson appeared before the Board for an Application Hearing. She was not represented by counsel. Ms. Anderson 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.

Inabinet/Brown/approved.

#### **Return to Public Session**

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

Inabinet/Rhodes/approved.

Board Vice Chairman, Keith Hayes, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** To deny Ms. Anderson's request to backdate the apprenticeship commencement date based on S.C. Code of Law 40-38-240(A)(2)(d) which requires the board to approve the apprenticeship before the apprenticeship commences. As such, the board does not have any discretion in this matter and cannot grant the request.

Inabinet/Rhodes/approved.

- b) Ms. Anna Courson appeared before the Board for an Apprentice Application Hearing, review of formal education program. She was not represented by counsel. Ms. Courson 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/Inabinet/approved.

### **Return to Public Session**

**MOTION:** For the Board to return to public session.  
Rhodes/Mikell/approved.

Board Vice Chairman, Keith Hayes, noted for the record that no votes or actions were taken while in executive session.

**MOTION:** To decline acceptance of the USC Sumter opticianry certification program given the lack of program substances and requirements of the course, as an element for the formal education requirement of the registered apprenticeship program.  
Inabinet/Brown/approved.

### **UNFINISHED BUSINESS**

#### a) ABO Hands on Practical Exam Review

Following the May 30, 2019 board meeting, Ms. Buttler and Mr. Brown reviewed the current South Carolina hands on practical examination administered by ABO and the ABO virtual practical exam. Mr. Brown reported to the board that the test was comparable to the current hands-on practical and that the practice examination questions were well written and accurate. Ms. Buttler shared with the board that she had assisted ABO Director of Examination, Randall Williams, with the set up and administration of the June 2019 practical examination. Based upon this, Ms. Buttler stated that the virtual practical examines the applicants on a broader range of technical skills and the adoption of the national practical would help to facilitate greater mobility of licensure for both South Carolina licensed opticians and those seeking to be licensed in the state. Ms. Buttler advised the Board that ABO was uncertain as to how much longer they could continue to offer the hands on practical due to the cost of the exam. Should ABO be unable to continue to offer the hands on exam, the board would either need to seek a new provider or create their own exam.

**MOTION:** To adopt the use of the ABO virtual practical exam beginning after the next scheduled hands-on practical taking place December 3, 2019. Implementation of the new exam should begin no later than June 2020.  
Inabinet/Hayes/approved.

### **NEW BUSINESS**

#### a) Approval of 2020 Board Meeting Dates

Ms. Buttler presented the proposed 2020 meeting dates. Mr. Inabinet requested a possible date change for the July 30, 2020 meeting.

**MOTION:** To adopt the 2020 proposed dates with a possible alternate for the July 30, 2020 meeting.  
Inabinet/Hayes/approved.

### **Public Comments**

There were no public comments

### **Announcements**

The next hands on practical exam will take place on December 3, 2019 at the Fire Academy in Columbia, SC.

The next South Carolina Board of Examiners in Opticianry Meeting will be held October 3, 2019.

**Adjournment**

MOTION To adjourn

Hayes/Brown/approved.

The Board meeting was adjourned at 12:00 p.m.