

**South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Opticianry
Board Meeting Minutes
October 3, 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

PRESENT:

Robin Dunn, Court Reporter
Ron Harbert

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

APPROVAL OF AGENDA

Motion: To approve the agenda.
Hayes/Rhodes/approved.

APPROVAL OF ABSENT BOARD MEMBER

No Board member absence

REVIEW OF LICENSE FEE ANALYSIS

Emily Farr, Director of LLR, and Abhijit Deshpande, Director of Finance for LLR, presented to the Board the results the legislative mandate to review fee. Per the Engine Act, the Agency is to review fees every three years; however, it has not been done since 2012. The comprehensive fee analysis completed by Mr. Deshpande and Mr. Patrick Jarvis, Finance Manager, reviews the Board on a biennial basis to determine the projected outcome for future years. With the developed program, the Finance department will also be able to track the actual numbers compared to the projections. Based on the review, it is being suggested to the Board that a fee increase is necessary in order to begin to chip away at the Board's deficit. Board members inquired as to the break down in expenses and how the monetary allocations for OIE and ODC are generated. Director Farr stated the breakdown of the direct and indirect expenses are present on the Board's financial statement that Ms. Buttler can provide. Across all boards, the expenses related to OIE and ODC are determined based upon the number of complaints each board receives. The expenses for those program areas are then distributed across the various boards based upon the percentage of the total

complaints/cases received. Mr. Hayes inquired as to where the Board deficit came from. Mr. Deshpande stated that due to updates to the State Controllers office, LLR could not go back past 2012 and is unable to identify exactly how expenses were accrued. Mr. Jarvis stated that at the time of the change to the current system the state accounting agency would have address any errors or inaccuracies in accounting that may have happened in the past.

DISCUSSION AND VOTE REGARDING AMENDING FEE REGULATIONS

Motion: To approve the amendment to the regulations for increase to the fees as proposed.
Hayes/Inabinet/approved.

APPROVAL OF AUGUST 1, 2019 BOARD MEETING, AUGUST 1, 2019 COMMITTEE MEETING, and AUGUST 30, 2019 SPECIAL CALLED BOARD MEETING

Motion: To approve the minutes from the August 1, 2019 Board Meeting, August 1, 2019 Committee Meeting, and August 30, 2019 Special Called Board Meeting.
Hayes/Inabinet/approved.

CHAIRMAN'S REMARKS

Mr. Gosnell stated he had none at this time.

STAFF REPORTS

Administrator Report

Ms. Buttler introduced Ms. Erica Diaz as the team's new Program Coordinator. Ms. Diaz came over from the Board of Nursing and will be assisting the team.

Ms. Buttler stated that to date the Board has 354 active opticians and 228 active-in-renewal opticians (202 in-state/26 out-of-state), 198 active contact lens dispensing opticians and 101 active-in-renewal contact lens dispensing opticians (90 in-state/11 out-of-state), and 103 active registered apprentices and 46 active-in-renewal registered apprentices.

The Board's current balance as of August 31, 2019 is -\$310,113.86.

Renewals closed on midnight October 1, 2019, with late renewals available online 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.

A computer randomized audit will be conducted in the coming weeks. 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 everything has been approved to announce CE Broker. Board staff are working to get the information up on the website prior to sending out the announcement. CE Broker has begun reaching out to course providers to assist in getting them signed up.

The Board seat elections are currently underway with a closure date of October 15, 2019. There will be a double blind count to ensure accuracy of numbers. After the votes have been tallied, Board staff will notify the Board and candidates for the results prior to submitting the letter to the Governor's office.

The next SC Practical Examination will be on December 3, 2019 at the SC Fire Marshall Academy. To date there are three applicants signed up for the exam. Ms. Buttler is reaching out to ABO regarding the process of approving eligibility for the online practical exams.

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.

NEW BUSINESS

a) Clarification of CE Requirement Annual vs. Biennial

Mr. Brown stated that there have been a number of questions regarding annual or biennial renewals, and whether continuing education classes should be attended annually. While the Board now conducts biennial renewals pursuant to 40-1-50, 40-38-260 provides for annual renewal and for an optician or apprentice to attend a minimum of four continuing hours yearly. The board discussed the issue, and asked for a report from the Board Administrator on the cost of returning to an annual renewal cycle. After further discussion regarding when continuing education hours should be obtained, board members emphasized that obtaining yearly continuing education ensures that the licensed opticians and apprentices are competent in the practice and abreast of advancements in technology within the industry. It was suggested that a letter of explanation be sent to all licensees stating that while the renewal cycle will remain on an biennial basis, the CE requirements must be met annual as per Board regulations and that disciplinary action may be taken for those found not to be in compliance.

MOTION: To move into executive session for legal advice.
Inabinet/Hayes/approved.

MOTION: To come out of executive session.
Hayes/Brown/approved.

MOTION: To send notification to licenses that 4 hours of continuing education shall be enforced on an annual basis as per Board statues and regulations.
Inabinet/Brown/approved.

AMDENDED MOTION:

To send notification to licenses that 4 hours of continuing education shall be enforced on an annual basis as per Board statues and regulations. The one hour of continuing education for contact lens disruption licenses is also included.
Inabinet/Hayes/approved.

b) CE Requirements: Timeframe between Apprenticeship completion and Initial Licensure

Mr. Brown stated that clarification needed to be provided regarding the apprenticeship and whether they are required to attain CE hours during the time period between the completion of the apprenticeship and licensure as an apprentice. Ms. Buttler stated that upon completion of the apprenticeship program and prior to licensure, the individual is not licensed with the Board and therefore not subject to the requirements of continuing education.

Mr. Brown additionally put before the Board the question of continuous practice and how it would be handled if the apprentice had an interruption in apprenticeship. Mr. Hayes confirmed that instances such as FLMA or military deployment was protected federally and therefore the Board would adjust the apprenticeship completion date accordingly. If there is change in employment, resulting in a gap in the program, the apprentice would be required to come before the Board for determination regarding continuance of the program.

Public Comments

Mr. Harbert thanked the Board for what they do and offered the Associations assistance in sending out eblasts.

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 January 16, 2020.

Adjournment

MOTION To adjourn
Brown/Hayes/approved.

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