

South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Opticianry
Teleconference Board Meeting Minutes
July 23, 2020 at 9:00 am

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. In accordance with the Governor's directives regarding social distancing, the meeting will be held via teleconference. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

BOARD MEMBERS PRESENT:

Daniel B. Gosnell, Chairman
Keith Hayes, Vice Chairman
Grant Brown
Emily Mikell
John Hollis Inabinet

SCLLR STAFF PRESENT:

Mary League, Office of Advice Counsel
Meredith Buttler, Administrator
Mark Sanders, Office of Investigation and Enforcement
Jody Rowland, Office of Investigation and Enforcement

PRESENT:

Sean Cary, Court Reporter
Ron Harbert, SC Association
Jim Morris, ABO
David Nemier
Theresa Matthews

CALL TO ORDER: Chairman Gosnell called the meeting to order at 9:02 a.m.

APPROVAL OF AGENDA

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

APPROVAL OF ABSENT BOARD MEMBER

Motion: To approve Jimmy Rhodes absence.
Brown/Hayes/approved.

APPROVAL OF BOARD MEETING MINUTES

Motion: To approve January 16, 2020 Board Meeting minutes.
Inabinet/Brown/approved.

CHAIRMAN'S REMARKS

Mr. Gosnell invited the Board and members of the audience to introduce themselves.

STAFF REPORTS

Administrator Report

Ms. Buttler stated that to date the Board has 463 active opticians in-state and 93 active opticians out-state, 239 active contact lens dispensing opticians in-state and 45 active contact lens dispensing opticians out-state, and 32 active registered apprentices and 76 active in renewal apprentices. Ms. Buttler provided the board with a breakdown of all pending applications and the number of licenses issued and reinstated since the last Board meeting.

The Board's current balance as of May 31, 2020 is -\$250,708.30.

Ms. Buttler reported the amended regulation submitted in September 2019 have been ratified and went into effect as of June 26, 2020. The regulation amended cleaned up the examination language and strengthen and expand the apprentice program. Revised apprenticeship forms and applications is to be presented to the Board for approval later in the meeting.

Ms. Buttler notified the Board that the board seat currently held by Mr. Keith Hayes is set to expire September 13, 2020. Notice of board election will be emailed out in the coming weeks. Ms. Buttler will be reaching out to the Association to help us spread the word as it has been identified that our email records need updating. The notice of election will be electronically sent due to limited Board staffing in the building. Should the call for nominations result in more than one nominee, paper ballots will be mailed out in accordance with the Board's previous request

Advisory Opinions

None at this time

OIE Report

Mr. Sanders reported there were no cases received nor cases closed for the first two quarters of 2020.

IRC Report

Mr. Sanders presented four cases for dismissal for the Board's consideration.

Motion: To approve the IRC report and the four cases for dismissal.
Hayes/Brown/approved.

ODC Report

On behalf of Ms. Brown, Ms. Butter reported that there are no cases pending at this time.

NEW BUSINESS

a) Approval of Revised Apprenticeship Applications and Forms

Ms. Buttler provided the Board with revised Registered Apprentice applications and forms. The applications and forms reflect the current amended Regulations. Ms. Mikell inquired as to how the current registered apprenticeship. It was discussed and agreed that all registered apprentices approved prior to June 26, 2020 would continue to conduct their apprenticeship per prior program parameters. Ms. Buttler will send notice to all apprentices approved after June 26, 2020 regarding the program changes.

MOTION: To approve the Registered Apprenticeship applications and forms and allow Board staff to make typographical changes as required.

Mikell/Hayes/approved.

Mr. Gosnell inquired as to how the current registered apprenticeships are being handled should their employment be paused due to the national health emergency. Ms. Buttler cited the current Board notice which allows the apprenticeship to be paused for the duration the apprentices was not able to be conducted due to office closures. The apprenticeship end date would then be adjusted to make up for the time.

b) SC Opticianry Association and Continuing Education Opportunities

Mr. Harbert presented to the Board a request to allow licensed opticians to obtain the eight (8) hours of continuing education, required for renewal, in one year rather than requiring four (4) hours in 2020 and four (4) in 2021. The Association is currently modifying its fall CE course offering and due to social distancing requirements, must limit the capacity. A second meeting date is being looked at but nothing is confirmed. As the Association is not able to guarantee attendance to all who request, consideration for those who are unable to attend an in-person CE course during 2020 is being made. The information was presented for the Board's information.

c) Review of Regulation 96-108 and the Board's Criteria for Online Continuing Education

Ms. League presented the request to the Board to consider the allowance of online continuing education to address the licensees who are unable to participate in in-person CEs due to the national health crisis. Ms. Buttler provided the Board with ABO approved online continuing education for consideration. In addition to the licensed opticians licenses, the Board is was asked to consider the apprentices who are required to renew each year and have been unable to attend course thus far in 2020.

MOTION: To enter into executive session for legal advice.

Brown/Mikell/approved.

Ms. Theresa Matthews was recognized by the Board prior to moving into executive session. Ms. Matthews shared with the Board her concerns over attending in-person CE courses and shared that her office has continued to remain closed due to health concerns. Ms. Matthews stated the North Carolina Board has waived all CE requirements for the current renewal cycle in response to the national health crisis.

MOTION: To enter into executive session for legal advice.

Mikell/Hayes/approved.

MOTION: To return to public session.

Hayes/Mikell/approved.

Mr. Gosnell stated no votes were taken during executive session.

MOTION: To accommodate the unique circumstances and allow the licensed opticians the option to attain their 2020 CE requirements in 2021, but because the registered apprentices renew annually, apprentices may attend ABO approved, technical course in-person or online for the year 2020.

Mikell/Hayes/approved.

Ms. Buttler was asked to post the Board's decision to the website and notify licensees via eblast.

CE WAIVER REQUEST

Mr. Nemier was present and stipulated his request was for a CE deferment till 2021. With the Board's motion, the matter was resolved.

PUBLIC COMMENTS

Mr. Morris with ABO reported to the Board on the implementation and incidents regarding the ABO Virtual Practical Exams. Mr. Morris informed the Board the examination for opticianry has been designated as an essential service and has been able to be continued to be conducted during the national health crisis.

ANNOUNCEMENTS

The next South Carolina Board of Examiners in Opticianry Meeting will be held October 29, 2020.

Adjournment

MOTION To adjourn
Brown/Mikell/approved.

The Board meeting was adjourned at 10:36 a.m.