

**South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Opticianry
Teleconference Board Meeting Minutes
October 29, 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

PRESENT:

Robin Reibold, Court Reporter
Leslie Hilton

CALL TO ORDER: Chairman Gosnell called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

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

APPROVAL OF ABSENT BOARD MEMBER

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

APPROVAL OF BOARD MEETING MINUTES

Motion: To approve July 23, 2020 Board Meeting minutes.
Inabinet/Brown/approved.

CHAIRMAN'S REMARKS

Mr. Gosnell welcomed all Board and public member on the call.

STAFF REPORTS

Administrator Report

Ms. Buttler stated that to date the Board has 472 active opticians in-state and 95 active opticians out-state, 242 active contact lens dispensing opticians in-state and 46 active contact lens dispensing opticians

out-state, and 74 active registered apprentices and 29 active in renewal apprentices. Registered apprentices are currently in the late renewal period, ending October 31, 2020. Following the end of the late renewal period, any non-renewed registrations will be marked as lapsed and apprentices sent notice. 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 September 3, 2020 is -\$261,197.78. Ms. Buttler informed the Board that the Regulations submitted to legislation which would raise the Board fees were not approved during the recent legislative session. In light of the national health crises, the Agency has retracted the amendments and will resubmit at a later date. The Agency will come back before the Board prior to resubmission.

Ms. Buttler shared that the recent board member seat election had concluded. The nominee receiving the majority of the votes and has been submitted for consideration for appointment to the seat for the term 09/13/2020 to 09/13/2024. Nominee submitted is Keith L. Hayes.

Advisory Opinions

None at this time

OIE Report

On behalf of Mr. Sander, Ms. Buttler reported through the third quarter of 2020, no cases have been received and four cases have been closed.

IRC Report

On behalf of Mr. Sanders, Ms. Buttler reported the IRC Committee did not meet as there were no cases for review.

ODC Report

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

APPLICATION HEARING

a) Leslie Hilton

Ms. Hilton appeared before the Board for a re-examination application hearing. She was not represented by counsel and was sworn in by the court reporter. Applications hearing are recorded by a certified court reporter in the event a verbatim transcript is necessary.

MOTION: To move into executive session for legal advice. Board administrator to join not for the purposes of discussion but to facilitate software.
Inabinet/Hayes/approved.

MOTION: To return to public session.
Mikell/Brown/approved.

MOTION: To defer the review of the reexamination application and require Ms. Hilton to submit a written statement outlining the additional work training and study by the next Board meeting, February 4, 2021. The Board will review and make a determination at that time.
Inabinet/Brown/approved.

Board members provided guidance to Ms. Hilton as to the various resources for additional training and test preparations courses and study materials.

NEW BUSINESS

a) Discussion Regarding Code of Ethics

Ms. League shared that the Agency has requested all Boards that do not currently have a code of ethics to review their statutes and regulations to determine if they need to promulgate. The code of ethics would serve to address issues of professional ethics not already addressed in statute. Ms. Buttler and Ms. League have conducted preliminary research on code of ethics for national opticianry organizations as well as neighboring licensing states. Mr. Gosnell stated that he could not remember a complaint or case coming before the Board that was not adequately addressed by the statutes and regulations.

MOTION: It is the Board's opinion that the Board's statutes and regulations provides licensees with ample guidance and an additional code of ethics is not required.
Gosnell/Mikell/approved.

b) Criminal History Guidelines for New Applicants: Delegation to Staff

In an effort to process applications in a timely and through manner, Ms. Buttler presented the Board with a request for delegation of approval to Board Administrator for any application containing criminal history greater than ten (10) years from the date of application. Ms. League reminded the Board legislation had been submitted that would not allow Boards to consider convictions occurring five (5) years prior to the application date. With the approval for delegations, any application with convictions applying to the profession or within ten (10) years from the date of application would be brought before the Board and dealt with on a case by case basis.

MOTION: To delegate authority to the Board Administrator to review and approve applications received indicating criminal history. Delegation is limited to criminal history involving misdemeanors and felony charges, not directly related to the practice of opticianry, greater than ten years from the date of application.
Gosnell/Hayes/approved.

c) Approval of 2021 Board Meeting Dates

The proposed Board meeting dates for 2021 are February 4, May 27, August 5 and November 4. All meetings would be held at LLR headquarters at 9am in room 204.

MOTION: To approve the 2021 meeting dates.
Inabinet/Brown/approved.

PUBLIC COMMENTS

No public comments.

ANNOUNCEMENTS

The next South Carolina Board of Examiners in Opticianry Meeting will be held February 4, 2021.

Adjournment

MOTION To adjourn
Hayes/Mikell/approved.

The Board meeting was adjourned at 10:12 a.m.