

**South Carolina Department of Labor, Licensing and Regulation  
Board of Examiners in Opticianry  
Board Meeting Minutes  
August 5, 2021 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. Members of the public who wish to attend may do so by live stream. Contact the Board office at [contact.optometry@llr.sc.gov](mailto:contact.optometry@llr.sc.gov) for live stream access information.

**BOARD MEMBERS PRESENT:**

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

**SCLLR STAFF PRESENT:**

Emily Farr, Agency Director  
Abhijit Deshpande, Director of Finance and Procurement  
Mary League, Esq., Office of Advice Counsel  
Meredith Buttler, Administrator  
Shelby Sutusky, Esq., Office of Disciplinary Counsel  
Lorie Graham, Office of Investigations and Enforcement

**PRESENT:**

Tina Behles, Court Reporter  
Jim Morris, ABO/NCLE

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

**APPROVAL OF AGENDA**

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

**APPROVAL OF ABSENT BOARD MEMBER**

No absences

**APPROVAL OF BOARD MEETING MINUTES**

**Motion:** To approve May 27, 2021 Board Meeting minutes.  
Mikell/Gosnell/approved.

**SCDLLR FINANCIAL REPORT**

Director Farr presented the Board with an update on the amended SC Regulations Chapter 10, section 27, approved by the Board at the October 3, 2019 meeting. Director Farr stated the Agency's finance department had developed a model to forecast the Board's financial balance and at that time had

determined a fee increase was required. Due to the national health crisis, the fee change regulations were pulled from legislative consideration and the financial model developed further. Upon further analysis, it was determined that a fund transfer to the Board and a refinement of Board expense would put the Board on a pathway to attain a positive cash balance report in the next five years. As such the fee change amendments will not be submitted to the legislature.

### **CHAIRMAN'S REMARKS**

Mr. Hayes thanked the Board members for attending the meeting. Prior to the meeting, Mr. Hayes stated he had reached out to Ms. Buttler regarding questions about reciprocity with other states and clarification of what the requirements are for applicants licensed in other states applying in South Carolina. Further discussion will be made during the practical exam agenda item later in the meeting.

### **STAFF REPORTS**

#### Administrator Report

Ms. Buttler reported to date, the Board has 77 active opticians in-state, 419 active in renewal opticians in-state, 23 active opticians out of state, 81 active in renewal opticians out of state, 37 active contact lens dispensing opticians in-state, 215 active in renewal opticians in-state, 10 active contact lens dispensing opticians out of state, 40 active in renewal contact lens dispensing opticians out of state, 73 active registered apprentices and 48 active in renewal registered apprentices.

The Board's current balance as of June 30, 2021 is -\$274,960.06. Ms. Buttler stated the cash balance report did not reflect the fund transfer Director Farr had referenced earlier.

Ms. Buttler reported renewals opened July 1, 2021. Licenses expire October 1, 2021 and the online renewal portal will remain open until the end of the late renewal period which is midnight October 31, 2021. Following the close of late renewal period, licensees are required to submit a reinstatement application.

Following the close of the late renewal period, the Board office will conduct a 10% CE audit. Licenses who selected for the audit will be sent notice and required to submit proof of CE compliance to the Board office.

At the last board meeting, the Board requested a legislative update. For the 2020-2021 Legislative session, there were no bills that directly affected the Board. The proviso mentioned at the previous meeting regarding reducing the education level for apprenticeships was not passed.

#### OIE Report

On behalf of Mr. Sander, Ms. Graham reported for the period from January 1, 2021 to July 20, 2021, three complaints were received, two cases opened, zero cases closed, and zero active investigations.

#### IRC Report

On behalf of Mr. Sanders, Ms. Graham reported the IRC Committee met on July 15, 2021 and presented the Board with two cases for dismissal. Mr. Hayes inquired as to the nature of most of the complaints submitted to the Board. Ms. Graham stated the majority of the complaints submitted to the Board are in reference to proper supervision of an unlicensed or licensed personnel.

**Motion:** To two cases for dismissal.  
Brown/Rhodes/approved.

## ODC Report

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

### **NEW BUSINESS**

#### a) Review of ABO Online Practical Examination

Mr. Hayes stated the Board has been utilizing the ABO Virtual Practical for over a year and requested review and discussion regarding the continued use of the exam. Provided for the Board members review was the breakdown of the passing rates of both the previous hands-on exams and the ABO virtual practical. Ms. Buttler stated that since utilizing the virtual practical, the application processing time has decreased from 117 day in 2019 to 46 days in 2021. Ms. League informed the Board that no complaints for substandard work had been filed with the Board since utilization of the ABO practical showing the practical to be a sufficient test in competency. Mr. Jim Morris with ABO was recognized by the Board. Mr. Morris stated the targeted passing rate as stipulated by the psychometric analysis is 65-70%. At this time applicants in South Carolina are hitting this target showing the exam to be a valid screening tool for competency. In 2020, ABO adopted remote testing which is a combination of artificial intelligence and live proctor viewing. To date only once issue has arisen for SC applicant and it was addressed and applicant made eligible for reexamination. Mr. Morris provided information on the other twelve states utilizing the ABO virtual practical.

Mr. Hayes inquired as to the requirements for applicants who are licensed in another jurisdiction and if they are presenting continuing education equivalent to South Carolina licensure. Ms. League reviewed with the Board the requirements for licensure, highlighting the requirement to submit continuing education was not a part of initial licensure. Ms. League stated that if an applicant has met the requirements outline in SC Code of Law Section 40-38-240 and has passed the ABO Virtual Practical, then the applicant is granted licensure. Those applicants who have taken any practical other than the ABO Virtual Practical would be required to pass the virtual practical prior to licensure. Adopting of the ABO Virtual Practical has increased licensure mobility for the Board. Discussion ensued regarding the Board's ability to establish reciprocity agreements with other licensing jurisdictions. Ms. League stated the Board did not have the statutory authority to enter into reciprocity agreements and to change any of the initial licensure requirements, it would take a statutory change.

### **PUBLIC COMMENTS**

No public comments.

### **ANNOUNCEMENTS**

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

### **Adjournment**

MOTION To adjourn

Gosnell/Mikell/approved.

The Board meeting was adjourned at 10:05 a.m.