

South Carolina Board of Examiners in Opticianry
Board Meeting Minutes
August 4, 2022 at 9:00 am
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

Public Notice of this meeting was properly posted at the Opticianry Board Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act, Section 30-4-80.

BOARD MEMBER PRESENT:

Mr. Keith Hayes, Chairman
Mr. Grant Brown, Vice Chairman
Ms. Emily Mikell
Mr. Daniel Gosnell
Dr. James Rhodes

SCLLR STAFF PRESENT:

Mary League, Esq., Office of Advice Counsel
Meredith Buttler, Administrator
Ashlynn Kirk, Administrative Assistant

PRESENT:

Robin Reibold, Court Reporter
Marcelle Grzunov
Cory Davis
Wesley Scott, SCAO

CALL TO ORDER: Chairman Hayes called the meeting to order at 9:11 am.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Rhodes/Brown/Approved.

Board Mission and Member Statistics

Mr. Hayes read aloud the Board Mission: The mission of the Board of Examiners in Opticianry is to promote the health, safety and economic well-being of the public through regulation and licensing of opticians, contact lens dispensing opticians and registered apprentices. The Board also investigates complaints and conducts application and disciplinary hearings in accordance with statute and regulation.

Mr. Hayes also provided a Board Member Status Update:

At this time there is one vacant seat: the Public Member. There are three expired seats: the public member seat and two optician seats. Elections were held for the board seat term expiring May 11, 2022. Ms. Emily Mikell was the winner of the election and her information was submitted to the Governor's office on June 22, 2022. The Board is currently accepting petitions for nomination for the optician seat term expiring September 13, 2022. Information on how to submit a petition can be found on the Board website.

Interested individuals wishing to serve as a public member may submit a cover letter and resume to the SC Office of Boards and Commissions. Per SC Code of Law 40-38-10(B), terms of the members are for four years and until their successors are appointed and qualify.

INTRODUCTION OF BOARD MEMBERS

Mr. Hayes introduced the Board members.

APPROVAL OF EXCUSED MEMBERS

Motion: To approve Mr. Inabinett's absence.
Brown/Rhodes/Approved

APPROVAL OF BOARD MEETING MINUTES

Motion: To approve May 12, 2022 Board Meeting minutes.
Gosnell/Mikell/Approved.

STAFF REPORT:

Administrator Report

Mrs. Buttler reported to date, the Board has 513 active in-state optician licensees, 54 active out-state optician licensees, 0 inactive optician licensee, 259 active in-state contact lens dispensing licensees, 22 active out-state contact lens dispensing licensees, 0 inactive contact lens licensee and 158 registered apprentices.

The Board's current cash balance as of June 30, 2022 is \$139,587.88.

Office of Investigations and Enforcement Report

On behalf of Mr. Sanders, Mrs. Buttler reported for the period from February 1, 2022 to July 18, 2022, there 1 active investigations, 0 closed cases and 2 complaints received.

Investigative Review Committee Report

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

Office of Disciplinary Counsel Report

On behalf of Ms. Sutusky, Mrs. Buttler reported as of May 2, 2022, there are 0 open cases, 0 pending hearings and agreements, 0 pending closure, 0 appeals.

APPLICATION HEARINGS

a. Cory Davis

Mrs. Davis appeared before the Board for an application hearing. She was not represented by counsel and was sworn in by the court reporter. Applications hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter an executive session for legal advice.
Mikell/Rhodes/Approved.

Motion: To return to public session.
Mikell/Rhodes/Approved.

Motion: To approve application and make eligible to take the Practical Exam.
Brown/Gosnell/Approved.

b. Marcelle Grzunov

Mrs. Grzunov 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 hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter an executive session for legal advice.
Mikell/Brown/Approved.

Motion: To return to public session.
Mikell/Gosnell/Approved.

Motion: To allow Mrs. Grzunov to re-take the Practical Exam.
Mikell/Brown/Approved.

NEW BUSINESS

a. Employer Statement of Practice Affidavit

Mrs. Buttler presented the Employer Statement of Practice Affidavit, this affidavit and statement of practice form was created by Team Lead Ashlynn. This affidavit would pertain to applicants from non-licensing states who must include a notarized statement from their employer verifying that they have been engaging in the practice of opticianry for the two years and providing details of the work performed with their application

Mrs. League stated that this form conforms to the statutes and the Board will still have these applicants come before the Board for application hearings.

Mr. Brown asked if there was a way to combine the information from the apprenticeship evaluation checklist with the employer statement of practice affidavit.

Mrs. League advised that the statutes do not give the Board latitude to deny an individual who has practiced out of state in a non-licensing state the ability to move forward with the licensing process based on the tasks outlined in apprenticeship program.

Mr. Brown asked how is the Board able to judge an applicant from a non-licensing state's experience without knowing what the applicant can do.

Mrs. League explained that the Board could ask them to briefly describe what their experience was, but since the applicant will be coming before the Board for an application hearing, the Board can ask these questions then.

Ms. Mikell stated that this documentation is to be verification that the employer confirms this applicant had performed the duties of an optician.

Based upon Board discussion, Mrs. League clarified that the form could be amended to include the statement: "Briefly describe the opticianry activities the applicant has been engaged in"

Motion: To Approve the Employer Statement of Practice Affidavit, with the amendment, for inclusion in the application packet.
Brown/Mikell/Approved.

b. Review: Foreign Education Requirements and Board Processes

Per Board request, Mrs. Buttler presented the procedures for handling of applications with foreign education. Currently applications containing foreign education are submitted to the Board chair for review and approval. If approval cannot be given, an application hearing is arranged.

Mrs. Buttler requested clarification from the Board on procedures for handling of applications with foreign education if the Board has a deviation from the current process or if the current process is acceptable.

Motion: To approve the current process as presented.
Brown/Mikell/Approved.

c. Regulatory Review

Mrs. League explained LLR is required by law to conduct a regulatory review for each Board, every five years. Each Board must determine if any regulation needs to be repealed, revised or amended, or are sufficient as is. Mrs. League also advised that the

Board does not need to make any decisions regarding change to the regulations today, or confirmation that they are going to. A report will be prepared and provided to the Governor that states the Board has reviewed the regulations and identifies any regulations that may be amended or struck and any regulations that are sufficient as is. For any section the Board identifies as needing review, a notice of drafting will need to be published. Once this is done the Board can possibly put together a committee/task force to review the regulations or review the regulations at a future Board meeting. The approved amendments would then be submitted and go through the legislative process.

Mrs. Buttler identified certain sections that may be in need of revisions/review during the Regulatory Review. Sections 104, 107, 108, 109 contain sections that are duplicative to Statute, need regulations to match Board Policy, or updating website links.

Motion: To provide report for Regulatory review to include: Revise or repeal to section 104, Revise sections 107, 108, 109, remaining sections are sufficient as are to protect the public. The Board chair was delegated authority to sign off on the Regulatory Review Report.
Brown/Mikell/Approved

PUBLIC COMMENTS

No Public Comments

Mr. Brown questioned if the Governor has signed Board appointments and if not, where is the Governor at in the process. Mrs. Buttler stated she has not received an update regarding the Governor's appointments. She will reach out to the Government liaison for an update. At this time it is documented that the appointment has been submitted and members of the public and potential appointees are free to contact the Governor's office as well.

ANNOUNCEMENTS

No announcements.

ADJOURNMENT

Motion: To adjourn.
Mikell/Rhodes/Approved.

The meeting was adjourned at 11:18 am.