

SOUTH CAROLINA BOARD OF EXAMINERS IN OPTICIANRY
BOARD MEETING MINUTES

August 3, 2023, 2023 at 9:00 AM

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
Mr. James Rhodes
Mr. John Inabinet

SCLLR STAFF PRESENT:

Mary League, Esq., Office of Advice Counsel
Tracy Adams, Administrator
Jacquelyn White, Program Coordinator
Ervin Bond, Office of Investigations and Enforcement
Donnell Jennings, Esq., Office of Investigations and Enforcement

PRESENT:

Robin Reibold, Court Report
Charles Towe
Stephanie Forest, Costco Optical
Meghan Hall
Wesley Scott, SCAO
Jayne Sommers, SCAO
Jason Grubb, CE Broker
Deb Carter, CE Broker

CALL TO ORDER: Mr. Hayes, Chairman called the meeting to order at 9:04 am.

APPROVAL OF AGENDA

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

BOARD MISSION AND MEMBER STATISTICS

Mr. Hayes presented the mission statement for the Board and provided information regarding filled, expired and vacant Board seats.

At this time there is one vacant seat: The Public Member. There are three expired seats: the public member seat and two optician seats.

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

The Board members introduced themselves.

APPROVAL OF EXCUSED ABSENCES

No members were absence.

APPROVAL OF BOARD MEETING MINUTES

Motion: To approve May 11, 2023 Board Meeting minutes.
Rhodes/Brown/Approved.

STAFF REPORT

Office of Investigations and Enforcement Report Statistical Report

Mr. Bond reported for the period of April 27, 2023 through July 21, 2023. No active investigations, one (1) case was closed and zero (0) complaints received.

Office of Investigations and Enforcement IRC Report

Mr. Bond reported the IRC Committee met July 20, 2023 and presented the Board with one (1) case for dismissal.

Motion: To accept the case for dismissal.
Brown/Inabinet/Approved.

Office of Disciplinary Counsel Report

Ms. Adams reported on behalf of Ms. Shelby Sutusky. As of July 24, 2023, there are zero (0) open cases, zero (0) pending hearings and agreements, zero (0) pending closure, and zero (0) appeals. As of January 1, 2023, there were zero (0) closed cases. As of May 2, 2023, there were zero (0) closed cases.

HEARINGS

a. Charles Towe

Mr. Towe appeared before the Board for a reinstatement application hearing. He was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

EXECUTIVE SESSION

Motion: To enter an executive session.
Brown/Gosnell/Approved.

RETURN TO PUBLIC SESSION

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

Motion: To reinstate license with the condition of all required continuing education hours are completed and sent to the Board Executive for the period of 2018 through 2022. All appropriate fees paid.

Brown/Mikell/Approved.

b. Megan Hall

Ms. Hall appeared before the Board for a CE Waiver request hearing. She was not represented by counsel and was sworn in by the court reporter. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

EXECUTIVE SESSION

Motion: To enter an executive session.

Rhodes/Mikell/Approved.

RETURN TO PUBLIC SESSION

Motion: To return to public session.

Rhodes/Brown/Approved.

Motion: To approve the online hours presented to the Board under Regulation 46-108 based on unique circumstance.

Inabinet/Rhodes/Approved.

REPORT

Administrator's Report

Ms. Adams reported as May 11, 2023 through July 29, 2023, the Board has 586 active optician licensees, 38 inactive optician licensees, 283 active contact lens licensees, 28 inactive contact lens licensees, and 155 registered apprentices.

Ms. Adams reported all licensees are currently in the renewal period. As of July 1, 2023, there are 80 active optician licensees, 42 active contact lens licensees, and 57 active apprentices that have renewed their license.

The Board's current cash balance as of April 30, 2023 is \$128,438.89.

NEW BUSINESS

a. Legislative Update

As of May 26, 2023, the Board's ratification went into effect.

b. H.3605

1. Respondents will be notified of the identity of Complainant and the materials provided at the time of the respondent being notified. The exception to this change will determine if there is "Good Cause" to withhold the identity of the complainant.
2. The Bill also restricts what can be considered on criminal conviction(s) for applicants, unless the conviction(s) directly relate to the profession.
3. The US Department of Labor has opened up an additional pathway for licensure through approved apprenticeship. More information will be coming concerning this.

c. Good Cause Designee

Each Board will need a Designee to make the decision whether the complainant's identity should be withheld.

Motion: To approve Board chairperson as designee and the vice chairperson and secondary.
Inabinet/Rhodes/Approved.

d. Apprentices' Renewal

Ms. Adams reported we are in the process of adjusting the renewal period of apprentices. The renewal date will be a full year from date of issuance.

e. Elections

1. Board Member Elections

Ms. Adams reported elections are to be held for the expired seats. An eblast will be released, requesting nominations for Mr. Browns and Mr. Rhodes seats. Both have submitted petitions for re-election

2. Board Member Voting Options

The Board recommended using Paper Ballots for the election.

f. CE Broker Presentation

Mr. Jason Grubb and Ms. Deb Carter presented the process of creating an account with CE Broker. The instructions will be sent to Ms. Adams to disseminate to licensees. Mr. Grubb is willing to conduct a webinar training to help the licensees set up their accounts. CE Broker has been contracted by the agency and licensees are to submit their CE's to CE Broker by the next renewal cycle.

g. Continuing Education/Renewals

Ms. Adams reported that licensees have contacted the Board due to not having enough CE hours for the upcoming renewal cycle. The licensees are requesting the ability to take online courses since there will not be another opportunity to complete in-person CE's before the October 1, 2023 deadline.

Mr. Hayes reported the Board has been clear regarding continuing education hours being done in person only. Licensees can complete their CE's in other states, as long as they are ABO approved. It's the responsibility of the licensees to get their hours.

EXECUTIVE SESSION

Motion: To enter an executive session.
Brown/Inabinet/Approved.

RETURN TO PUBLIC SESSION

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

Mr. Scott stated the SC Association of Opticians will discuss adding an additional session between now and October 2023. Mr. Scott reported that the association offers sessions in January, April, May and June.

h. Website/Forms

Ms. Adams reported her team is in the process of updating forms and the website, to reflect the changes in Regulations

PUBLIC COMMENTS

Ms. Forest asked if opticians should verify prescriptions. Ms. League provided that the Board could not provide legal advice.

This will be placed on the next agenda, if needed.

ANNOUNCEMENTS

The next meeting will be Thursday, November 2, 2023, with a possibly a Special Call meeting beforehand.

ADJOURNMENT

Motion: To adjourn.

Brown/Rhodes/Approved.

The meeting was adjourned at 12:10 am.