

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
Board of Examiners in Opticianry
Board Meeting Minutes
February 15, 2018
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Opticianry, Synergy Business Park, Kingstree Building 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. A quorum was present at all times.

BOARD MEMBERS PRESENT:

Daniel B. Gosnell, Chairman
Keith Hayes, Vice Chair
Grant Brown
Emily Mikell
James L. Rhodes

VACANT POSITION:

Public Member (One)

BOARD MEMBERS ABSENT:

John Hollis Inabinet, Esquire, Public Member

SCLLR STAFF PRESENT:

Mary League, Esquire, Office of Advice Counsel
April Koon, Board Administrator
Missy L. Jones, Administrative Assistant
For ODC Report:
Tina Brown, Esquire, Office of Disciplinary Counsel

PRESENT:

Robin Reibold, Court Reporter
Tina Maynard, Applicant
Tommy Maynard

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

APPROVAL OF AGENDA: A **motion** was made by Mr. Hayes to accept the February 15, 2018 Agenda. The motion was seconded by Mrs. Mikell and carried unanimously.

APPROVAL/DISAPPROVAL OF ABSENT BOARD MEMBER(S): All Board members approved the absence of Mr. Inabinet from this meeting.

APPROVAL OF MINUTES: A **motion** was made by Mr. Rhodes to accept the October 19, 2017 minutes as written. The motion was seconded by Mrs. Mikell and carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) STATISTICAL REPORT: Mrs. Koon presented the IRC Statistical Report. There were a total of 12 cases. Six cases are actively being investigated. Two cases have been closed. One case is pending Board action. Three cases were not opened. The Board accepted this as information.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Mrs. Koon reported to the Board there will not be an Investigative Review Committee Report because the previously submitted case must return back before the IRC for further review.

OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT: Ms. Brown reported there were no cases pending in the Office of Disciplinary Counsel.

LEGISLATIVE UPDATE: Mrs. Koon reported to the Board there were no legislative updates at this time. Mr. Brown presented to the Board a draft of proposed law changes the Board worked on in 2015 and asked for guidance on how to move forward with those changes. Mr. Gosnell stated the updated draft of proposed law changes was presented to the legislator. Mrs. Koon stated that the proposed law changes did not pass. Mrs. League confirmed that the proposed law changes did not pass and that nothing has been done moving forward because there wasn't a sponsor to reintroduce the proposed changes. Mrs. League suggested the Board put together a task force to discuss the proposed changes. Although the Board can't take a specific position in it, they can put together suggestive language with the help of stakeholders like the Optometric Association who can then propose legislation. The Board carried this item over to the next scheduled Board meeting.

REINSTATEMENT APPLICATION HEARING – TINA MAYNARD: A **motion** was made by Mr. Brown to go into Executive Session for legal advice. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was made by Mr. Hayes to come out of Executive Session. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was by Mr. Hayes to reinstate the apprenticeship for Tina Maynard under the following stipulations:

Ms. Maynard has qualified 10 hours of CE. She didn't turn in CE hours for 2014 so that means she will need a total of 16 CE hours. Before apprenticeship takes effect, she must get 6 hours and must obtain those hours at the South Carolina Association of Opticians meeting held in April 2018. The apprenticeship program will offer 4 CE hours and the lensometer course will offer 2 CE hours. The State Association can help with signing up for these courses. All reinstatement fees are due as in the regulations for the time period she was out would need to be up to date. She would need to test in 2018 as per the regulation and if she doesn't pass that test, the apprenticeship would start over. The motion was seconded by Mr. Rhodes and carried unanimously.

REPORTS / INFORMATION

Information provided by Ms. Koon concerning the following topics:

- **Licensee Totals Report** – 516 S.C. licensed opticians; 439 opticians practice in S.C.; 77 practice out-of-state, 113 registered apprentices.
- **S.C. Practical Examination** –Twenty-nine candidates signed up for the December 5, 2017 S.C. Practical Exam. Fourteen candidates passed the exam. Ten candidates failed the exam. Five candidates were no show for the exam.
- **Financial Report** – presented as information.
- **Travel Budget** – The Director reviewed travel budgets for all Boards at LLR and allowed the Opticianry Board an approved 2018 budget of \$ \$1,850.

UNFINISHED BUSINESS

APPOINTMENT OF IRC MEMBER: Mr. Gosnell stated that Milton Corley was not interested in becoming an IRC Member at this time. Mrs. Koon reached out to Neal Higgins. Mr. Higgins requested some time to think about taking on this role as an IRC Member. If Mr. Higgins declines the appointment, Mrs. Koon will reach out to Patrick Forth.

REVIEW OF BOARD APPROVED APPRENTICE FORMAL EDUCATION PROGRAMS: The Board reviewed four apprentice formal education programs previously approved by the Board for updates. The Board accepted this as information.

NEW BUSINESS

CONTINUING EDUCATION AUDIT – NON COMPLIANCE: Mrs. Koon asked the Board for guidance on how to handle licensees who are non-compliant with the continuing education audit. The Board stated if a licensee is out of compliance with the continuing education audit, they must be held accountable on an individual basis and go through the complaint/IRC process.

CE BROKER: Mr. Sitterle gave a presentation on tracking continuing education through CE Broker which is in a contractual agreement with LLR to monitor and provide 100% audits for all licensees of LLR. This was accepted by the Board as information. The Board carried this item over to the next scheduled Board meeting.

LEGAL ADVICE REGARDING SUPERVISION OF ASSISTANTS (EXECUTIVE SESSION): A **motion** was made by Mr. Hayes to go into Executive Session for legal advice. The motion was seconded by Mr. Brown and carried unanimously. A **motion** was made by Mr. Hayes to come out of Executive Session. The motion was seconded by Mrs. Mikell and carried unanimously.

STATEMENT OF ECONOMICS INTEREST REPORT: Mrs. Koon reminded the Board the 2018 Statement of Economics is due March 31, 2018.

ELECTION OF BOARD OFFICERS: A **motion** was made by Mr. Hayes to appoint Mr. Gosnell as the Chair for the Board. The motion was seconded by Mr. Rhodes and carried unanimously. A **motion** was made by Mrs. Mikell to appoint Mr. Hayes as the Vice-Chair for the Board. The motion was seconded by Mr. Brown and carried unanimously.

PUBLIC COMMENTS

There were no public comments.

ANNOUNCEMENTS

The next South Carolina Board of Examiners in Opticianry Meeting will be held May 17, 2018.

The next South Carolina Practical Examination will be administered June 12, 2018, at SC Fire Academy, 141 Monticello Trail, Columbia, South Carolina.

ADJOURNMENT

A **motion** was made by Mr. Brown to adjourn the meeting at 11:31 a.m. The motion was seconded by Mr. Hayes and unanimously carried.

These minutes are a record of the official actions taken by the Board and a summary of the meeting.