

STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE BOARD OF EXAMINERS IN OPTICIANRY

IN THE MATTER OF)
)
Board Meeting)
Discussion of Board Business)
) TRANSCRIPT OF DISCUSSIONS
)
)
)

Given before Tina F. Behles, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, commencing at 9:03 a.m. on Thursday, September 22, 2011 at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

Reported by:
Tina F. Behles, CVR

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A P P E A R A N C E S

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Board Members: Daniel B. Gosnell, Chair
Margaret Louise Chapman
C. Milton Corley, Jr.
James L. Rhodes
William McKinney Whitlock

For the State: N/A

For the Petitioner: N/A

Advising the Board: James C. Saxon, Esquire (LLR)

Also present: Angela Combs, Administrator

Reported by: Tina F. Behles, CVR

1 PROCEEDINGS

2 MR. GOSNELL: I'd like to call the meeting of the
3 South Carolina Board of Examiners in
4 Opticianry to order. Is there a motion that
5 we approve the agenda?

6 MR. WHITLOCK: Make a motion.

7 MR. CORLEY: Second.

8 MR. GOSNELL: All in favor?

9 BOARD MEMBERS: Aye.

10 MR. GOSNELL: All right. All of you received copies
11 of the minutes from the board meeting of May
12 the 26th, 2011. Is there a motion that we
13 accept these meeting ---

14 MR. WHITLOCK: Make a motion to accept the minutes.

15 MR. CORLEY: Second.

16 MR. GOSNELL: All in favor.

17 BOARD MEMBERS: Aye.

18 MR. GOSNELL: Okay. All right. Now, we have a --
19 go to a hearing of reinstatement.

20 (The Board adjourns at 9:11 a.m. for a hearing on a Motion
21 for Reinstatement).

22 (The Board reconvenes in public session at 9:32 a.m.)

23 MR. GOSNELL: Okay. We're ready for our
24 administrative report from Ms. Combs.

25 MS. COMBS: Okay. Our licensing totals, we have 524

1 opticians currently licensed; 249 contact lens
2 dispensers; and 98 apprentices. As you all
3 know, we are currently in renewals. 307 have
4 not yet renewed. Of course, that's fine, you
5 know, they've got -- the late fees will be
6 started to be charged October 2nd through the
7 end of the month, and licenses do not lapse
8 till November 1st.

9 We will do a continuing education audit.
10 We will pick 15% -- now that will not be done
11 until probably sometime in November because we
12 let people -- if they want to renew late, they
13 can renew late. So the, the continuing
14 education audit will be in -- after the first
15 part of November, and it's 15%.

16 Office of Investigations and Enforcement
17 Report, we have one case that's under active
18 investigation. And that's all that we have --
19 that this Board has. Nothing in Office of
20 General Counsel Report and no cases residing
21 there.

22 There is a financial report under Tab 4
23 and that goes back to the fiscal year '10. Of
24 course feel free, if you'd like, to take that
25 home and study it or if you have any

1 questions, I'll be happy to answer that or get
2 an answer for you. And that's for, you know,
3 just information.

4 Okay, I'm very happy to report that all
5 Board member appointments are up to date.
6 That's good. And next expiration -- I don't
7 like to put it that way, but Mac's will be
8 September next year, '12, so we'll have to,
9 you know, we'll address that when it gets a
10 little bit closer.

11 MR. SAXON: Angie, just for my edification ---

12 MS. COMBS: Sure.

13 MR. SAXON: --- who's the newest member, Ms.
14 Chapman?

15 MS. COMBS: Yes.

16 MR. SAXON: How long have you been on?

17 MS. CHAPMAN: What a year, just approved ---

18 MR. GOSNELL: Well, actually we -- were you
19 appointed last year?

20 MR. CORLEY: I was reappointed this year, but my
21 term -- my original term doesn't expire until
22 September, but I've already been reappointed
23 for another term.

24 MR. SAXON: Nice when that happens.

25 (Multiple speakers).

1 MR. RHODES: I got my reappointment last month.

2 MR. SAXON: Mr. Rhodes, I'm Jamie Saxon. I'm your
3 advice counsel. I didn't get to introduce
4 myself to you formally.

5 (Mr. Saxon indicates to go off the record).

6 MR. GOSNELL: Angie?

7 MS. COMBS: Okay, just a couple more things under
8 this. I assume you all received information
9 on the LLR Board Member Symposium. And that's
10 gonna be October the 11th. Of course it's
11 here in Columbia. It's not at this location;
12 it is at the Fire Academy in ---

13 MR. SAXON: And use your GPSs or Google Map because
14 you can't get there from here.

15 MS. COMBS: And I can get some detailed information
16 to you with all the directions and everything.

17 MR. SAXON: And, Angie, along that line, one of the
18 things that Ms. Templeton has, has decided --
19 and I think probably in a good way -- is that
20 a lot of what we do should be governed by --
21 we should run our hearings and board meetings
22 along the lines of Robert's Rules of Order.
23 Well, I don't know about y'all, but it's been
24 a long time since my eighth grade Robert's
25 Rules of Order instruction. So there will be

1 part of that that includes some instruction on
2 Robert's Rules. That may be helpful to you.

3 MS. COMBS: Okay. And of course, as y'all know, the
4 next South Carolina Practical Exam is December
5 the 5th. Of course, Dr. Ferguson will be
6 administering that. Okay.

7 MR. GOSNELL: What was the pass rate on the last
8 exam?

9 MS. COMBS: The last one, about 45% passed.

10 MR. GOSNELL: Okay.

11 MS. COMBS: The one before that was 50%. The one
12 before that was 45, and the one before that
13 was 60% passed.

14 MR. GOSNELL: Sure is good to get that out of our
15 hands; isn't it?

16 MS. COMBS: That would be great. And Jon Bright is
17 here. He's out there.

18 MR. GOSNELL: No, I'm talking about the way we used
19 to have to do it.

20 MS. COMBS: Oh, oh, I see what you're saying. Oh my
21 goodness, yes.

22 MR. GOSNELL: There is no unfinished business?

23 MS. COMBS: Right. Correct.

24 MR. GOSNELL: New business: Commission on Opticianry
25 Accreditation.

1 MS. COMBS: I think it's in another letter -- not
2 too long ago they sent something real similar
3 and that's under Tab 5. They had some --
4 wanted your input if you had any thoughts or
5 comments on it. What they were wanting to --
6 they were recommending -- it's very little
7 change. It's the second sheet. They were
8 adding -- under the general education content
9 area, they were adding social science. It
10 originally was behavioral science. They're
11 adding behavioral or social science. And it
12 appears they were also listing the student-to-
13 teacher ratio if I'm not mistaken. Let's see.
14 Right.

15 MR. SAXON: Yes, down at the bottom.

16 MS. COMBS: They were actually listing that. And
17 they just wanted to know, you know, if there's
18 any comments that you all have, I can let them
19 know. Any feelings about that.

20 (Multiple speakers).

21 MR. GOSNELL: That's fine. Do we need to vote on
22 that or anything?

23 MR. SAXON: I don't think so. No. Unless you have
24 any problems with it -- what you can do is
25 just explain any problems you have with it or

1 if you're okay with it and Angie can ---

2 MS. COMBS: If you have any problems with the
3 changes that they're proposing, I can let them
4 know. But if you don't see anything. Okay
5 with that?

6 MR. GOSNELL: (Nods head). Okay.

7 Trivex/Polycarbonate lenses?

8 MS. COMBS: I had a question/inquiry that a
9 gentleman wanted to know -- he wanted to know
10 what the Board's position is on using Trivex
11 lenses in lieu of Polycarbonate. He said he's
12 responsible for teaching the younger licensees
13 and wants to train them correctly. Do y'all
14 have any comments on that? The use of Trivex
15 lenses -- and he said in lieu of
16 Polycarbonate. I think Polycarbonate, isn't
17 that -- that's what's recommended for a lot?

18 MR. CORLEY: Trivex is a newer type material. And
19 it's my understanding one of these days it
20 will probably replace Polycarb.

21 MS. CHAPMAN: That's what I've heard.

22 MR. CORLEY: But that's up to OSHA to make that
23 determination and not us.

24 MS. COMBS: Right, okay.

25 MR. GOSNELL: Because it says Poly in the OSHA

1 requirements, so.

2 MR. CORLEY: And once Poly -- you know, OSHA changes
3 their requirement, you know, which probably
4 will happen down the road.

5 MS. COMBS: Okay.

6 MR. SAXON: Trivex is the coming thing?

7 MR. CORLEY: Uh-huh.

8 MS. COMBS: So basically OSHA ---

9 MR. CORLEY: But right now you have to go by Poly
10 because that's what OSHA says.

11 MS. COMBS: Okay. Okay, I'll let him know that.

12 MR. GOSNELL: Now is there a practical exam this
13 year after June? When is the next practical
14 exam?

15 MS. COMBS: I'm sorry, that is -- I apologize. That
16 should not be June the 6th. It's December the
17 5th. I apologize. I don't know how I didn't
18 pick that up. (Referring to a typo on the
19 printed agenda). I'm sorry. I just
20 overlooked that. But it will be December the
21 5th. It's a Monday.

22 Now the Board meeting I put down for the
23 -- as the January 29th, that's the association
24 meeting date. I'm assuming you all would like
25 to meet like we normally do at Embassy Suites.

1 Okay.

2 MR. SAXON: Ms. Combs, what is that meeting? That's
3 just this Board or it's a larger ---

4 MS. COMBS: It's a continuing ed -- it's where they
5 meet for continuing education, and the Board
6 has their own like this kind of meeting, but
7 it's where they hold the -- it's at Embassy
8 Suites.

9 MR. SAXON: And it's published to the public?

10 MS. COMBS: Oh yes.

11 MR. SAXON: Like this?

12 MS. COMBS: It's exactly like this.

13 MR. SAXON: Okay. Just wanted to make sure.

14 MS. COMBS: (Nods head). And this is something
15 traditionally we've done as long as ---

16 MR. SAXON: Have y'all traditionally had advice
17 counsel with you?

18 MS. COMBS: Not normally.

19 MR. CORLEY: No.

20 MR. SAXON: So you don't take votes or hear people
21 from the public and things like that?

22 MS. COMBS: You know, it ---

23 MR. GOSNELL: We never had any complaints and never
24 listened to complaints at this meeting at all.

25 MS. COMBS: Now we -- the Board could vote.

1 MR. SAXON: Okay. Then I -- probably let me know
2 and advice counsel should be there.

3 MS. COMBS: Okay. And I -- of course the only way
4 they can vote is my understanding it'd have to
5 be on the agenda.

6 MR. SAXON: That's right.

7 MS. COMBS: And this is when we ---

8 MR. SAXON: Just like a regular meeting.

9 MS. COMBS: Right. Closer to the time we can look
10 at it and see ---

11 MR. SAXON: You and I will go over the agenda.
12 That's right.

13 MS. COMBS: --- if advice counsel ---

14 MR. CORLEY: Because we've never had ---

15 MR. SAXON: And it's just across the street?

16 MS. COMBS: It's at Embassy Suites. Yeah, the one
17 here in Columbia.

18 MR. SAXON: That used to be Embassy Suites?

19 MS. COMBS: Oh, no. It's Embassy Suites by the zoo.

20 MR. SAXON: Oh, okay. Okay.

21 MS. COMBS: Greystone Boulevard.

22 MR. SAXON: Okay. I'll probably be here with y'all.

23 MR. GOSNELL: Okay.

24 (Multiple speakers).

25 MR. GOSNELL: There was one issue -- of course we

1 won't get into it today. But I've had a
2 couple people to, you know, call me about the
3 mail-order glasses situation. And I'm not
4 even sure this is something that the Board can
5 address really.

6 MR. CORLEY: Through the mail? Where are the
7 glasses actually generated, in South Carolina
8 ---

9 MR. GOSNELL: No.

10 MR. CORLEY: They're out of state?

11 MR. GOSNELL: They're out of state, yeah.

12 MR. CORLEY: Can't do anything about it. We cannot
13 regulate what goes on out of state.

14 MR. GOSNELL: Yeah.

15 MS. CHAPMAN: --- to us and they write out of state
16 to the patient?

17 MR. CORLEY: If it's generated within state, then
18 they have to follow our statutes.

19 MS. CHAPMAN: Okay.

20 MR. CORLEY: But out of state, we don't have any
21 control over that.

22 MR. GOSNELL: It's really no different than the
23 contact situation.

24 MR. CORLEY: Right.

25 MR. GOSNELL: Okay. I guess we are -- let's take a

1 little break.

2 MS. COMBS: Right. I'll get Jon and Virginia (ph)
3 to set up.

4 (The Board adjourns for private and confidential agenda item
5 entitled National Committee of State Opticianry
6 Regulatory Boards, Practical Examination (NCSORB)
7 Information from 9:56 to 10:54 a.m.)

8 (The Board reconvenes in public session at 10:54 a.m.)

9 MR. GOSNELL: All right. Anything else?

10 MR. WHITLOCK: (Shakes head).

11 MR. GOSNELL: Is there a motion we adjourn?

12 MR. WHITLOCK: Move -- I make a motion we adjourn.

13 MR. CORLEY: Second.

14 MR. GOSNELL: All in favor?

15 BOARD MEMBERS: Aye.

16 MR. GOSNELL: Thank you.

17 (Whereupon, at 10:57 a.m., the
18 proceeding in the above-entitled
19 matter was concluded.)

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1 STATE OF SOUTH CAROLINA)
) CERTIFICATE
 2 COUNTY OF LEXINGTON)
 3

4 Be it known that I, Tina F. Behles, Nationally
 5 Certified Court Reporter and Notary Public in and for the
 6 State of South Carolina, took the foregoing hearing at 9:03
 a.m. on Thursday, September 22, 2011;

7 That the foregoing 14 pages constitute a true and
 8 accurate transcription of the proceedings and all testimony
 given at that time to the best of my skill and ability;

9 I further certify that I am not counsel or kin to
 10 any of the parties to this cause of action, nor am I
 interested in any manner of its outcome.

11 In witness whereof, I have hereunto set my hand and
 seal this 4th day of October 2011.

14 _____ Tina F. Behles, CVR
 15 Notary Public for South Carolina
 My commission expires January 13, 2020

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 23 is reproduced as read or quoted by the speaker.
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