

South Carolina Department of Labor, Licensing and Regulation (LLR)
Board of Examiners in Optometry
Board Minutes
February 5, 2014
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

Public notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act.

BOARD MEMBERS PRESENT:

Dr. Thomas E. Tucker, President
Dr. Derek Van Veen, Vice President
Dr. Peter V. Candela
Dr. James E. Vaught
Isaac L. Johnson, Jr., Esquire, Public Member

BOARD MEMBER ABSENT:

Dr. William W. Spearman

VACANT POSITION:

Public Member (One)

SCLLR STAFF PRESENT:

Mary Sowell League, Esquire, Office of Advice Counsel
Angie M. Combs, Administrator
For IRC Report:
David Love, Chief Investigator, Office of Investigations and Enforcement
Lori Graham, Investigator, Office of Investigations and Enforcement

PRESENT:

Jackie Rivers, S.C. Optometric Physicians Association (SCOPA)
Dr. Wayne Cannon, S.C. Optometric Physicians Association (SCOPA)
Gary A. Haygood, Professional Court Reporter

CALL TO ORDER: Dr. Tucker called the meeting to order at 3:01 p.m. and declared a quorum.

APPROVAL OF AGENDA: A **motion** was made by Dr. Vaught to accept the order of the February 5, 2014 Agenda. The motion was seconded by Dr. Van Veen and carried unanimously.

APPROVAL OF ABSENT BOARD MEMBER(S): A **motion** was made by Dr. Vaught to approve Dr. Spearman's absence from the meeting. The motion was seconded by Dr. Van Veen and carried unanimously.

APPROVAL OF SEPTEMBER 23, 2013 CONFERENCE CALL MEETING MINUTES: A **motion** was made by Dr. Vaught to accept the September 23, 2013 minutes as written. The motion was seconded by Mr. Johnson and carried unanimously.

APPROVAL OF NOVEMBER 13, 2013 MEETING MINUTES: A **motion** was made by Dr. Van Veen to accept the November 13, 2013 minutes as written. The motion was seconded by Mr. Johnson and carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) REPORT: Mr. Love presented the OIE Statistical Report. The Board accepted this report as information.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Mr. Love provided the IRC Report from the January 23, 2014 meeting. It was recommended to dismiss Case #2013-4. A **motion** was made by Dr. Candela to accept the IRC recommendation to dismiss with the change in the wording on the IRC logic. The motion was seconded by Dr. Van Veen and carried unanimously.

REPORTS / INFORMATION

Information was provided by Ms. Combs concerning the following topics:

- Licensee Totals – there are 837 South Carolina licensed optometrists; 531 practice in South Carolina.
- Branch Registrations – no applications to present.
- License Renewal – online renewal will be available in August and due 12/31/2014.
- Financial Report provided – accepted as information.
- Office of General Counsel (OGC) Report – one case is residing in OGC.
- Association of Regulatory Boards of Optometry (ARBO) Annual Meeting – this national meeting will be held in Philadelphia from 06/22-24/2014.
- Statement of Economic Interests – the new due date is 03/30/2014 at Noon.
- Board Member Manual – link to be forwarded to all members.
- Continuing Education (CE) Course Approval – A **motion** was made by Dr. Vaught to require CE be obtained in the 24 months licensing period; for renewals due 12/31/2014 and 12/31/2016 date of attendance allowances will be considered on an individual basis if impacted by the recent change in the licensing period dates. The motion was seconded by Dr. Van Veen. The motion carried unanimously.

UNFINISHED BUSINESS

OPTOS PHOTOGRAPHY VERSUS DILATED EXAMINATION LETTER: Draft letter was reviewed. A **motion** was made by Dr. Candela to adopt the draft letter reviewed with the language change made today and send to all licensees this letter regarding the use of Optos Fundus Photography in place of a dilated fundoscopic examination. The motion was seconded by Dr. Van Veen. The motion carried with three ayes; Dr. Vaught and Mr. Johnson abstained from voting.

PERCUTANEOUS ALLERGY TESTING (CPT Code 95004) / Scope of Practice Consideration: A **motion** was made by Dr. Vaught to approve CPT Code 95004 for percutaneous testing for allergies for use by South Carolina optometrists. The motion was seconded by Dr. Van Veen. The motion carried unanimously.

PLAN FOR POSSIBLE FUTURE LEGISLATION: Dr. Candela will continue with review.

NEW BUSINESS

ADDRESS POSSIBLE SCHEDULE 3 DRUG CHANGE – SCOPA Request: A **motion** was made by Dr. Vaught to meet with Medicine and LLR attorneys to discuss how to avoid optometrists' scope of practice being reduced with regards to some Schedule III drugs moving to a Schedule II classification. The motion was seconded by Dr. Van Veen. The motion carried unanimously. A **motion** was made by Dr. Van Veen to propose a committee consisting of Dr. Candela, Dr. Van Veen, and Dr. Spearman to address the possible change of some Schedule III drugs to Schedule II drugs. The motion was seconded by Dr. Vaught and the motion carried unanimously.

PROPOSED CHAPTER 10: FEE PLACEMENT OPTIONS: Ms. League provided information to the Board concerning options for the display of their fees. A **motion** was made by Dr. Van Veen to continue to leave fees out of Law and Regulations. The motion was seconded by Dr. Vaught. The motion carried unanimously.

NATIONAL BOARD OF EXAMINERS IN OPTOMETRY BOARD CERTIFICATION:
Discussion only.

SUPERVISION REQUIREMENTS FOR VISION THERAPY / OFFICE LOCATION – Inquiry: A **motion** was made by Dr. Vaught to respond to the inquirer that a vision therapy plan can be delegated to another appropriate professional, in this case an Occupational Therapist, without direct supervision if vision therapy is within the scope of practice of that individual's profession; if vision therapy is not within an individual's scope of practice, supervision by the optometrist must be direct, the optometrist must be on the premises; there are no restrictions in the S.C. Optometry Law that prohibit a fully equipped optometry office being set up in a school. The motion was seconded by Dr. Van Veen. The motion carried unanimously. Dr. Tucker will compose a letter to address the inquiry.

PUBLIC COMMENTS - No comments made.

ANNOUNCEMENTS

The upcoming Board meeting dates for 2014 are May 7, August 6, and October 29.

ADJOURNMENT

A **motion** was made by Dr. Van Veen, seconded by Mr. Johnson, and unanimously carried to adjourn the meeting. Dr. Tucker adjourned the meeting at 4:33 p.m.

These minutes are a record of the official actions taken by the Board and a summary of the meeting provided by Angie M. Combs, Administrator. Minutes are presented to the Board for final approval.