

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**Board of Examiners in Optometry**  
**Board Meeting Minutes**  
**October 12, 2016**  
**Synergy Business Park**  
**110 Centerview Drive, Kingtree Building, Room 204**  
**Columbia, South Carolina**

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Optometry, Synergy Business Park, Kingtree 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.

**BOARD MEMBERS PRESENT:**

Dr. Peter V. Candela, President  
Dr. James Vaught, Vice President  
Dr. Derek Van Veen  
Dr. Thomas E. Tucker  
Dr. Michelle Cooper  
Charles Hill, Public Member  
Jesse Price, III, Public Member

**SCLLR STAFF PRESENT:**

Donnell Jennings, Esquire, Office of Advice Counsel  
Rebecca Leach, Office of Communications and Governmental Affairs  
April Koon, Administrator  
Missy L. Jones, Administrative Assistant  
*For IRC Report:*  
Serrena Swartz, Investigator, Office of Investigations and Enforcement  
Adrien Rivera, Investigator, Office of Investigations and Enforcement  
*For ODC Report:*  
Shanika Johnson, Esquire, Office of Disciplinary Counsel  
Christa Bell, Esquire, Office of Disciplinary Counsel

**PRESENT:**

Tina F. Behles, Nationally Certified Court Reporter  
Jackie Rivers, Executive Director, SCOPA

**CALL TO ORDER:** At 2:02 p.m. the meeting was called to order by Dr. Candela.

**APPROVAL OF AGENDA:** A **motion** was made by Dr. Vaught to accept the October 12, 2016 Agenda. The motion was seconded by Dr. Tucker and carried unanimously.

**APPROVAL OF ABSENT BOARD MEMBER(S):** All Board members were present for this meeting.

**INTRODUCTION OF NEW BOARD MEMBER – JESSE PRICE, III:** Introduction of Jesse Price, III as a new Board Member.

**APPROVAL OF MAY 4, 2016 MEETING MINUTES:** A **motion** was made by Dr. Cooper to accept the May 4, 2016 minutes as written. The motion was seconded by Dr. Vaught and carried unanimously.

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

**INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT:** Ms. Swartz provided the IRC Report. It was recommended to dismiss case #2014-3, case #2016-1, case #2016-4, and case #2016-6. It was recommended to issue an Order to Cease and Desist for case #2016-8. A **motion** was made by Dr. Vaught to go into Executive Session. The motion was seconded by Dr. Tucker and carried unanimously. A **motion** was made by Mr. Hill to come out of Executive Session. The motion was seconded by Dr. Tucker and carried unanimously. A **motion** was made by Dr. Cooper to accept the IRC dismissal recommendations. The motion was seconded by Dr. Tucker and carried unanimously. Dr. Vaught stated that any complaint that conflicts with the SC Board of Examiners in Optometry Practice Act should be investigated processed through the IRC Committee.

**OVERVIEW OF OIE PROCESS:** Ms. Bell gave an overview of the investigative process of the Office of Investigations and Enforcement.

**OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT AND ODC OVERVIEW:** Ms. Johnson reported that there were two (2) cases pending in the Office of Disciplinary Counsel. Ms. Johnson also gave an overview of the disciplinary counsel process of the Office of Disciplinary Counsel.

**LEGISLATIVE UPDATE:** Ms. Leach gave a brief presentation of Bill H4999, Immunity from Liability for Providing Free Health Care Services. Ms. Leach stated that this law says a licensee in the medical field can volunteer their services without compensation and receive one hour of continuing education for each hour of volunteer medical services rendered up to a maximum of twenty-five percent of their continuing education requirements. The Board accepted this as information.

**NAME WITHHELD – SECTION 40-47-190 CASE 2013-2 MEMORANDUM OF AGREEMENT – CLOSED SESSION:** A **motion** was made by Dr. Vaught to go into Executive Session to receive legal advice. The motion was seconded by Dr. Tucker and carried unanimously. A **motion** was made by Dr. Vaught to come out of Executive Session. The motion was seconded by Mr. Hill and carried unanimously. A **motion** was made by Dr. Vaught to adopt the Memorandum of Agreement as presented. The motion was seconded by Mr. Price and carried unanimously. A **motion** was made by Dr. Vaught to issue a private non-disciplinary letter of caution to the respondent. The motion was seconded by Dr. Candela and carried unanimously.

#### **REPORTS / INFORMATION**

- **Licensee Totals Report** – 917 S.C. licensed optometrists; 574 practice in S.C.; 343 practice out-of-state
- **Endorsement Applicant Report** – There were three Endorsement Applicant licenses issued since May 5, 2016 through October 10, 2016. There are no Endorsement Applications pending at this time.
- **Financial Report** - provided and accepted as information.
- **Renewal Update** – Mrs. Koon gave a brief update of the renewal process.
- **Association of Regulatory Boards (ARBO) Annual Meeting Report** – Dr. Vaught gave a brief report on the Association of Regulatory Boards Annual Meeting stating that doing a criminal background check for optometrists to get licensed may be coming soon. Dr. Vaught stated that OE Tracker gave a report that they are continuing to become more accepted.

**UNFINISHED BUSINESS**

**BRANCH OFFICE REGISTRATION FEES:** A **motion** was made by Dr. Vaught to charge an initial \$50.00 for the branch office registration and \$25.00 for a renewal fee starting February 1, 2017. The motion was seconded by Dr. Cooper and carried unanimously.

**NEW BUSINESS**

**ACEO ACCREDITATION STATUS UPDATE – MCPHS UNIVERSITY SCHOOL OF OPTOMETRY:** The Board accepted this as information only.

**JURISPRUDENCE EXAM:** A **motion** was made by Dr. Tucker for Dr. Vaught to work with Mrs. Koon to revise the South Carolina Jurisprudence Exam and to present it to the Board at the next meeting. The motion was seconded by Dr. Van Veen and carried unanimously.

**PHARMACOLOGY DELIVERY SYSTEM FOR CONTACT LENS:** Ms. Rivers stated that a question was brought to the South Carolina Optometric Physicians Association regarding whether or not an Optometrist can prescribe or dispense contact lens containing a pharmaceutical agent. The Board stated that an Optometrist can prescribe or dispense contact lens containing a pharmaceutical agent as long as it is within the class of drugs that Optometrists in South Carolina can prescribe per law.

**NASO LACRIMAL STIMULATION SYSTEM FOR CONTACT LENS:** Ms. Rivers inquired if the Nasal Lacrimal Stimulation Device was in the scope of practice for South Carolina Optometrists. The Board stated that use of this device was within the scope of practice for South Carolina licensed Optometrists.

**TELEMEDICINE INQUIRY:** The Board carried this item over to the next Board Meeting.

**DISPENSING CLARIFICATION:** An inquiry was brought to the Board regarding if the most important aspects of dispensing spectacles is the final adjustment of the spectacles to the patient's face and if this procedure was part of the definition of "Dispense" under the Eye Care Consumer Protection Act Section 40-24-10 (2). At this time, the Board has not adopted an official definition for dispense.

**CLARIFICATION OF READING GLASSES/INDUSTRY STANDARD RETINOSCOPY BOARD:** An inquiry was submitted to the Board regarding whether or not it is considered practicing optometry if a company sets up a national brick and mortar business for reading glasses where the customer measures their own power of their left and right eye individually using an industry standard retinoscopy board. The customer then would select a frame and a licensed optician edges and inserts the lenses in the customer's self-determined powers in their choice of frames. A **motion** was made by Dr. Vaught that it is the practice of Optometry and referred to Section 40-37-30. The motion was seconded by Dr. Tucker and carried unanimously.

**SUPERVISION/SCOPE OF PRACTICE SECTION 40-37-20 – EXECUTIVE SESSION:** The Board stated that all cases will be dealt with on an individual basis.

**CONTINUING EDUCATION REVIEWER:** A **motion** was made by Dr. Van Veen for Dr. Cooper to begin reviewing the Continuing Education inquiries on the Boards behalf. The motion was seconded by Dr. Tucker and carried unanimously.

**2017 BOARD MEETING DATES:** The Board meetings dates for 2017 are February 8, 2017, May 24, 2017, July 12, 2017, and October 11, 2017.

**PUBLIC COMMENTS**

There were no public comments.

**ANNOUNCEMENTS**

There were no announcements.

**ADJOURNMENT**

A **motion** was made by Dr. Vaught, seconded by Dr. Cooper, and unanimously carried to adjourn the meeting. Dr. Candela adjourned the meeting at 4:44 p.m.

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