

South Carolina Department of Labor, Licensing and Regulation (LLR)
Board of Examiners in Optometry
Board Minutes
November 13, 2013
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 105
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. William W. Spearman, President
Dr. Thomas E. Tucker, Vice President
Dr. Derek Van Veen
Dr. Peter V. Candela
Dr. James E. Vaught
Isaac L. Johnson, Jr., Esquire, Public Member

VACANT POSITION:

Public Member (One)

SCLLR STAFF PRESENT:

Mary League, Esquire, Office of Advice Counsel
Angie M. Combs, Administrator
For IRC Report:
Althea B. Myers, Chief Investigator, Office of Investigations and Enforcement
Lorie Graham, Investigator, Office of Investigations and Enforcement
Peas Faglie, Investigator, Office of Investigations and Enforcement

PRESENT:

Holly K. Gleason, Professional Court Reporter

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

APPROVAL OF AGENDA: A **motion** was made by Dr. Candela to accept the order of the November 13, 2013 Agenda. The motion was seconded by Dr. Vaught and carried unanimously.

APPROVAL OF ABSENT BOARD MEMBER(S): All members present.

APPROVAL OF AUGUST 7, 2013 MEETING MINUTES: A **motion** was made by Dr. Candela to accept the August 7, 2013 minutes as written. The motion was seconded by Dr. Vaught and carried unanimously.

APPROVAL OF SEPTEMBER 23, 2013 CONFERENCE CALL MEETING MINUTES: Dr. Spearman requested the Board to review minutes for approval at the next meeting.

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

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Ms. Myers provided the IRC Report from the October 22, 2013 meeting. It was recommended to dismiss Case #2013-4 and Case #2013-7, to dismiss with an Order to Cease and Desist for Case #2013-8 and Case #2013-9, and to go forward with a Formal Complaint for Case #2013-3. A **motion** was made by Dr. Van Veen, seconded by Dr. Vaught, and unanimously carried to accept the IRC recommendations along with a request to revisit the location of Case #2013-7 to check for continued compliance.

REPORTS / INFORMATION

Information was provided concerning the following topics:

- Licensee Totals – there are 825 South Carolina licensed optometrists; 527 practice in South Carolina.
- Branch Registrations – no applications to present.
- Financial Report provided – accepted as information.
- Office of General Counsel (OGC) Report – no cases residing in OGC / one case was approved at this meeting to be forwarded to OGC.
- Board Member License Plates – information was provided concerning obtaining a specialized license plate.
- Continuing Education (CE) Course Approval – no courses presented for review.

UNFINISHED BUSINESS

OPTOS PHOTOGRAPHY VERSUS DILATED EXAMINATION: A **motion** was made by Dr. Candela to send a letter to all licensees regarding the use of Optos Fundus Photography in place of a dilated funduscopy examination. The motion was seconded by Dr. Vaught. Discussion ensued. The motion carried unanimously. A letter created by Dr. Candela to be reviewed by Dr. Spearman and then forwarded to all members; final approval to be done at the next meeting.

REVIEW DOCUMENT CREATED FOR S.C. DEPARTMENT OF MOTOR VEHICLES (DMV) REGARDING VISION STANDARDS / PROCEDURES: Dr. Spearman to submit letter to Ms. Phelps of the Department of Motor Vehicles with a copy to Dr. Bell of the S.C. Department of Health and Environmental Control.

NEW BUSINESS

TESTOSTERONE EYE CREAM: A **motion** was made by Dr. Van Veen to approve South Carolina optometrists to prescribe testosterone eye cream for treatment. The motion was seconded by Dr. Candela. Discussion ensued. The motion carried unanimously.

CPT CODE 95004: Discussion ensued concerning percutaneous allergy testing by optometrists. Dr. Vaught offered to provide additional information. The Board will continue with consideration of this testing at the next Board meeting.

PRACTICING OUTSIDE OF OFFICE LOCATION:

A **motion** was made by Dr. Vaught that licensees may see patients in a nursing home or hospital setting without the need for a branch office license. The motion was seconded by Dr. Tucker. The motion carried unanimously.

A **motion** was made by Dr. Vaught that licensees may see patients in their home without the need for a branch office license. The motion was seconded by Mr. Johnson. The motion carried unanimously.

A **motion** was made by Dr. Van Veen to go into Executive Session to receive legal counsel. The motion was seconded by Dr. Tucker. The motion carried unanimously.

Executive Session - 4:03 p.m. to 4:35 p.m.

A **motion** was made by Dr. Vaught to come out of Executive Session. The motion was seconded by Dr. Candela. The motion carried unanimously. No votes were taken.

A **motion** was made by Dr. Vaught that an optometrist can see employees of a licensed healthcare facility while they are there, but must have a mobile unit license registered with the Board. The motion was seconded by Dr. Candela. The motion carried unanimously.

AIR NATIONAL GUARD MEDICAL SERVICE PROPOSAL TO ELIMINATE OPTOMETRY CAPABILITY: A **motion** was made by Dr. Vaught that the South Carolina Board of Examiners sends a letter opposing the elimination of optometry in the Air National Guard. The motion was seconded by Mr. Johnson. Discussion ensued. Dr. Candela recused himself from the vote due to being a current active member in the Air National Guard. The motion carried unanimously.

PLAN FOR FUTURE LEGISLATION: Topic deferred to next meeting.

ELECTION OF BOARD OFFICERS: Dr. Van Veen nominated Dr. Tucker for office of President for 2014. All members voted in favor of Dr. Tucker being the President of the Board of Examiners for 2014. Dr. Vaught nominated Dr. Van Veen for office of Vice President for 2014. All members voted in favor of Dr. Van Veen being the Vice President of the Board of Examiners for 2014.

PUBLIC COMMENTS - No comments made.

ANNOUNCEMENTS

The tentative Board meeting dates for 2014 are February 5, May 7, August 20, and November 5. Board members will advise Ms. Combs if these dates are acceptable.

ADJOURNMENT

A **motion** was made by Dr. Vaught, seconded by Dr. Candela, and unanimously carried to adjourn the meeting. Dr. Spearman adjourned the meeting at 4:50 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.