

South Carolina Department of Labor, Licensing and Regulation (LLR)
South Carolina Board of Examiners in Optometry
Regular Meeting Minutes
December 1, 2005
The Westin Resort – Port Royal Plantation
Hilton Head Island, 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. A quorum was present at all times. Dr. Parfitt called the meeting to order at 12:05 p.m.

BOARD MEMBERS PRESENT:

Dr. Vaughn D. Parfitt, President
Dr. Kenneth M. Nash, Vice President
Dr. David W. Hamill
Dr. Robert Neal Williams

BOARD MEMBERS ABSENT:

Mr. Isaac L. Johnson, Jr., Public Board Member
The absent member, in light of current budget issues, decided not to attend this meeting.

SCLLR STAFF PRESENT:

Ms. Angie M. Combs, Administrator

The Agenda for the December 1, 2005 Regular Board Meeting was presented for review and approval.

A **motion** was made to accept the Agenda. The motion was seconded and passed

A **motion** was made to accept the July 13, 2005 minutes as emailed.

The Board meeting scheduled for September 21, 2005 was canceled at the request of Governor Sanford. All state agencies were asked, if possible, to postpone/cancel meetings scheduled at that time because of extreme costs associated with travel due to fuel shortages caused by the devastation of hurricanes striking the Gulf coast states.

REPORTS

Administrative Reports and Information: Ms. Combs reported licensee totals for each type of license as 537 TPA, 62 DPA, and 56 Basic with 655 total licensees. In South Carolina there are 402 TPA, 11 DPA, and 15 Basic licenses for a total of 428 licensees.

New branch office location applications were reviewed for Dr. Lara Martin, #1371, and Dr. Leann Geerts (3), #1133. **Motion:** A motion was made to approve the branch office location applications.

Reports Continued

A list of the 2006 Board meeting and examination dates was provided to the Board.

All thirty-two candidates passed the July 13, 2005 S.C. Jurisprudence Examination.

There are eight candidates to date scheduled for the January 12, 2006 S.C. Jurisprudence Examination. Additional candidates are expected.

Ms. Pauline DeBerry: Ms. Combs announced the Governor's office was officially notified that Ms. Pauline DeBerry, General Public Board Member, has resigned. Ms. DeBerry began serving on the Board August 22, 1994; she completed a vacant term and went on to serve two full terms. Ms. DeBerry possessed the characteristics of an excellent Board member; the Board expressed appreciation for her many contributions as a member. The Board requested a letter from the Governor acknowledging and thanking Ms. DeBerry for her service to the Board and the citizens of South Carolina and its visitors.

Engine Bill Legislation H.3781: Dr. Hamill reported on an Engine Bill Legislation information meeting that he attended. Discussion followed. This legislation will continue to be monitored.

Continuing Education Course Approval: None presented.

INVESTIGATIVE REVIEW COMMITTEE REPORT – EXECUTIVE SESSION

A **motion** was made the Board be recessed to discuss the Investigative Review Committee Report. The motion received a second. The motion carried: Time recessed: 12:15 p.m.

A **motion** was made the Board reconvene in public session. The motion received a second. The motion carried. Meeting reconvened at 12:30 p.m.

RECONVENE IN PUBLIC SESSION

Motion: Dr. Williams moved the Board accept the recommendations of the Investigative Review Committee. Complaint #2004-0002 dismissed, Complaint #2004-0005 dismissed, Complaint #2004-0006 dismissed, Complaint #2004-0010 dismissed, Complaint #2004-001 dismissed, Complaint #2005-2 dismissed, Complaint #2005-5 dismissed, and to go forward with Complaint #2004-0009 as a Formal Complaint. The motion received a second. The motion carried.

UNFINISHED BUSINESS

America's Best Contacts and Eyeglasses' (America's Best) Legal Representative Response to Visual Field Test Fee, Dilation Fee, and Advertising Free Eye Examinations: The Board reviewed correspondence from Ms. R. Griffin Littlejohn, McNair Law Firm, representing America's Best, with regard to the response to concerns the Board expressed at their July 13, 2005 meeting. Ms. Littlejohn noted that at the July 13, 2005 meeting the Board acknowledged that America's Best is not in violation of the S.C. Optometry Practice Act when offering the Humphrey's Visual Field Test at an additional charge. The Board reiterated that by including a minimally accepted method of testing visual fields when performing a comprehensive eye examination that this practice couldn't be considered a violation. In reply to concerns that America's Best was charging a separate fee for dilation, the Board was assured this practice was not being done in South Carolina. The Board would like to further address the use of the word free and the method of the advertisement used by America's Best.

Upgrade to Therapeutic Pharmaceutical Agents (TPA) Certification for Licensees TPA Certified in Another State: Ms. Combs requested clarification of requirements for upgrading to TPA Certification. A licensee that holds a TPA certification in another state can upgrade if the TPA Certification was obtained by examination and the licensee is currently practicing with an unrestricted therapeutics license.

Diagnostic Pharmaceutical Agents (DPA) Education for Basic Licensees: On March 15, 2006 Board members will conduct a DPA review via a question / answer session immediately prior to the administration of the S.C. DPA Examination.

NEW BUSINESS

Continuing Education Policy: The Board reviewed the current Continuing Education Policy. Discussion followed. The Board agreed to maintain the policy as written.

Current Procedural Terminology Codes (CPT): The Board had submitted a letter to Dr. James Bradford, S.C. Department of Health and Human Services (DHHS), requesting South Carolina optometrists receive reimbursement by Medicaid when submitting a claim for pachymetry, Procedure Code 76514. A letter was received from DHHS requesting a justification and medical necessity for optometrists to perform this procedure. Dr. Hamill will respond to this request.

Association of Regulatory Boards of Optometry (ARBO) Requests Temporary License: ARBO released a request for States to offer temporary licensure to those optometrists impacted by the devastating hurricanes that hit Gulf coast states; many lives, homes, and businesses had been lost. South Carolina does not have a provision for temporary license. Ms. Combs had earlier been directed to work with optometrists in this situation to expedite the licensure process. At this time there is one applicant for licensure that falls in this category.

New Business Continued

Council on Endorsed Licensure Mobility for Optometrists (CELMO): Information from the Association of Regulatory Boards of Optometry (ARBO) concerning CELMO was provided to the Board and accepted.

Rewrite of Optometry Regulations: Ms. Combs to discuss with Legal Counsel concerning a Regulations draft. Additional information to be provided at the next meeting.

Federal Law Reclassifies Plano Contact Lenses as a Medical Device: Ms. Combs announced that on November 9, 2005, President Bush signed into law Public Law 109-96 that classifies all contact lenses as medical devices under the Federal Food, Drug, and Cosmetic Act.

Council on Optometric Practitioner Education (COPE) Course Reviewer Approval: The Board approved a request that Angela B. Abraham-Nichols, O.D. to serve as a COPE Course Reviewer. Dr. Abraham-Nichols is a South Carolina licensed optometrist. Reviewers volunteer to become part of a pool that is used to review continuing education courses for COPE approval. Notification will be sent verifying this approval.

Election for Board Officers: The results of officers' election are as follows. Dr. David W. Hamill will serve as President; Dr Kenneth M. Nash will continue to serve as Vice President and review candidates for endorsement; Dr. Robert Neal Williams will review continuing education.

ANNOUNCEMENTS

The next meeting of the Board is scheduled for December 2, 2005, 7:45 a.m., The Westin Resort, Hilton Head Island, South Carolina. The Board will meet with the South Carolina Optometric Association. Board member elections are to be held at that time.

There being no further business or announcements, Dr. Parfitt adjourned the December 1, 2005 meeting at 1:55 p.m.

Respectfully submitted,

Angie M. Combs
Administrator