

South Carolina Department of Labor, Licensing and Regulation (LLR)
South Carolina Board of Examiners in Optometry
Regular Board Minutes
September 27, 2006
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 306-30
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. A quorum was present at all times. Dr. Hamill called the meeting to order at 3:10 p.m.

BOARD MEMBERS PRESENT:

Dr. David W. Hamill, President
Dr. Kenneth M. Nash, Vice President
Dr. Robert Neal Williams
Dr. Furman Mason Smith

BOARD MEMBERS NOT PRESENT:

Dr. Deborah A. Long
Isaac L. Johnson, Jr., Public Board Member

IN ATTENDANCE:

Dr. Harry Kreutziger, License #522

SCLLR STAFF PRESENT:

Kathy Meadows, Chief Investigator, Office of Investigations and Enforcement
Larry Atkins, Chief, Investigations and Enforcement
Steve Freshley, Investigator, Office of Investigations and Enforcement
Angie M. Combs, Administrator
Janice D. Meetze, Administrative Assistant

The agenda for the September 27, 2006 Regular Board Meeting was presented for review and approval. A **motion** was made to accept the order of the Agenda. The motion was seconded and passed.

A **motion** was made to accept the July 12, 2006 Board Meeting Minutes and August 9, 2006 Conference Call Meeting Minutes as written. The motion was seconded and passed.

PRESIDENT'S REMARKS

Dr. Hamill stated he plans to encourage licensees attending the Hilton Head meeting in December to contribute to the AOAPAC and the SCOPAC, respectively. South Carolina contributed the most to AOAPAC in the United States, with only 10% of the members contributing. Dr. Hamill reserved further remarks to be within the business of the meeting.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT

Ms. Meadows, Chief Investigator, Office of Investigations and Enforcement, made a presentation on the Investigative Review Committee (IRC) process. All complaints are initially submitted to the Office of Investigations and Enforcement (OIE). After the investigation is complete then information is provided by an IRC Report to the Board that is limited to the case number, allegation description, findings of the investigation, and the IRC logic for recommendation given. The IRC logic is a unanimous decision made by the investigator, the litigation attorney, the board administrator and, when needed, a professional reviewer. From an investigative standpoint, the facts are gathered and presented to the legal staff for a decision as to whether the law is strong enough to support filing a charge; Statutes, Regulations, and the LLR Engine, respectively, are consulted.

The Investigative Review Committee (IRC) Report, attached to minutes, was presented in Open Session with the right reserved to move into Executive Session at the discretion of the Board. Investigator Meadows and Investigator Freshley presented the September 5, 2006 IRC recommendations.

A **motion** was made to accept the recommendation of the IRC on Case 2006-6 to dismiss. The motion was seconded and passed.

A **motion** was made to accept the recommendation of the IRC on Case 2005-3 to dismiss. The motion was seconded and passed.

A **motion** was made to accept the recommendation of the IRC on Case 2006-1 to dismiss. The motion was seconded and passed.

A **motion** was made to accept the recommendation of the IRC on Case 2006-4 to dismiss. The motion was seconded and passed.

A **motion** was made to accept the recommendation of the IRC on Case 2006-7 to dismiss. The motion was seconded and passed.

A **motion** was made to accept the recommendation of the IRC on Case 2004-9 to unauthorize a formal complaint and dismiss. The motion was seconded and passed.

Ms. Meadows, Mr. Freshley, and Mr. Atkins departed the meeting at 3:30 p.m.

Appearance Request: Dr. Harry Kreutziger - Upgrade of License: Dr. Kreutziger appeared to express his viewpoint concerning requiring all licensees to be TPA Certified and to remind the Board they had offered assistance to those that need to pass the National Board of Examiners in Optometry Treatment and Management of Ocular Disease (TMOD) examination in order to qualify for the necessary upgrade. The Board did conduct a DPA review for interested licensees to assist them to move from Basic licensure to DPA licensure. Dr. Hamill explained that when TPA Certification was originally passed that an extensive education course was offered in South Carolina over several weekends. The Board offered suggestions on books to review to prepare for the TMOD. Dr. Hamill replied the profession has evolved, and for the benefit and health of our patients the doctors are expected to evolve with the profession. TPA Certification status is required by South Carolina Law to be achieved no later than September 30, 2008.

Dr. Kreutziger departed the meeting at 3:40 p.m.

REPORTS

Administrative Reports and Information: Ms. Combs reported licensee totals for each type of license as 599 TPA, 53 DPA, and 50 Basic, for a total of 702 licensed optometrists. In South Carolina there are 13 Basic, 10 DPA, and 427 TPA licenses for a total of 450 licensees. The Board is currently in the October 1, 2006 through October 1, 2008 renewal cycle, i.e., three hundred thirty-four optometrists have renewed their licenses to date and three hundred seventy-five licenses are still outstanding.

The S.C. Jurisprudence Examination was administered to thirty-eight candidates on July 12, 2006 (five endorsement candidates); thirty-three candidates have been licensed to date. Six candidates are scheduled for the administration of the S.C. Jurisprudence Examination on October 18, 2006.

Dr. Hamill requested a review of the Jurisprudence Examination questions and answers after the October 18, 2006 administration.

New branch office registration applications were reviewed for Dr. Jane Martin, Spartanburg; Dr. Jennifer Switak, Bluffton; Dr. Jay Shelley, Inman; Dr. Diane Williams, Bluffton; Dr. Garrett Wise, Georgetown; Dr. Clayton Richardson, Anderson; Dr. Bernard Arnold, North Charleston; and Dr. Adriane Banks, Hollywood. A **motion** was made to approve the branch office registration applications. The motion was seconded and accepted.

Copies of the Board's Financial Report and Complaint Status were provided and accepted for informational purposes. Ms. Combs reported that just over two thousand dollars remained in the Optometry Board's budget at the end of fiscal year 2006 that runs from 07/01/2005 – 06/30/2006. The Board is interested in participating in the Recovering Professional Program (RPP) and anticipates addition travel costs to allow for a Board member and Ms. Combs to attend the national Association of Regulatory Boards of Optometry (ARBO) meeting. Ms. Combs stated it was her responsibility to review the budget for possible fee increases needed to accommodate the Board's request. Dr. Hamill will write a letter of justification for Ms. Combs to attend the ARBO meeting, if necessary. Ms. Combs reported that Ms. McClain, Assistant Deputy Director for Office of Medical and Health Related Professions, has appointed a committee to investigate the cost for Boards to join RPP. Dr. Hamill stated he would provide information concerning RPP to licensees at the Hilton Head Island meeting scheduled for December 1, 2006.

Optometry Regulations Report: Drs. Hamill, Williams and Smith met with Ms. Dantzler and Ms. Combs before the Board meeting to discuss areas that need addressing in the Regulation rewrite that will be introduced in the January 2007 Legislative session. Regulations will be added to clarify the S.C. Optometry Practice Act and delete current Regulations that are now obsolete.

UNFINISHED BUSINESS

Newsletter: Dr. Hamill stated that with the upcoming meeting at Hilton Head in December, a newsletter would be delayed until January 2007. Ms. Combs has compiled an ongoing list of items for discussion.

NEW BUSINESS

National Practitioner Data Bank: Ms. Combs reported that the Board provides information to the National Practitioner Data Bank; a fee is charged to receive information through their service. There is a movement to require their services to be available for use by state boards without a fee. Dr. Hamill stated that a criminal background check should be a part of the application process and requested that Ms. Combs inquire as to the cost involved.

Summer Board Meeting Date: Ms. Combs stated that June 27, 2007 had previously been established as the summer meeting and examination date; this date conflicts with the 2007 ARBO meeting. The Board agreed to move the administration of the S.C. Jurisprudence Examination to June 19, 2007, at 2:00 p.m., and conduct the Board meeting immediately thereafter, June 19, 2007, at 3:00 p.m. The Board established the following 2007 meeting and examination dates: March 28, 2007, June 19, 2007, September 26, 2007, and November 29-30, 2007 at Hilton Head Island, South Carolina. Board meetings and examinations will be held on the same day.

State Official Board Member License Plates: Ms. Combs announced it is time to order State Official Board Member License Plates that are available from the South Carolina Department of Motor Vehicles. Applications were provided to those interested in this option.

Request to Discontinue use of CPT Code 92015: The Board received information that Medicaid was considering bundling refraction in with general examination codes. Dr. Hamill stated this is an Optometric Association issue to address and not a State Board issue. Dr. Hamill reported that Dr. Steve Wearden, South Carolina licensee, wrote a letter to Medicaid supporting the reason to continue to have a separate code for refraction and that CPT Code 92015 will continue as a code for optometrists to use.

CPT Consultation Codes and Low Vision Codes Inquiry: The Board received a letter of inquiry concerning the parameters of consultation codes 99243 and 99244. A consultation request can come from an ophthalmologist or an optometrist. Consultation codes are to be used when another provider refers a patient for specialized care or evaluation; this does not transfer care permanently. A referral for consultation is a one-time visit and is not the same as a transfer of care to another doctor. Also it was asked if CPT Codes 97112-4, 97116, 97530, 97535, 97537, 97750 are approved for use by South Carolina optometrists. The Board concurred the codes in question are to be added to the approved list of CPT Codes for use by South Carolina optometrists. Ms. Combs will notify the inquirer of the Board's response and indicate the codes in question have been added. Dr. Hamill requested that Ms. Combs e-mail each Board member a list of approved CPT Codes for periodic review.

Review of TPA Upgrade Request Files: Ms. Combs announced that some Basic and DPA optometrists were ready for an upgrade review. A South Carolina currently licensed optometrist not SC TPA Certified and currently practicing at the therapeutic level in another state for the last twelve months, or twenty-four out of the last thirty-six months, along with meeting examination and education requirements can request to be reviewed for TPA upgrade. S.C. licensees not TPA certified in another state must pass the TMOD examination and certify completion of forty hours in clinical instruction specifically related to the diagnosis and treatment of glaucoma under the supervision of an ophthalmologist. Dr. Nash will review, immediately following the meeting, the licensees' files that have requested an upgrade.

Council on Endorsement for Licensure Mobility in Optometry (CELMO): Dr. Williams received a request that the Board consider endorsing the Association of Regulatory Boards of Optometry (ARBO) administered program Council on Endorsement for Licensure Mobility in Optometry (CELMO). This program is aimed at reducing a board's administrative burden involved with processing an application by endorsement. A two-year CELMO certificate acts as an endorsement licensure mobility vehicle. Dr. Hamill stated the Board previously decided that while it would not guarantee licensure, the Board would accept CELMO as high credentials to streamline the process for endorsement licensure. **Motion:** The South Carolina Board of Examiners in Optometry recognizes a CELMO certificate as a significant credential when considering an actively practicing optometrist for licensure by endorsement. Discussion followed. The motion did not receive a second. The matter was tabled until all Board members are present.

Endorsement Application Information: Dr. Nash informed the Board that he reviewed an endorsement application who originally applied for S.C. licensure in 2001; at that time his application was denied because he had not taken the TMOD examination. His current application has been reviewed and the applicant now meets the requirements for licensure by endorsement. Dr. Nash has approved this applicant to be qualified for licensure by endorsement in South Carolina upon passage of the S.C. Jurisprudence Examination.

Retirement Protocol Inquiry: Ms. Combs inquired as to protocol when an optometrist retires, i.e., placing a notice in the newspaper, notify patients by letter, etc., to avoid the impropriety of abandonment. Dr. Hamill stated an announcement should be placed in the local newspaper or by a letter to patients. Location of patient records should be provided in the announcement.

ANNOUNCEMENTS

The next General Board Meetings will be held November 30, 2006 and December 1, 2006 at The Westin Resort, Hilton Head Island, South Carolina.

There being no further business or announcements, Dr. Hamill adjourned the meeting at 4:55 p.m.

Respectfully submitted,

Angie M. Combs
Administrator