

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**South Carolina Board of Examiners in Optometry**  
**Regular Board Minutes**  
**March 28, 2007**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 111**  
**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 3:05 p.m.

**BOARD MEMBERS PRESENT:**

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

**IN ATTENDANCE:**

Dr. Paul K. Coppola  
Ms. Paulette Bentley, R.N., CARN, Recovery Specialist,  
Recovering Professional Program (RPP)  
Mr. Frank Sheheen, M.S., CACII, Program Director,  
Recovering Professional Program (RPP)

**SCLLR STAFF PRESENT:**

Angie M. Combs, Administrator  
Steve Freshley, Investigator, Office of Investigations and Enforcement (OIE)  
Janice D. Meetze, Administrative Assistant

The agenda for the March 28, 2007 Regular Board Meeting was presented for review and approval. A **motion** was made to suspend the order of the Agenda to proceed with Dr. Coppola's request. The motion was seconded and passed.

A **motion** was made to accept the November 30, 2006 and December 1, 2006, Board Meeting Minutes, respectively, as written. The motion was seconded and passed.

**PRESIDENT'S REMARKS**

Dr. Hamill suspended the agenda order to proceed with Dr. Paul Coppola's appearance before the Board. Further remarks were reserved to be within the business of the meeting.

*Dr. Paul Coppola, Ms. Paulette Bentley, and Mr. Frank Sheheen entered the meeting at 3:16 p.m.*

**APPEARANCE - DR. PAUL COPPOLA**

**Request for Modification of Order / Request to Work as a Technician:** Dr. Coppola requested an appearance before the Board to request a modification of a portion of the July 27, 2006 Final Order and to seek approval to work under another doctor's license as a technician only.

Dr. Coppola thanked the Board for the opportunity to address his requests. The terms of the abovementioned Order mandated that following one year of successful completion of in-house treatment Dr. Coppola may come before the Board and request a stay of the indefinite suspension. Due to high cost constraints five months elapsed before Dr. Coppola could enter a treatment facility; Dr. Coppola continued to successfully participate in the Recovering Professionals Program during this time. In an effort to regain his livelihood, Dr. Coppola requested that he would be granted an appearance to request a stay of suspension of his license prior to the time as stated in the Order. Secondly, he requested the Board's permission to work under another doctor's license as a technician while his license is under suspension.

*Dr. Paul Coppola, Ms. Paulette Bentley, and Mr. Frank Sheheen departed the meeting at 3:30 p.m. for deliberation of the Board; re-entered the meeting at 3:35 p.m.*

The Board extended to Dr. Coppola an opportunity to come before the Board at the June 19, 2007 meeting to request the suspension of his license be reassessed at that time. The Board reminded Dr. Coppola that he must remain substance free from anything that might be construed as failure to comply; failure to comply with the provisions of the Final Order will result in permanent revocation of licensure.

The Board also concurred it was acceptable for Dr. Coppola to serve in the role of a technician, limited in scope of activities to any venue other than his own office to avoid a misunderstanding by the public. The Board will grant permission for employment as a technician upon submission of the doctor's name, telephone number, and verification of employment

Dr. Coppola expressed his appreciation and thanked the Board for its time.

*Dr. Paul Coppola, Ms. Paulette Bentley, and Mr. Frank Sheheen departed the meeting at 3:40 p.m.*

*Inspector Freshley arrived at the meeting at 3:40 p.m.*

#### **INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT**

Steve Freshley, Office of Investigations and Enforcement (OIE), presented the March 13, 2007 IRC Report.

Case #2004-4: There is no evidence to indicate a violation of the Optometry Practice Act. The complainant has left the state and the business indicates they have never had problems with the respondent.

Case #2004-7: There is no evidence to indicate a violation of the Optometry Practice Act; reviewer indicated the standard of care was met with the service rendered by the respondent.

The Board accepted the recommendations of the Investigative Review Committee. **Motion:** A motion was made to accept the recommendation of the IRC to dismiss Case #2004-4 and #2004-7. The motion was seconded and passed.

*Investigator Freshley departed the meeting at 3:50 p.m.*

## **REPORTS**

**Administrative Reports and Information:** Ms. Combs reported licensee totals for each type of license as 592 TPA, 44 DPA, and 31 Basic, for a total of 667 licensed optometrists. In South Carolina there are 6 Basic, 9 DPA, and 431 TPA licenses for a total of 446 licensees.

The S.C. Jurisprudence Examination was administered this day, immediately preceding the Board meeting, to ten candidates.

Copies of the Board's Financial Report were provided and accepted for informational purposes. Ms. Combs will present a detailed review and explanation of the budget at the June 19, 2007 meeting.

Two new branch office registration applications were reviewed for Dr. Susan Wiley, North Charleston and Charleston; and one for Dr. John M. Mills at a Murrells Inlet location. A **motion** was made to approve the branch office registration applications. The motion was seconded and accepted. The Board will discuss at the June 19, 2007 meeting the continuance of branch office registration fees and any repercussions of fee reduction.

**Association of Regulatory Boards of Optometry (ARBO) National Meeting:** Dr. Hamill expressed the importance of sending a representative from South Carolina to attend the ARBO National Meeting to be held in Boston, Massachusetts, June 24-26, 2007; Dr. Williams will be attending this meeting. Dr. Hamill offered to write a letter of request, if needed, for the Board administrator to also attend.

**Statement of Economic Interests Forms:** Ms. Combs reminded Board members that Statement of Economic Interests Forms are due April 16; penalties could result if not received within five days from the due date.

**Optometry Regulations Legislation Report:** Dr. Hamill reported that Optometry Regulation legislation was withdrawn from the House Subcommittee, amended, and will be resubmitted with a statement to include, "An optometrist cannot designate him/herself as a specialist in any area of optometric practice unless he or she holds a certification from a creditable national organization recognized by the Board." The Board would maintain final authority as to whether an optometrist is a specialist or not.

### **Continuing Education**

**Course Approval – Dr. Neal Williams:** The Board received an inquiry from Dr. Alva Pack asking if all South Carolina optometrists are required to take CPR. Board policy stipulates that CPR certification courses are approved for four hours; CPR re-certification courses are approved for two hours. While CPR courses qualify as unlimited CE, CPR certification is not a legislative requirement in the Practice Act to maintain a license in South Carolina. Ms. Combs will respond to Dr. Pack on behalf of the Board.

**OE Tracker Certificates Used for Proof of CE:** The Association of Regulatory Boards of Optometry (ARBO) has requested Board approval to accept the OE Tracker as proof of continuing education; the course title, date completed, instructor, provider, hours, and certificate would be provided. A CE audit will be conducted at the conclusion of the October 1, 2008 renewal period; the burden of proof of all CE must be submitted to the Board if requested. Ms. Combs will respond to ARBO that the Board will accept the OE Tracker Certificates as proof of attendance and completion of CE courses.

**ARBO's Report of the National Optometric CE Conference:** Ms. Combs reported that the National Optometric Continuing Education Conference held in May 2006 was conceived and hosted by ARBO. A report containing an overview summary of the discussions and recommendations made at the conclusion of the conference is available for informational purposes.

**Endorsement and TPA Upgrade Report:** Dr. Hamill reiterated that the Board definition of proof of practicing at the therapeutic level must include the fact that an optometrist can and does treat glaucoma. He requested to add a statement to the application attesting to the fact that the applicant is not only TPA certified and authorized to treat glaucoma but has treated glaucoma during the practice time period required for endorsement candidates. The Board discussed that when an optometrist is currently licensed in South Carolina at less than TPA level and practicing with a TPA license in another state or is applying by endorsement from another state, he/she must certify that they have been practicing full time as a therapeutic optometrist for the preceding twelve months or during twenty-four of the last thirty-six months. Adding the following language to the forms used for licensure application and upgrades was requested: ".....authorized to treat glaucoma and have treated glaucoma...."

Ms. Combs was asked to add the language to the forms and forward to Board members before publication.

#### **UNFINISHED BUSINESS**

**Criminal Background Checks:** Ms. Combs reported that an FBI fingerprint check is the most effective criminal background check, but must be mandated by law. Implementation language in the LLR Engine is being fashioned for submission at the next legislative session. An applicant could be asked to request a SLED check which only covers South Carolina. The Board concurred that a SLED check would be ineffective. The matter was deferred until the proper legislation is in place.

**Procedure to Review Jurisprudence Examination Questions and Structure:** Dr. Long reviewed the Jurisprudence Examination administered March 28, 2007 and agreed to revise the examination questions before administration of the June 19, 2007 examination; Board members will be contacted for their input.

#### **NEW BUSINESS**

**Social Security Administration Moves to Recognize Optometrists as "Acceptable Medical Sources":** It was reported that after a lengthy review process, the U.S. Social Security Administration has issued a new rule to expand situations in which optometrists were to be considered "acceptable medical sources" for the purposes of disability and blindness determinations and decisions SSA makes under Titles II and XVI of the Social Security Act.

**National Board of Examiners in Optometry Request for Approval of Examiners:** The National Board of Examiners in Optometry asked the Board to review a list containing five licensee names that want to be considered to serve as a Part III CSE examiner and identify if any should not be considered eligible for this task. The method of the review is at the discretion of the Board and functions as an additional safeguard of ensuring that the examiners who act on behalf of the Board meet with Board approval. Ms. Combs will report that one of optometrist on the list does not hold a current license with South Carolina; the others were approved.

**Use of “Optometric Physician”/ “Board Certified” in Advertising – Inquiry from Dr. Vaughn Parfitt:** In a letter dated March 6, 2007 addressed to the Board, Dr. Vaughn Parfitt wrote that some optometrists in South Carolina are using language in advertising which appears to be misleading, specifically the terms “optometric physician” and “board certified with diagnostic and therapeutic privileges.” Board Minutes dated November 29, 2001 state, “The Board will not discipline South Carolina licensees for using the term optometric physician.” The Board discussed these matters and agrees that it is against current policy for any optometrist to make the claim that they are “board certified.” The Board licenses applicants after approving them for the practice of optometry within the state; the Board does not “certify.” There is no known national organization or optometric body that confers any certificate that would qualify for board certification. Dr. Hamill will prepare a response addressing these issues.

**Current Procedural Terminology (CPT) Codes – Request to Update:** Steve Wearden, O.D. submitted for Board approval a suggested update to the CPT Codes list. Board members were asked to review the updated codes and send confirmation of their approval to Ms. Combs.

#### **ANNOUNCEMENTS**

The next administration of the South Carolina Jurisprudence Examination is scheduled for June 19, 2007, 2:00 p.m., Kingstree Building, Room 105, Columbia, South Carolina.

The next regularly scheduled Board Meeting is June 19, 2007, 3:00 p.m., Kingstree Building, Room 111, Columbia, South Carolina.

There being no further business or announcements, Dr. Hamill adjourned the meeting at 5:35 p.m.

Respectfully submitted,

Angie M. Combs  
Administrator