

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**South Carolina Board of Examiners in Optometry**  
**Regular Board Minutes**  
**September 26, 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 3:09 p.m.

**BOARD MEMBERS PRESENT:**

Dr. David W. Hamill, President  
Dr. Kenneth M. Nash, Vice President  
Dr. Deborah Long  
Dr. Robert Neal Williams  
Dr. Furman Mason Smith  
Isaac L. Johnson, Jr., Public Member

**IN ATTENDANCE:**

Mr. Frank Sheheen, M.S., CACII, Program Director,  
Recovering Professional Program (RPP)  
Mr. Richard P. Wilson, Special Counsel/Program Coordinator,  
Recovering Professional Program (RPP)

**SCLLR STAFF PRESENT:**

Parker Boulware, Manager, Administration / Finance  
P. C. Faglie, Investigator, Office of Investigations and Enforcement  
Sheridon Spoon, Office of General Counsel  
Angie M. Combs, Administrator  
Janice D. Meetze, Administrative Assistant

The agenda for the September 26, 2007 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.

The June 19, 2007 Board meeting minutes should be corrected to remove Dr. Furman Mason Smith as being present. A **motion** was made to accept the June 19, 2007 Board Meeting Minutes as corrected. The motion was seconded and passed.

**PRESIDENT'S REMARKS**

Dr. Hamill stated that today was his last meeting presiding as President of the Board, with the transition of new officers to take place at the next regularly scheduled meeting at Hilton Head Island, South Carolina. Further remarks were reserved to be within the business of the meeting.

## **REPORTS**

**Administrative Reports and Information:** Ms. Combs reported licensee totals for each type of license as 639 TPA, 32 DPA, and 23 Basic licenses for a total of 694 licensed optometrists. In South Carolina there are 444 TPA, 7 DPA, and 6 Basic licenses for a total of 457 licensees.

The June 19, 2007 **S.C. Jurisprudence Examination** was administered to fifteen candidates; all candidates have now been licensed. Immediately preceding today's (09-26-07) Board meeting the S.C. Jurisprudence Examination was administered to seventeen candidates.

Ms. Combs made available South Carolina Department of Motor Vehicles' State Official **Board Member License Plate** Applications for Board members that were interested.

The New Chapter 95 Regulations have been approved by the S.C. Legislature and were published in the June 22, 2007 State Register; the Regulations may be reviewed at the Board's website, [www.llr.state.sc.us](http://www.llr.state.sc.us).

There were no new **branch office** registration applications to report.

**Continuing Education Course Approval / Request to Accept Vision Expo Hours as Unlimited Category Hours:** Dr. Williams reported that although Vision Expo offers transcript-quality continuing education courses that are graded and administered by the Southern California College of Optometry, the course sponsorship does not fall within established criteria for unlimited hours status. A variety of venues for CE hours are available to licensees. The Board denied the request that Vision Expo education hours be considered in the unlimited hours category; Vision Expo education will continue to fall in the limited hours category.

**Association of Regulatory Boards of Optometry (ARBO) National Meeting:** Dr. Neal Williams attended the ARBO National Meeting in Boston, Massachusetts, June 24-26, 2007 and presented an overview of the topics covered.

- Effective in 2009, the National Board of Examiners in Optometry will implement a restructured form of its three part examination. This restructure is the result of task force findings and recommendations. Some state jurisprudence examinations are administered by the National Boards.
- COPE approval will become more stringent as to what courses will be COPE approved; it was requested that each state board submit ten names to act as monitors.
- There are currently twelve states that accept CELMO certificates as a significant credential.
- The Advanced Competency in Medical Optometry Examination (ACMO) is a test initiated by Veterans Administration for optometrists to justify their continued competency and affects pays raises and advancement.

*ARBO Report continues:*

- A representative from the National Optometric Database reported there are over 39,000 practicing optometrists in the United States and a social security number is the only unique identifier that everyone has. The National Optometric Database uses only the last four digits of the social security number; the full nine-digit number is stored in only one computer that is uniquely protected.
- A discussion was held that concerned the following question. Does a licensing board still have jurisdiction over a former licensee with a revoked license that continues to violate the Law? Mr. Spoon confirmed the S.C. Optometry Practice Act states that practicing optometry without a license is a violation and the Board would have the authority to take action on that violation.

Additional information can be found in the 2007 ARBO National Meeting Binder that will be housed at the Board office.

**Budget Overview/Information – LLR Representative:** Parker Boulware, Manager, Administration / Finance and Procurement, distributed information that included the past four years of figures for revenue, expenditures, remittance to General Fund, and the carry forward amounts. Each Board remits an amount equal to 10% of expenditures to the general fund and is charged a pro rata share of Administration and attorney expenditures Surplus monies are carried forward.

*Mr. Boulware departed the meeting at 3:45 p.m.*

#### **NEW BUSINESS**

**Recovering Professional Program (RPP) Contract Presented:** Mr. Wilson reviewed for the Board the *Memorandum of Agreement between Recovering Professional Program and South Carolina Board of Examiners in Optometry*, the *Questions from the Recovering Professional Program (RPP)*, the *First Time Missed Drug Screens or Initial Positive Reports Compliance Policy*, and the *Policy on Issuance of Stay Orders Under Terms of Final Orders When Recommended by the Recovering Professional Program*.

A brief policy overview explained that when a Final Order of the Board imposes or adopts a period of suspension, a licensee with disciplinary issues involving substance abuse or drug dependency may be required to enroll in the Recovering Professional Program (RPP) and to complete an evaluation and any recommended treatment until the treatment team recommends a return to practice under appropriate monitoring and other practice restrictions. Therefore, the Board believes that licensees who are enrolled in the RPP are not continuing to pose a threat to patients when they are being monitored by the RPP. The Board chairperson may order the immediate stay of suspension with cases of documented treatment completion in order to

authorize a licensee to return to practice under such monitoring and other practice restrictions as recommended by the RPP, in addition to any terms or conditions required pursuant to their Final Order. A compliance policy is in place for first time missed drug screens or initial positive reports, and if the licensee relapses and refuses or fails to comply with the policy, staff shall recommend the immediate issuance of a temporary suspension order by the Board chairperson for violation of the licensee's order of agreement.

**Motion:** A motion was made by Dr. Smith to accept the *Memorandum of Agreement by Recovering Professional Program and South Carolina Board of Examiners in Optometry*, the *Questions from the Recovering Professional Program (RPP)*, the *First Time Missed Drug Screens or Initial Positive Reports Compliance Policy*, and the *Policy on Issuance of Stay Orders Under Terms of Final Orders When Recommended by the Recovering Professional Program*, as presented by RPP. The motion received a second by Dr. Williams. The motion carried.

Dr. Hamill invited Mr. Sheheen and Mr. Wilson to attend the annual education meeting sponsored by the S.C. Optometric Association at Hilton Head Island, South Carolina, November 29-30, 2007 to address the availability and confidentiality of the Recovering Professional Program; a large number of licensees attend this meeting. Mr. Sheheen was asked to contact Ms. Claire Holley, South Carolina Optometric Association, to schedule an appearance on behalf of the Board.

*Mr. Sheheen and Mr. Wilson departed the meeting at 4:15 p.m.*

**Return to:**

**REPORTS**

**Investigative Review Committee (IRC) Report:** Investigator P.C. Faglie, reported on two cases reviewed by the Investigative Review Committee Meeting held July 31, 2007.

Case #2007-2: Respondent allegedly displayed unprofessional conduct during a May, 2007 office visit. The IRC recommendation was to dismiss since no evidence to support the allegation was found.

Case #2007-1: IRC recommended a formal complaint; case to come before the Board for a hearing.

**Motion:** A motion was made to accept the recommendation of the IRC to dismiss Case #2007-2 and proceed with a formal complaint for Case #2007-1. The motion was seconded and passed.

*Investigator Faglie departed the meeting at 4:28 p.m.*

**UNFINISHED BUSINESS**

**Branch Location Fees:** Discussion on branch location fees was *deferred*.

**Review CPT Code 87071:** The following CPT code was accepted to be within the scope of optometric practice in South Carolina: CPT Code 870171 Microbiology, quantitative, aerobic with isolation and presumptive identification, from any source except urine, blood, or stool.

**Return to: NEW BUSINESS**

**Prescription Eyeglasses Online – Inquiry/Dr. Alva Pack:** Dr. Alva Pack inquired as to the legality of buying frames and mass-produced eyeglasses online. The Board agreed that it does not have jurisdiction over this type of offer as long as the practice of optometry is not being done in South Carolina. Ms. Combs will notify Dr. Pack in writing of the Board’s response to his inquiry.

**Partial Credit Hours for Continuing Education Course – Inquiry/Dr. Alva Pack:** Dr. Pack recommended the Board allow partial credit be earned within a course. The Board concurred that education sponsors have the right to determine the length of a course and the appropriate credit; this is not a Board issue. The Board determines the value of the content of the continuing education course and accepts the number of hours as reported by the sponsor. Ms. Combs will notify Dr. Pack in writing of the Board’s response to his inquiry.

**Medicaid Tamper-proof Prescription Forms:** Dr. Hamill announced that effective October 1, 2007, the Department of Health and Human Services will establish Medicaid tamper-proof prescription forms printed on green paper and upon reproduction the word “void” appears on the form.

*Dr. Long departed the meeting at 4:40 p.m.*

**Examination at Hilton Head Meeting:** The SC Jurisprudence Examination will not be administered at the Hilton Head Island meeting in November 2007.

**Board Member Election:** Three Board member terms will be expiring in 2008, Dr. F. Mason Smith, term expiring March 9, 2008, Dr. David W. Hamill, term expiring April 24, 2008, and Dr. Robert Neal Williams, term expiring June 30, 2008. Dr. William Spearman has informed the Board of his intention to pursue election and appointment at the meeting in Hilton Head in November; incumbents Dr. Smith and Dr. Williams will seek reappointment. All licensed S.C. optometrists were notified of Board member term expirations and for those interested to submit a notice of intention to run for a position on the Board to the Board office by October 1, 2007.

**Branch Fees Refund – Inquiry/Dr. Leann Geerts:** In a letter dated September 8, 2007, Dr. Leann Geerts requested a refund for payment of three branch location fees due to her relocation to North Carolina. The Board concurred that the fees were a non-fundable cost of doing business; Dr. Hamill will respond in writing to Dr. Geerts that the application fees are non-refundable.

**June 2008 Board Meeting Date:** The second Wednesday of the month, June 11, 2008, was established as the June Board meeting date to avoid potential conflict with the ARBO meeting.

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**ANNOUNCEMENTS**

The next regularly scheduled Board Meeting is November 29, 2007, 12:00 Noon, The Westin Resort, Hilton Head Island, South Carolina. The Board will also meet with the S.C. Optometric Association, November 30, 2007, 7:45 a.m., The Westin Resort, Hilton Head Island, South Carolina.

The next administration of the South Carolina Jurisprudence Examination is scheduled for Wednesday, March 26, 2008, 2:00 p.m., Kingstree Building, Room 105, Columbia, South Carolina. A Board meeting will follow at 3:00 p.m.

There being no further business or announcements, Dr. Hamill adjourned the meeting at 4:50 p.m.

Respectfully submitted,

Angie M. Combs  
Administrator