

South Carolina Department of Labor, Licensing and Regulation (LLR)
South Carolina Board of Examiners in Optometry
Regular Board Minutes
September 24, 2008
Synergy Business Park, Saluda 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. Williams called the meeting to order at 3:05 p.m.

BOARD MEMBERS PRESENT:

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

IN ATTENDANCE:

Dr. Peter Candela, South Carolina Optometric Association (SCOA)

SCLLR STAFF PRESENT:

David Love, Chief, Investigations and Enforcement
Angie M. Combs, Administrator
Janice D. Meetze, Administrative Assistant

The agenda for the September 24, 2008 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 June 11, 2008 minutes as written. The motion was seconded and passed.

PRESIDENT'S REMARKS

Dr. Williams welcomed Dr. Spearman to the Board and thanked him for his willingness to serve. Further remarks were reserved to be within the business of the meeting.

Dr. Peter Candela representing the South Carolina Optometric Association (SCOA) was asked to report on his attendance at the American Optometric Association (AOA) State Legislative Conference meeting in Indianapolis, Indiana. He stated that all fifty states sent representatives with South Carolina having the most attendees, including two lobbyists. Of greatest impact was Dr. John McGreal's presentation of future technology and how it is critical for optometrists to stay involved and stay knowledgeable in order to perform the latest procedures.

Mr. David Love, LLR Chief of Investigations and Enforcement that covers the Office of Health and Medical investigations, introduced himself to the Board. Mr. Love comes to this position with twenty-nine years of experience that includes Wages and Child Labor and the South Carolina Board of Nursing.

Mr. Love departed the meeting at 3:15 p.m.

REPORTS / INFORMATION

Administrative Reports and Information/Renewal Update: Ms. Combs reported that 444 of the 739 licensed optometrists have renewed to date with 295 licensees in an “active in renewal” status. She reported totals for each type of license as 716 TPA, 9 DPA, and 14 Basic. In South Carolina there are 6 Basic, 8 DPA, and 462 TPA licenses.

SC Jurisprudence Examination: The examination was administered to seven candidates immediately preceding this meeting on September 24, 2008; included three endorsement candidates.

Investigative Review Committee (IRC Report): Ms. Combs reported that there are four complaint cases currently under investigation.

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

LLR Reorganization: Ms. Combs informed the Board that a Licensure and Compliance Division has been created as a result of an agency restructure. Basic renewal and licensing functions will be transitioned to the newly formed group at a future date; any questionable applications will be referred to the board administrator. Ms. Adrienne Youmans, LLR Director, has instructed all licensing boards that administer jurisprudence examinations to make examinations available online as soon as possible; this would allow candidates to complete this requirement at any time. A license would not be issued until all required documentation, i.e., application, transcript, license verification, is received. Ms. Combs reported that she has been assigned an additional program, South Carolina Panel for Dietetics, and Mr. Rion Alvey has been appointed Assistant Deputy Director of the Office of Health and Medical Professions. With the signing of the S.C. Illegal Immigration Reform Act on June 4, 2008, LLR has been given the task of investigating companies for compliance that will require employers to verify legal status of employees beginning in 2009.

Branch Registrations: Branch Registration Applications were received from Dr. Amy Gower, Columbia, SC; Dr Lisa Niven, Elgin, SC; Dr. David Bang, Summerville, SC; and Dr. Sam O. Russell, III, Florence, SC.

Branch Fees: An inquiry has been made regarding the requirement to pay a branch fee if working only one day per week at a second location. Discussion followed. The matter was deferred to the December meeting.

Continuing Education Course Approval: Ms. Combs affirmed that continuing education sponsored by Omni Eye Center in Atlanta, Georgia is still considered in the limited hours category. The continuing education courses to be offered at the SCOA Hilton Head meeting were reviewed.

VA Optometry Residents to have a National Provider Identifier Number: Ms. Combs received notification from the Association of Regulatory Board of Optometry (ARBO) that effective July 1, 2008 the Department of Veterans Affairs, Optometry Service Program, requires all VA optometry residents to have a national provider identifier number as an optometrist with a full and unrestricted license when they begin their residency. ARBO has requested that state boards work with licensure candidates to ensure that their residents will be able to meet this requirement. Ms. Combs will notify ARBO that with online examination to be available in the near future, candidates for South Carolina licensure will not be faced with a delay in completing licensure requirements due to waiting for jurisprudence examination administration

UNFINISHED BUSINESS – None

NEW BUSINESS

CPT Code Review: The Board received a request to approve three optometric procedure codes, 97532, 97533 and 97110, that are currently not on the approved codes list. **Motion:** Dr. Smith made a motion to accept the three optometric codes, 97532, 97533, and 97110. The motion was seconded and passed.

Licensees with a Basic or DPA License after September 30, 2008 - Notification/information: The Board concurred that certified letters should be sent to optometrists who do not hold a TPA classified license, now required by Law, to remind them they no longer hold a license to practice optometry in South Carolina; requirements to upgrade to TPA and how to reinstate a license to be included.

Ms. Combs had inquiries concerning what an optometrist with a lapsed license can do while working under a licensed optometrist. An unlicensed assistant's work is strictly limited. The responsibility will lie with the individual licensed optometrist that has delegated tasks to the unlicensed person as to what an unlicensed practitioner is allowed to do within the confines of the SC Optometry Practice Act. Section 40-37-280(A) of the Practice Act states that it is unlawful for a licensee to permit his or her license to be used by any unlicensed person, and it is unlawful for an unlicensed person to practice or attempt to practice or conduct business under the rights and privileges conferred upon another licensed person.

Dr. Williams received an inquiry asking if there is a law that would prohibit a non-licensed person from owning an optometry practice and hiring a licensed person to work in the practice. Ms. Dantzler had previously advised that the SC Optometry Law does not address or prohibit this business practice.

Society of Professional Optometrists (SOPO) – Review documents submitted for state organization status: Per South Carolina Regulations that addresses continuing education requirements for licensed optometrists, an unlimited number of CE hours can be obtained from various courses sponsored by national, regional, and *state* optometric organizations, optometry schools, or medical schools. The Society of Professional Optometrists, Inc., a Georgia State corporation, is attempting to prove they fall under the category of a state optometric association for the purpose of sponsoring continuing education. The documents submitted by SOPO had been reviewed by Ms. Dantzler and she advised the Board that this organization would legally be considered a state optometric organization. Discussion ensued.

Motion: Dr. Nash made a motion to approve the Society of Professional Optometrists, Inc. as unlimited continuing education hours sponsor. The motion was seconded and passed.

Motion: Dr. Smith made a motion to review the Regulations for any needed updates. The motion was seconded and passed.

Select Continuing Education Course Reviewer: Dr. Spearman was selected as the continuing education course reviewer for the Board.

Board Member Election Notice: Notification of the Board member election to be held December 5, 2008 immediately following the SCOA business meeting, Marriott Resort, Hilton Head Island, SC, will be mailed to active licensees. At least one position will need to be filled; depending on the outcome a SC House race that involves Dr. Long, a second Board seat may become vacant and need to be filled.

Dr. Candela departed the meeting at 4:50 p.m.

Review December 2008 Board Meeting Dates and Times: The next Board meeting will be held in conjunction with the S.C. Optometric Association CE Seminar at Hilton Head Island, SC, during the lunch break from 12:30 p.m.–1:45 p.m., Thursday, December 4, 2008; the Board will provide a presentation at the December 5, 2008 SCOA business meeting and also conduct a Board member election that day.

QUESTIONS / ANNOUNCEMENTS

Ms. Combs has received an inquiry from an optician who received a written doctor's prescription with an expiration date altered by the patient. The Board concurred this is an illegal activity and the seller has the right to refuse filling the prescription.

An inquiry made by a son who expressed concern that on the Department of Motor Vehicles form used to report eye examination results for his father, diagnosed with Alzheimer's disease, the optometrist did not recommend the request for a driver's license be denied. The inquirer felt legislation should be introduced that addresses this situation. Dr. Smith advised there is a law already in place whereby the optometrist fills out the form concerning visual capability only. The SCDMV determines if the individual is granted a license to drive.

Ms. Combs announced that an ARBO seat on the National Board will be open in December 2008; interested members should contact ARBO.

The next regularly scheduled Board Meeting is to be held December 4, 2008 at 12:30 p.m. in conjunction with the SCOA CE Meeting, Hilton Head Island, S.C. The Board will present a Board report during the December 5, 2008 SCOA business meeting; election to also be held.

There being no further business or announcements, Dr. Williams adjourned the meeting at 5:07 p.m.

Meeting recorded and minutes transcribed by Jan Meetze, Administrative Assistant
Reviewed and respectfully submitted by Angie M. Combs, Administrator