

**South Carolina Department of Labor, Licensing and Regulation (SCLLR)**  
**Board of Examiners in Optometry**  
**Board Meeting Minutes**  
**February 16, 2011**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 204**  
**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 3:10 p.m.

**BOARD MEMBERS PRESENT:**

Dr. Robert Neal Williams, President  
Dr. William R. Spearman, Vice President  
Dr. Derek Van Veen  
Dr. Thomas E. Tucker  
Dr. Peter V. Candela

**BOARD MEMBER NOT PRESENT:** Isaac L. Johnson, Public Board Member

**VACANT POSITION:** Public Member (One)

**SCLLR STAFF PRESENT:**

Mr. David Love, Chief Investigator, Office of Investigations and Enforcement  
Ms. Cheryl McNair, Investigator, Office of Investigations and Enforcement  
Ms. Tracey McCarley, Office of Board Services  
Ms. Sharon Dantzler, Office of General Counsel  
Angie M. Combs, Administrator  
Janice D. Meetze, Administrative Assistant

**IN ATTENDANCE:**

Dr. Harold J. Hoover, License #846  
Dr. William E. Southerland, License #1580  
Dr. Jeffrey C. Magun, License #488  
Jon Davidson, MA, CACI, Recovering Professional Program

The agenda for the February 16, 2011 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 October 27, 2010 minutes as written. The motion was seconded and passed.

**Office of Investigations and Enforcement Report:** Mr. Love reported that for the period 1/1/2010 through 12/31/2010 there were thirteen cases opened; nine cases were closed. For the period 1/1/11 through 2/10/11 four new cases had been opened, three cases are pending today's Board recommendation, and there are currently five cases in active investigation.

**Investigative Review Committee (IRC) Report:** Mr. Love reported that the IRC met on February 10, 2011 to review and discuss three cases; #2010-13, #2011-1, #2011-2 were recommended for dismissal. **Motion:** Dr. Spearman a made a motion to accept the recommendations of the IRC. The motion was seconded by Dr. Van Veen. The motion passed.

*Mr. Love and Ms. McNair departed the meeting at 3:15 p.m.*

**Financial Report:** Ms. Tracey McCarley, Office of Board Services, reported that she has been tasked with re-formatting board financial reports in an understandable and readable expenditures and revenue format; a revised report will be available for review by the Board's next meeting.

*Ms. McCarley departed the meeting at 3:20 p.m.*

#### **HEARING - REQUEST FOR RELEASE FROM TERMS AND CONDITIONS**

The hearing concerning Harold J. Hoover, O.D., license #846, was conducted by the Board and transcribed by certified court reporter, Terri A. Winiarski of Capital City Reporting.

*The following is provided for information only:*

**EXECUTIVE SESSION: Motion:** A motion was made that the Board be recessed to go into executive session to deliberate the request for release from terms and conditions for Harold H. Hoover, O.D. The meeting was recessed at 3:34 p.m.

**RECONVENE IN PUBLIC SESSION: Motion:** A motion was made that the Board reconvene in public session. The motion received a second. The motion carried. The meeting reconvened at 3:43 p.m.

**Motion:** Dr. Spearman made a motion that Dr. Hoover be released from the terms and conditions previously set forth in the Consent Agreement signed April 7, 2004. The motion was seconded by Dr. Tucker. The motion carried.

*Dr. Hoover departed the meeting at 3:45 p.m.*

#### **HEARING - REQUEST FOR RELEASE FROM TERMS AND CONDITIONS**

The hearing concerning William E. Southerland, O.D., license #1580, was conducted by the Board and transcribed by certified court reporter, Terri A. Winiarski of Capital City Reporting.

*The following is provided for information only:*

**EXECUTIVE SESSION: Motion:** A motion was made that the Board be recessed to go into executive session to deliberate the request for release from terms and conditions for William E. Southerland, O.D. The meeting was recessed at 3:50 p.m.

**RECONVENE IN PUBLIC SESSION: Motion:** A motion was made that the Board reconvene in public session. The motion received a second. The motion carried. The meeting reconvened at 3:55 p.m.

**Motion:** Dr. Candela made a motion that Dr. Southerland be released from the terms and conditions previously set forth in the Order signed October 8, 2009. The motion was seconded by Dr. Tucker. The motion carried.

*Dr. Southerland departed the meeting at 3:59 p.m.*

**Utilization of Medications Under Existing DEA Categories for Future Optometric Physicians**

**Applications:** Dr. Jeffrey Magun, License #488, expressed his concerns for the future of optometry and presented his recommendation that the optometric community ensures that current and future generations of optometrists are allowed to practice at the full scope of their abilities.

**REPORTS / INFORMATION**

**New Director / Deputy Director:** Former Charleston, S.C. labor attorney, Ms. Catherine Templeton, was appointed by Governor Nikki Haley and confirmed by the S.C. Senate on January 11, 2011 as the Director of the South Carolina Department of Labor, Licensing and Regulation; Mr. Rion Alvey has been named Deputy Director.

**Licensee Totals:** Ms. Combs reported there are 725 active licensees; 478 are practicing in S.C.

**Office of General Counsel (OGC):** There are no pending cases residing in OGC at this time.

**Branch Registrations:** Branch office registrations for Dr. Carol A. Schwan and Dr. Jason Lee were presented to the Board and approved.

**Association of Regulatory Boards of Optometry (ARBO) National Meeting:** ARBO will hold their national meeting in Salt Lake City, Utah, June 12-14, 2011. Dr. Williams announced he plans to attend.

**Economic Interest Report:** The Board was reminded that all public members of State Boards or Commissions are required to electronically file a Statement of Economic Interest report by the April 15, 2011 deadline.

**S.503 Optometry Legislation Introduced:** A bill was introduced in the Senate on February 3, 2011 to amend Section 40-37-290 relating to the manner of prescribing and administering pharmaceutical agents by an optometrist, so as to permit injections into the eyelid as an exception to the prohibition against medications being given by injection or intravenously.

**Continuing Education – Course Approval:** International Vision Expo, a for-profit organization, has requested CE approval within the unlimited CE hours' category. The Board adheres to Regulation 95-4 which states that only eight (8) of the forty (40) hours required can be from courses, live or online, sponsored by local optometric society groups and private businesses/organizations such as physicians, optometrists, and optical industry shows.

**UNFINISHED BUSINESS**

**Board Certification:** Ms. Dantzler advised that Section 40-37-390 (D) of the Optometry Practice Act states that nothing in this chapter prevents a person from making truthful, non-deceptive claims of qualifications and professional affiliations. If there is a genuine qualification process a certification may be considered credible. The Board cannot change the statute; only the legislature can change a statute.

**Mobile Units:** Optometry law states that a mobile unit must be limited to visiting and providing services to licensed health care facilities within this State. The optometrist must obtain a mobile unit registration by applying for a branch practice location; any use of a mobile unit must conform to the Optometry Practice Act as it is written.

### **NEW BUSINESS**

**Review Optometry Law Section 40-37-390, Regulation 95-2 / Unlawful Advertising Practices:** A legal report was requested for presentation at the next meeting concerning advertisements offering free eye examinations and what could be the ramifications for a licensee found in violation of the Practice Act.

### **ANNOUNCEMENTS**

The next regularly scheduled Board Meeting is Wednesday, May 4, 2011, 3:00 p.m.

There being no further business or announcements, Dr. Williams adjourned the meeting at 6:35 p.m.

*Meeting recorded and minutes transcribed by Janice Meetze, Administrative Assistant.  
Minutes reviewed and edited by Angie Combs, Administrator.  
Minutes presented to the Board for final approval.*