

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**Board of Examiners in Optometry**  
**Board Minutes**  
**May 4, 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 3:08 p.m.

**BOARD MEMBERS PRESENT:**

Dr. Robert Neal Williams, President  
Dr. William W. Spearman, Vice President  
Dr. Derek Van Veen  
Dr. Thomas E. Tucker  
Dr. Peter V. Candela  
Isaac L. Johnson, Jr., Public Board Member

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

**SCLLR STAFF PRESENT:**

Pat Hanks, Office of General Counsel  
David Love, Chief Investigator, Office of Investigations and Enforcement  
Cheryl McNair, Investigator, Office of Investigations and Enforcement  
Gwen Morris, Investigator, Office of Investigations and Enforcement  
Angie M. Combs, Administrator  
Janice D. Meetze, Administrative Assistant

**IN ATTENDANCE:**

Dr. Furman Mason Smith  
Stephanie Johnson

The agenda for the May 4, 2011 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 by Dr. Tucker to accept the February 16, 2011 minutes as written. The motion was seconded by Dr. Candela and passed.

**Office of Investigations and Enforcement Report:** Mr. Love, Office of Investigations and Enforcement, reported for the period 1/1/2011 through 04/12/2011 three cases were closed, two cases pending review by the Investigative Review Committee (IRC), four cases complete for Board review of IRC Report, and three cases are currently under active investigation.

**Investigative Review Committee (IRC) Report:** The IRC met and recommended three dismissals and one Letter of Caution. The Letter of Caution was presented to the Board. **Motion:** Upon review of the Letter of Caution, Dr. Spearman made a motion to accept the recommendations of the IRC with amended language to the Letter of Caution. The motion was seconded and the motion carried.

Mr. Love introduced Ms. Gwen Morris as now part of the investigative team.

*Mr. Love, Ms. McNair, and Ms. Morris departed the meeting at 3:20 p.m.*

**PediaVision / Vision Screenings:** Dr. Smith requested an appearance before the Board on behalf of the Association for the Blind to request if the PediaVision screening device can be used for an in-school screening on children to detect the need for referral to an eye care professional. This device would be used as part of the ReFocus on Children Program that would provide children the opportunity to receive free, professional eye screenings, vision education and, if needed, examinations and prescription eyewear with a goal to reduce unnecessary vision loss and maximize learning potential.

Mr. Hanks advised that the Board must determine whether this type of vision screening is actually in contradiction with Section 40-37-30. Discussion followed and a recommendation was made to seek further legal counsel. **Motion:** Dr. Spearman made a motion for the Board's advice attorney to provide counsel on the legality of this request using the current Law and policy and also an opinion on any needed Law change to address vision screenings. The motion was seconded by Dr. Tucker and the motion carried.

*Dr. Smith and Ms. Johnson departed the meeting at 4:00 p.m.*

## **REPORTS / INFORMATION**

**Licensee Totals:** Ms. Combs reported there are 730 South Carolina licensed optometrists; 478 are in-state licensees.

**Financial Report:** A reformatted financial report reflecting Fiscal Years 2009, 2010, and 2011 was provided. Ms. Combs explained that ten percent (10%) of all Board expenditures are mandated to be remitted to the General Fund.

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

**Branch Registrations:** There are no branch registrations to be reviewed.

**Association of Regulatory Boards of Optometry (ARBO) National Meeting:** Dr. Williams will attend the ARBO National Meeting to be held June 12-14, 2011 in Salt Lake City, Utah. Ms. Combs stated that reimbursement for reasonable air fare would be available and lodging would be reimbursed at the federal per diem rate of \$95.00 per night.

**Continuing Education (CE) - Course Approval:** No courses were presented for approval.

**CE Via Webinars:** An inquiry was made as to Board approval for continuing education via webinars. The Code of Regulations Chapter 95-4 states that no more than eight of the forty hours required can be from courses, live or online; correspondence and video/audio presentation are not approved for continuing education. Mr. Hanks advised that the Board has the authority to direct staff to accept webinars for continuing education for renewal purposes.

**Motion:** Dr. Spearman made a motion that the Code of Regulations Chapter 95-4 already stipulates online courses are accepted, with restrictions; this allows for Board approval of webinars as online education as stated in Regulations. The motion was seconded by Dr. Van Veen and the motion carried.

### **UNFINISHED BUSINESS**

**Unlawful Advertising Practices:** South Carolina licensed optometrists who participate in honoring advertised offers when such offers are in violation of the South Carolina Optometry Practice Act are subject to discipline by the South Carolina Board of Examiners in Optometry. Mr. Hanks stated the Board can issue a Cease and Desist Order to anyone found in violation of the Optometry Law; if the violation continues then the Administrative Law Court would be notified.

### **NEW BUSINESS**

**Use of Board Policies:** Ms. Combs read a directive from Mr. Charles Ido, Assistant Deputy Director, stating it appears that some boards rely on policy rather than statute or regulation to make licensure decisions. Concerns have been raised by the Governor's Office and a member of the South Carolina Senate. Board policies are neither statutes nor regulations and have no force of law. Board policies should be restricted to internal staff operational procedures. If it is determined that the statutes and regulations are no longer sufficient to regulate the licensing, the process of formulating new regulations must be initiated.

**Continuity of Patient Care:** The topic was deferred to the August 3, 2011 meeting.

**Association of Regulatory Boards of Optometry (ARBO) Questionnaire:** ARBO requested member boards for their position on current issues in optometry and to provide information concerning the past years activities and statistics to be used at ARBO's National Meeting. Ms. Combs will provide the requested information and Dr. Williams will address the contemporary issues on behalf of the South Carolina Board at the meeting. Dr. Tucker was asked to put together an overview / history of ARBO.

### **ANNOUNCEMENTS**

The next regularly scheduled Board Meeting is August 3, 2011, Room 204, 3:00 p.m.

There being no further business or announcements, Dr. Williams adjourned the meeting at 5:20 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.*