

South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Optometry
Teleconference Board Meeting Minutes
November 18, 2020 3:00P.M.

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Optometry, Synergy Business Park, Kingstree Building and on the board website and provided to all requesting persons, organizations, and news media in compliance with section 30-4-80 of the South Carolina Freedom of Information Act. In accordance with the Governor's directives regarding social distancing, the meeting will be held via teleconference. Members of the public who wish to attend may do so by telephone. The telephone number and access code are provided on the posted agenda.

BOARD MEMBERS PRESENT

Dr. Michelle Cooper, President
Dr. Jeremy P. Anderson, Vice President
Dr. Derek Van Veen
Dr. James Vaught
Dr. Deborah Long
Mr. Jesse Price
Mr. Charles Hill

SCLLR STAFF PRESENT

Stacey Hewson, Esquire, Office of Advice Counsel
Meredith Buttler, Administrator
Tina Brown, Office of Disciplinary Counsel
Mark Sanders, Office of Investigations and Enforcement
Jody Rowland, Office of Investigations and Enforcement

ALSO PRESENT

Tina Behles, Court Reporter
Robyn Madden, RPP
Rick Kattouf, OD
Greg Bailey, OD
Ria Cooper, RPP
Rebecca Payne, RPP
Jackie River, SCOPA

CALL TO ORDER: Dr. Cooper called the meeting to order at 3:06 P.M.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Anderson/Vaught/approved.

APPROVAL OF ABSENT BOARD MEMBER

Motion: To approve Dr. Van Veen.
Vaught/Price/approved.

PRESIDENT'S REMARKS

Dr. Cooper stated she had no comments at that time.

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the August 5, 2020 meeting.
Vaught/Anderson/approved.

STAFF REPORTS

Administrator's Report

Ms. Buttler reported, to date the Board has 455 active licensees and 567 active in renewal licensees. Currently the Board office has 5 pending applications and 3 exam eligible applications. Since the last Board meeting on August 5, 2020, the Board has issued 21 licenses. The Board's current fiscal balance as of October 31, 2020 is \$47,088.42.

The Board is currently in renewals with online renewals remaining open until December 31, 2020. During the late renewal period from January 1 to 31, 2021, the online portal will remain open. Following the close of renewals, a randomized audit will be conducted. Typically a 3% to 5% is done and Ms. Buttler expressed the desire to conduct a 5% audit unless the Board wishes to do otherwise.

Ms. Buttler reported that as on October 1, 2020, the DMV launched their vision screening portal. An email was distributed by the DMV on September 22, 2020 with instructions on how to register. Since then the Board office has received several calls and emails regarding registration for the portal. The DMV is instructing licensees that they need an email from us in order to register. LLR has contacted the DMV and are attempting to identify the source of the miscommunication. Ms. Rivers with SCOPA spoke to the Board regarding the Association also sending information to member regarding the DMV portal and would be happy to assist with any further communications.

Due to continued state restrictions and CDC Guidelines, Ms. Buttler reported COPE has made the decision to extend the temporary rules modification to allow COPE providers to provide interactive online CEs. COPE stipulated that in order for CE to be considered interactive distance learning, the attendees must have immediate interaction with the instructor. The courses will continue to be listed as LIVE.

For Board information only, Ms. Buttler provided a copy of the NBEO report regarding their review of alternative testing methodologies during COVID-19.

Dr. Van Veen joined the meeting.

Office of Investigations and Enforcement Report

Mr. Sanders reported for the third quarter one complaint had been received, year to date total of seven. For the third quarter, two cases have been closed, year to date total of nine.

Mr. Faglie presented the IRC report, which met on July 22, 2020. The report included one case for formal complaint. Dr. Vaught requested additional information regarding the case. Ms. Tina Brown expounded on the complaint process and the need for minimal information on the IRC report in order

to ensure a fair trial when it come back before the Board. Ms. Brown confirmed that make up of the IRC committee includes two licensed optometrists.

Motion: To approve the case for formal complaint.
Anderson/Long/approved.

Office of Disciplinary Counsel Report

Ms. Tina Brown sated there was no report at this time.

DISCIPLINARY HEARING

a. 2014-8

Disciplinary case 2014-8 respondent appeared before the Board for a closed Disciplinary Hearing. All persons testifying were sworn in by the court reporter. All hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To release the respondent from the Board Order on December 18, 2020.
Vaught/Long

Members from the Recovering Professional Program stated the respondent recently was scheduled for a drug screening test on November 23, 2020.

Motion: To release the respondent from the Board Order following completion of a negative drug screening scheduled for November 23, 2020.
Vaught/Van Veen/approved

APPLICATION HEARING

a. Richard Kattouf, OD

Dr. Kattouf appeared before the Board for an application hearing. He was not represented by counsel and was sworn in by the court reporter. Dr. Michelle Cooper recused herself from the hearing. Hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice.
Vaught/Van Veen/approved

Motion: To return to public session.
Long/Van Veen/approved

Motion: To reinstate Dr. Kattouf's license upon completion of retaking of NBEO Parts II, Part III, the SC Jurisprudence exam and a residency.
Vaught/Price/approved

NEW BUSINESS

a. Discussion and Guidance for Processing of Applicants with Out of Country Education/Licensure

Dr. Cooper reported the Board had received a request from a United Kingdom licensed optometrist requesting the South Carolina Board to sponsor them for the NBEO examinations. Dr. Cooper stated NBEO is discouraging state boards from sponsoring

examinations applicants due to possible conflict of interest. Dr. Vaught advocated for the sponsorship request to be done through the accredited schools in order to assess whether or not they have met the educational requirements in the US. Ms. Hewson stated provisions for sponsorships are not in the Board's statutes nor regulations and therefore a letter stipulating the Board does not have the supporting authority to sponsor out of country applicants. Dr. Vaught stated applicants would be able to contact the Association of Schools and Colleges of Optometry (ASCO) to seek sponsorship for the examinations. The Board requested Ms. Buttler send a letter to the requesting individual declining sponsorship and redirecting them to ASCO or other educational institution.

b. Discussion: COPE Proposed Course Category Revisions

The Board members were presented with the ARBO COPE category revisions. Dr. Cooper summarized the revisions and stated it would not impact the Board's CE acceptance. COPE requested any input from the member states. The Board does not have any.

c. Approval of 2021 Board Meeting Dates

Motion: To approve the 2021 Board meeting dates.
Long/Anderson/approved

PUBLIC COMMENTS

Dr. Kattouf thanked the Board for their time.

ANNOUNCEMENTS

The next Board meeting is November 18, 2020.

ADJOURNMENT

The meeting adjourned at 4:36 P.M.