

South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Optometry
Teleconference Board Meeting Minutes
August 5, 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
Wendy Taylor, Program Coordinator
Pleas Faglie, Office of Investigations and Enforcement
Mary League, Office of Advice Counsel
Katie Phillips, Office of Communications and Government Affairs
Jody Rowland, Office of Investigations and Enforcement

ALSO PRESENT

Nadine Garrett, Court Reporter
Dr. Wayne Cannon
Jackie River
Anna Balderson

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

APPROVAL OF AGENDA

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

APPROVAL OF ABSENT BOARD MEMBER

No members were absent

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the May 6, 2020 meeting.
Anderson/Price/approved.

PRESIDENT'S REMARKS

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

STAFF REPORTS

Administrator's Report

Ms. Buttler reported, to date the Board has 1003 active licensees with 12 pending applications and 1 exam eligible applications. Since the last Board meeting on May 6, 2020, the Board has issued 40 licenses. The Board's current fiscal balance as of June 30, 2020, is -\$7,326.89.

The Board was reminded that license renewals are this year. As per previous years, renewals will open in September and licensees will be receiving email verifications prior to the opening of renewals.

Ms. Buttler reported the ARBO Annual Meeting was conducted virtually on Saturday, June 20, 2020. Representing the South Carolina Board at the meeting was Dr. Anderson and Ms. Buttler. Ms. Buttler shared main topics of interested to the Board that were discussed during the Annual Meeting: COPE CE Classification, NBEO Part III Exam, and Telehealth after COVID and Licensure Compats. As COPE has amended their CE requirement to allow for live-streaming CE events to be included as 'live' CE hours, Ms. Buttler shared with the Board that COPE did not have the ability to delineate courses as 'live in-person' or 'live-streamed'. The information was shared with the Board for consideration regarding reporting of CEs for the upcoming renewal cycle. NBEO shared they had explored the ability to offer the Part III exam in various locations around the country. After thorough review, it was determined the exam could not be offered outside of the Charlotte office headquarters. Due to possible travel restrictions, NBEO advised Boards to begin discussions on how to handle applications where the Part III exam has not be taken due to travel restrictions. With the onset of COVID-19, many states have made allowances for telehealth. ARBO advised Boards to begin reviewing how they will handle the issue of telehealth following the conclusion of the emergency health crisis. Coupled with the allowance of telehealth, the conversation of licensure compacts has begun to emerge. It is being recommend that Board begin looking into the possibility of licensure compact feasibility. Dr. Anderson reiterated the importance of the Board reviewing and looking at the online CE Course requirements. With the demand for online courses during the emergency health crisis, Dr. Anderson believes this will be more of the normal avenue of course delivery in the future.

Office of Investigations and Enforcement Report

Mr. Pleas Faglie reported there have been three cases were received in first quart of 2020. To date, no cases have been closed and one is currently under active investigation.

Mr. Faglie presented the IRC report, which met on July 22, 2020. The report included one case for dismissal and one letters of caution.

Motion: To approve the one case for dismissal.
Hill/Anderson/approved.

Motion: To approve the one case for dismissal with a letter of caution.
Anderson/Price/approved.

Office of Disciplinary Counsel Report

On behalf of Ms. Tine Brown, Ms. Buttler stated there was no report at this time.

APPLICATION HEARING

- a. Samuel Weir, OD
Matter was resolved prior to the Board meeting. Application hearing was not conducted.

OLD BUSINESS

- a. Legislative Report – Act 220 of 2018
Ms. Hewson and Ms. Philips reported that per the 2018 General Assembly, a requirement for vision screening at the Department of Motor Vehicles (DMV) or a certificate of vision would need to be submitted for license renewals beginning in October of 2020. The DMV informed LLR that there would be an announcement regarding an online vision portal through which certificates of vision would be uploaded. Ms. Hewson did not have the official announcement nor additional details regarding the portal but stated the DMV will send out directions in September of 2020.
- b. Review of Regulation 95-4 and the Board’s criteria for Online Continuing Education
Dr. Cooper reminded the Board at the May 6, 2020 Board meeting, the continuing education (CE) online restrictions had been amended to allow for 15 hours. The Board had further clarified online CE course were any courses that were delivered via online platform and that live CEs may only be obtained through physical attendance at the course location. Due to the continuance of the public health crisis, Dr. Cooper requested discussion from the Board regarding further online amendments and possible re-clarification of live and online CEs. Dr. Anderson and Dr. Vaught advocated for live-streamed courses to be included in the ‘live’ CE categorization. Dr. Vaught also recommend pre-recorded courses that require quizzes for completion should also be considered in the ‘live’ CE clarification due to the content accountability.

Motion: To maintain the online CE hours allowance of 15 CEs for the current CE cycle, January 1, 2019 to December 31, 2020, only. Additionally redefining of ‘live’ CE course will include course taken in-person, live-streamed or pre-recorded courses requiring a quiz at the end for course completion.
Vaught/Long/approved

NEW BUSINESS

- a. Discussion and Consideration: Code of Ethics
Ms. Buttler reported the Agency had requested all Board review the statutes and regulations for a code of ethics. Board no possessing a code of ethics within the statutes or regulations are being encourage to develop or adopt a code of ethics. Ms. Buttler presented for the Board’s information the American Optometric Association’s “An Optometrist’s Guide to Clinical Ethics” and “Standards of Profession Conduct.” Ms. Hewson discouraged the Board from adopting published code of ethics and encourage the Board to develop their own for amendment to the Regulations. Dr. Cooper requested language be developed and proposed at the next Board meeting in order to begin Board discussion and review of the topic.

b. Delegation to Board President to approve request for CE Waivers

Motion: To delegate authority to the Board President to review and approve submitted CE Waivers for the duration of the State of Emergency as declared by the Governor.
Long/Price/approved

c. Review of Board Election Protocol

Dr. Cooper brought to the Board's attention that following the election for the optometrist held board seat, expired 03/09/2020, the nomination letter submitted to the Governor's office for consideration contained four names. As the Board's statutes do not specify how many names are to be submitted, the top three were sent by default. As there was a tie for third place, both names were submitted for the total of four. Dr. Cooper expressed concern that the election results had not been submitted to the Board for review prior to the letter being sent and that the letter to the Governor's office did not include result rankings or voting totals. It was noted that the practice of the Board reviewing the results prior to submission to the Governor's office may be construed as the Board tampering with election results. Mr. Hill stated the statutes regarding election are worded poorly and believes it can be interpreted as the Board having the authority to submit the number of names they choose and the Governor being allowed to approve or reject those nominees. Dr. Vaught expressed discontent at the Board not being involved in the election processes and that the Board should determine how many names they wish to submit to the Governor's office.

Motion: To delegate authority to the Board President to determine how the election results will be submitted to the Governor's office for consideration.
Vaught/Long/approved

CE WAIVER REQUEST

a. Chelsea Johnson, OD

The Board requested Ms. Buttler relay the CE revisions to Dr. Johnson. If a waiver request is still requested, then the Board President may review and make a determination regarding the request.

PUBLIC COMMENTS

Dr. Wayne Cannon expressed gratitude towards the Board for their handling of the election and inquired as to whether the letter would be resubmitted to the Governor's office. Ms. Hewson stated that a revised letter would need to be sent and signed off by the Board President.

ANNOUNCEMENTS

The next Board meeting is November 18, 2020.

ADJOURNMENT

Motion: To adjourn the meeting.
Vaught/Anderson/approved.

The meeting adjourned at 4:16 P.M.