

South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Optometry
Teleconference Board Meeting Minutes
February 17, 2021, 3:00 p.m.

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Optometry Office, Synergy Business Park, Kingstree Building, 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 was held via teleconference. Members of the public who wished to attend could do so by contacting the Board office for meeting access information.

BOARD MEMBERS PRESENT

Dr. Michelle Cooper, President
Dr. Jeremy P. Anderson, Vice President
Dr. Deborah Long
Dr. Brad Majors
Dr. Wayne Cannon
Mr. Jesse Price
Mr. Charles Hill

SCLLR STAFF PRESENT

Stacey Hewson, Office of Advice Counsel
Kyle Tennis, Office of Advice Counsel
Meredith Buttler, Administrator
Tina Brown, Office of Disciplinary Counsel
Mark Sanders, Office of Investigations and Enforcement

ALSO PRESENT

Tina Behles, Court Reporter
Robyn Madden, RPP
Tia Cooper, RPP
Rebecca Payne, RPP
Erin Griese, RPP
Jackie River, SCOPA
Anna Balderson, SCOPA
Respondent, Case 2020-9

CALL TO ORDER: Dr. Cooper called the meeting to order at 3:05 P.M.

APPROVAL OF AGENDA

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

APPROVAL OF ABSENT BOARD MEMBER

No absences

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the November 18, 2020 meeting.
Anderson/Hill/approved.

PRESIDENT'S REMARKS

Dr. Cooper thanked all for attending and expressed appreciation in having a full Board member representation.

DISCIPLINARY HEARING

a. 2020-9 MOA

Respondent for disciplinary case 2020-9 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 enter into executive session for legal advice.
Hill/Majors/approved.

Motion: To return to public session.
Long/Cannon/approved.

Dr. Cooper stated no votes were taken during executive session.

Motion: To accept the MOA, with the respondent's license being suspended for five (5) years, with said suspension immediately stayed, subject to compliance with the following conditions: no prescribing controlled substances, quarterly health reports are to be submitted to the Board for review and approval by the Board Chair, monthly workplace reports to include the number of patients seen on a daily basis are to be submitted to the Board for review and approval by the Board Chair, and the respondent may not work more than forty (40) hours a week, with no work taken home.
Anderson/Majors/approved.

STAFF REPORTS

Administrator's Report

Ms. Buttler reported, to date the Board has 944 active licensees. Following close of renewals, 94 licenses were lapsed. Currently the Board office has 4 pending applications and 2 exam-eligible applications. Since the last Board meeting on November 18, 2020, the Board has issued 14 licenses. The Board's current fiscal balance as of December 31, 2020 is \$191,327.65.

License renewals are now closed. Licensees who have lapsed are now required to submit a reinstatement application. Shortly the Board office will be performing a randomized CE audit of 5% of the licensees.

For Board information only, the ARBO 2020 Year in Review report was provided.

Ms. Buttler reviewed three proposed legislative bills, H. 3707, H. 3860, and H. 3084 for Board information only.

Ms. Buttler presented a request to the Board for revision to the wall certificates. Dr. Majors stated he would like to request the wall certificate, received at initial licensure, be revised to be issued on larger paper and include all Board member signatures. Dr. Cooper stated the Board has requested return to the larger format but the Board office does not have the ability to print the larger format.

Motion: To approve inclusion of all Board member signatures on the wall certificate.
Majors/Anderson/approved.

Ms. Buttler provided instructions to the members regarding attaining signatures and will submit the revised wall certificate to Dr. Cooper for approval.

Office of Investigations and Enforcement Report

Mr. Sanders reported for the fourth quarter of 2020, no complaints had been received, year to date total of seven. For the fourth quarter of 2020, no cases were closed, year to date total of nine.

Mr. Sanders stated there is no IRC report as the committee did not meet. Currently there are two active investigations.

Office of Disciplinary Counsel Report

Ms. Tina Brown reported there is one open case in ODC. The case was presented earlier in the meeting.

NEW BUSINESS

a. 2021 CPT Codes Review

Dr. Cooper reported there have been changes to the CPT codes effective January 1, 2021. The Board was provided with the current CPT Codes for Optometric Procedures document published on the Board website. Dr. Cooper recommended tabling the agenda item for the next meeting to allow board members time to review.

Motion: To table the review of CPT Codes for Optometric Procedures for the next meeting.
Cannon/Anderson/approved.

b. Clarification: Malpractice Settlement Reported with Renewals

Ms. Hewson brought to the Board the issue of self-reporting malpractice settlements on renewal applications and how the Board would like to handle applications indicating settlements. Dr. Cooper stated the settlements are not an admission of guilt and therefore should not be held against the licensee in review of renewal. Mr. Hill agreed with Dr. Cooper citing settlements are sometimes entered into by the legal representatives and are not reflective of practice violations. Board staff is advised to not flag for review renewal applications submitted with malpractice settlements reported.

c. Review and Approval: Investigative Review Committee licensed members

Motion: To appoint licensed optometrist Phillip Flynn to the Investigative Review Committee.
Majors/Long/approved.

ELECTION OF OFFICERS

Motion: To nominate Michelle Cooper for Board President.
Cannon/Long/approved.

Motion: To nominate Jeremy Anderson for Board Vice President.
Cooper/Cannon/approved.

PUBLIC COMMENTS

None.

ANNOUNCEMENTS

The next Board meeting is May 26, 2021.

ADJOURNMENT

Motion: To adjourn.
Cannon/Anderson/approved.

The SC Board of Examiners in Optometry meeting adjourned at 4:52 P.M.