

**South Carolina Department of Labor, Licensing and Regulation**  
**Board of Examiners in Optometry**  
**Board Meeting Minutes**  
**May 26, 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. Members of the public who wished to attend could do so by live stream. The Board office, via [contact.optometry@llr.sc.gov](mailto:contact.optometry@llr.sc.gov), provided live stream 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**

Kyle Tennis, Office of Advice Counsel  
Meredith Buttler, Administrator  
Shelby Sutusky, Office of Disciplinary Counsel  
Tina Brown, Office of Disciplinary Counsel  
Katie Phillips, Office of Communications and Governmental Affairs

**ALSO PRESENT**

Travis McCloud, Court Reporter

**CALL TO ORDER:** Dr. Cooper called the meeting to order at 3:00 P.M.

**APPROVAL OF AGENDA**

**Motion:** To approve the agenda.  
Cannon/Anderson/approved.

**INTRODUCTION OF BOARD MEMBERS**

Board members and staff introduced themselves.

**APPROVAL OF ABSENT BOARD MEMBER**

No members absent

**APPROVAL OF MEETING MINUTES**

**Motion:** To approve the minutes from the February 17, 2021 meeting.  
Hill/Cannon/approved.

## **PRESIDENT'S REMARKS**

Dr. Cooper thanked all for attending and reminded the members the meeting was being lived streamed on YouTube.

## **STAFF REPORTS**

### **Administrator's Report**

Ms. Buttler reported to date the Board has 961 active licensees, 13 pending applications and 3 exam-eligible applications. Since the last Board meeting on February 17, 2021, the Board has issued 13 licenses. The Board's current fiscal balance as of April 30, 2021, is \$198,843.98.

The National Board of Examiners in Optometry released on May 12, 2021, the 2020 year report. A copy of the report has been included in the meeting materials for Board information.

Following February meeting, the Board wall certificates were updated and now include all current Board member signatures.

### **Office of Investigations and Enforcement Report**

On behalf of Mr. Sanders, Ms. Buttler reported for time period of January 1, 2021, to March 31, 2021, four complaints have been received, 4 cases opened, no cases closed and 7 active investigations.

Ms. Buttler stated there is no IRC report as the committee did not meet.

### **Office of Disciplinary Counsel Report**

Ms. Sutusky introduced herself to the Board as the new disciplinary counsel assigned to the Board. Ms. Sutusky reported there are no open cases in ODC and one case has closed since the February 17, 2021 Board meeting.

## **LEGISLATIVE UPDATE**

Ms. Phillips reported that the current legislative session closed on May 13, 2021, but will reconvene in June to finish the budget which is due by June 30, 2021. Any bills not passed during this legislative session will be active next session as this is the first year of a two-year legislative session. Bill H.3084 addressing vehicle window tinting is currently sitting in full committee level. Bill S.646 addressing procurement or sale of a human eye has not reached subcommittee level yet. Bill H.3860 has not have any subcommittee hearings. Ms. Philips reviewed several agency wide bills that may affect the Board, this includes a bill to allow DACA recipients to be eligible for licensure. Bill S.295 would prohibit the denial of licensure to those with criminal convictions unless it can be shown as directly related to the licensing practice. A proposed proviso to the budget, which is due by June 30, 2021, would require that for any new regulation submitted, two current regulations be removed. Another proposed proviso to the budget would include the suspension of location site restrictions on mobile units and directs the Board to license mobile units operated by not-for-profits serving Title 1 schools to be licensed within 10 days of application for a fee of \$10.

## **OLD BUSINESS**

### a. 2021 CPT Codes Review

Dr. Cooper presented the CPT Code of Optometric Procedures with compiled input.

**Motion:** To accept the proposed changes the CPT Codes document.  
Cannon/Anderson/approved.

## NEW BUSINESS

- a. Review of Regulation 95-4 and the Board's criteria for Online Continuing Education for renewal of license due to recent cancellation of in-person continuing education seminars  
Dr. Cooper stated the Board office is continuing to receive numerous inquiries regarding CE allowances due to many courses continuing to be delivered via virtual format. As of January 1, 2021, the CE allowances for last renewal expired. Dr. Cannon advocated for remaining with the current CE requirements with the opening up of the country and it is the beginning of a two year renewal cycle. Dr. Long voiced concern regarding the limitations placed on in-person meetings such as limited spaces and thus licensees may not be able to comply with the required in-person course requirements. Ms. Buttler provided an updated regarding COPE classification of live streaming to be continued to be recognized as 'live' CEs for the duration of 2021. Mr. Tennis reviewed with the Board possible allowance regarding definition of 'live' CE.

**Motion:** To maintain regular CE requirements as outlined in statutes and regulations.  
Cannon

Mr. Price advocated for the CE amendments approved for the prior renewal cycle to be extended through the current renewal cycle. Dr. Major proposed redefining 'live' CE to include in-person and live stream and remove the pre-recorded courses.

**Motion:** To allow 10 hours of online CE, 15 hours of live-stream CE and 15 hours of in-person CEs.  
Cannon/Cooper

Mr. Price objected to the mandating of in-person hours during a continued pandemic. Cannon withdrew the previous motion.

**Motion:** To approve the extension of the CE allowance from the 2019-2020 renewal cycle to the 2021-2022 cycle with the revision of removing the allowance of pre-recorded courses from the definition of 'live' CEs.  
Price/Anderson/approved.

- b. Board Member Reviewers: Endorsement Application and CE Courses  
Ms. Buttler requested two board members to assist with review of endorsement applications and CE course approval requests for those the Board staff has not been delegated authority to approve. Dr. Anderson and Dr. Majors volunteered.
- c. Review: Election Protocols  
Dr. Cannon presented the Board will an election protocol overview for the licensed members and public member seats. Dr. Cannon stated this would be housed with Board staff so that future administrations would adhere to Board-approved procedures.  
**Motion:** To accept election protocols as presented.  
Cannon/Long/approved.
- d. Board Member Per Diem Rate

Dr. Cannon presented the Board with a brief history regarding per diem rates in South Carolina.

**Motion:** To recommend LLR request reevaluation of the per diem rates for board members and recommend to the General Assembly the fee be adjusted.  
Cannon

**Motion:** To enter into executive session for legal advice.  
Price/Long  
Cannon opposed  
Approved

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

Dr. Cooper stated no votes were taken in executive session

**Motion:** To submit a request to LLR regarding evaluation of per diem rates for Board members.  
Cannon/Majors/approved.

e. **Approval: Mobile Optometry Unit Application**

Ms. Buttler presented the Board with a mobile unit licensure requirement, application overview and registration application for review. Dr. Cannon expressed concern regarding the minimal requirements listed as compared to other Boards that register mobile units. Mr. Tennis informed the Board that other Boards have more extensive licensure requirements due to their regulations. At the present time the Board has very limited requirements in statutes and regulations which is the reason behind the minimal registration requirements listed. Mr. Tennis stated the statutes did give the Board the authority to promulgate regulations regarding mobile units.

**Motion:** To table the licensure requirement and application overview document for further review.  
Long/Cannon/approved.

Dr. Cannon submitted to the Board additional guidelines to be added to the documents. Dr. Majors requested information regarding how other states handled the registration of mobile units. Ms. Buttler agree to conduct research and present at a future Board meeting. Dr. Cannon requested the Board address the presented guidelines pertaining to mobile unit registrations serving Title 1 schools. Mr. Tennis reminded the Board that the guidelines presented were not listed on the agenda and could not be discussed at the present meeting.

**Motion:** To add the item to the agenda due to emergency extenuating circumstances.  
Cannon/Majors

Mr. Tennis requested clarification on the emergency warranting the item being added to the meeting. Mr. Hill recommended the Board be given time to review and consider the guidelines presented by Dr. Cannon as they were not furnished prior to the meeting. Dr. Cannon withdrew his motion.

**Motion:** To table the agenda item until the next meeting.  
Cannon/Hill/approved.

f. Travel Approval: 2021 ARBO Annual Meeting, June 19-20, 2021

**Motion:** To approve travel for two board members and administrator.  
Long/Majors/approved.

#### **PUBLIC COMMENTS**

None.

#### **ANNOUNCEMENTS**

The next Board meeting is August 18, 2021.

#### **ADJOURNMENT**

**Motion:** To adjourn.  
Cannon/Long/approved.

The SC Board of Examiners in Optometry meeting adjourned at 4:18 P.M.