

**South Carolina Board of Examiners in Optometry
Board Meeting Minutes**

December 1, 2021 at 3:00 pm

Public Notice of this meeting was properly posted at the Optometry Board Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act, Section 30-4-80.

BOARD MEMBERS PRESENT:

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

SCLLR STAFF PRESENT:

Kyle Tennis, Office of Advice Counsel
Megan Flannery, Office of Advice Counsel
Meredith Buttler, Administrator
Jacquelyn White, Program Coordinator
Mark Sanders, Office of Investigations
Shelby Sutusky, Office of Advice Counsel

PRESENT:

Tina Behles, Court Reporter
Jackie Rivers, SCOPA
Troy Lebaron, OD, Respondent

CALL TO ORDER: Dr. Cooper called the meeting to order at 3:00 pm.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Cannon/Long/Approved.

INTRODUCTION OF BOARD MEMBERS

The Board and LLR staff members introduced themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve Mr. Charles Hill absence.
Long/Cannon/approved.

APPROVAL OF BOARD MEETING MINUTES

Motion: To accept the minutes from the August 18, 2021 Board meeting.
Cannon/Majors/Approved.

Motion: To accept minutes from the September 28, 2021 Committee meeting.
Cannon/Long/Approved.

Motion: To accept minutes from the October 12, 2021 Committee meeting.
Cannon/Long/Approved.

Motion: To accept minutes from the October 26, 2021 special-called Board meeting.
Long/Cannon/Approved.

PRESIDENT'S REMARKS

Dr. Cooper did not have any remarks.

STAFF REPORT

Administrator Report

Ms. Buttler reported to date the Board has 1,011 active licensees and 2 mobile unit registrations. Since the last Board meeting, the Board has issued 11 licenses issued. The Board's current account balance as of October 31, 2021 is \$1,981,420.51.

The Board conducted elections earlier in the year for three board seats expiring in 2021 and 2022. Four nominations were received and an election via the online voting portal was held. Following the close of voting the following nominations were sent in September 2021 to the Governor's office for consideration: Dr. Deborah Long, Dr. Michael A. Campbell, and Dr. Michelle Cooper. To date, the Board office has not received notice of reappointment for the three seats nor reappointment notice for the two public member seats which are currently expired. The next group of elections will occur in 2023 for two board seat terms expiring in 2024.

Ms. Buttler stated on November 10, 2021 a bill was prefiled with the House, H.4536. This bill seeks to amend insurance Section 38-71-48 to prohibit health insurers offering vision insurance from attempting to control professional judgement, manner of practice or practice of an optometrist, therapeutic certified optometrist or optician. The bill does not amend the Title 40 practice acts and provided to the Board for information purposes only.

An announcement from COPE was previously sent out alerting members boards that the expiration of the temporary policy modifications of "live" CEs will occur on December 31, 2021. The temporary policy modification gave allowance for live-streamed webinars to be counted as "live" CEs. COPE also announced that the Governing Committee is working on a proposal for permanent changes to COPE's format requirements in response to the advancement in CE technology delivery.

In preparation for next year, the Board office is pulling together two big projects that will be presented at upcoming meetings for Board review. These two projects are revisions to the jurisprudence exam and rolling out of CE Broker. Originally, the Board office was posed to begin CE Broker activation in the spring of 2020 but plans were disrupted. An overview of the rollout plan will be presented at the January 2022 meeting. Additionally, as there have been revisions to the Board's regulations in the past few years, and the Board's approval will be requested at the January meeting to create a committee to review and revise the jurisprudence examination.

Ms. Buttler introduced Ms. Jacquelyn White is the new Program Coordinator for the Board. Ms. White began with the Board office mid-September. She will be assisting with board meetings, board member communications, and elections. Ms. White previously served as a Program Coordinator for the SC Department of Social Services in the Interstate Compact on the Placement of Children.

Office of Investigations and Enforcement IRC Statistical Report:

Mr. Sanders reported for the time period of January 1, 2021 to October 31, 2021, twenty-one cases have been received, 6 active investigations, and 4 closed cases.

Office of Investigations and Enforcement IRC Report:

Mr. Sanders reported the IRC met on November 17, 2021 and recommends 1 case for dismissed and 2 cases for formal complaints.

Motion: To approve for one case for dismissal.
Cannon/Long/Approved.

Motion: To approve 2 cases for formal complaint.
Cannon/Long/Approved.

Mr. Sanders introduced two new investigators, Jackie Herron and Jessie Risch.

Office of Disciplinary Counsel Report

Ms. Sutusky reported no open cases and one case has been closed since January 2021.

APPLICATION HEARING:

- a. Troy Lebaron, OD

Dr. Lebaron appeared before the Board for an Application Hearing. He was not represented by counsel and was sworn in by the court reporter. Application 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.
Cannon/Long/Approved.

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

Motion: To deny the application due to false statements and probationary status.
Dr. Labaron may reapply once the probation period has been completed.
Price/Long/Approved.

Dr. Long was excused from the meeting at 4:30 pm.

NEW BUSINESS:

a. **Board Liaison Proposal**

Dr. Cooper presented a proposal to the Board for each member of the board to be a liaison with the administrator. Each board member would be assigned an area of concentration to communicate between the administrator and the entire board. Dr. Cannon stated the purpose of the proposal was to get the Board members more involved.

Motion: Accept as information and revisit for further discussion at the next meeting.
Cannon/Majors/Approved.

b. **Approval of Additional Expert Reviewers**

Dr. Cooper presented a list of licensees who have agreed to serve as expert reviewers for the Board.

Motion: To accept to the names submitted.
Cannon/Anderson/Approved

c. **Continuing Education Revision Request: Cultural Competence Training**

The Board office received a letting from the Association of Schools and Colleges of Optometry requesting cultural competence training be added as a requirement for licenses renewal continuing education. The Board reviewed the request and determined inclusion would require a statutory change. As the Board is not able to promulgate statutes, the request cannot be accommodated.

d. **Clarification: Portable Optometry Operations as Mobile Units:**

Mr. Tennis and Ms. Buttler presented a request the Board received regarding registration of portable optometry operations. Mr. Tennis presented research on the topic, pulling examples of portable operation statutes and regulations from the Barber Board and Dental Board. Jesse Price asked how to address those portable visits to nursing homes and how to address practice registration.

Motion: To form a work group to look into this issue.
Cannon/Anderson/Approved.

- e. **Travel Approval: 2022 ARBO Southern Regional Meeting, March 12, 2022, Charlotte, NC**

Motion: To approve travel for two Board member and Board staff to attend meeting whether it's virtual or in person.

Cannon/Majors/Approved

- f. **Travel Approval: Federation of Associations of Regulatory Boards, January 27-29, 2022, Fort Worth, TX.**

Motion: To approve travel for Meredith Buttler to attend.

Cannon/Majors/Approved

PUBLIC COMMENTS:

None

ANNOUNCEMENTS:

The next upcoming Board Meeting is scheduled for January 26, 2022.

ADJOURNMENT:

Motion: To adjourn.

Cannon/Majors/Approved.

The Board Meeting was adjourned at 4:50 pm.