

South Carolina Board of Examiners In Optometry
Board Meeting Minutes
May 25, 2022 at 3:00 p.m.
110 Centerview Drive, Kingstreet Building, Room 204
Columbia, South Carolina

Public Notice of this meeting was properly posted at the Optometry Board Office, Synergy Business Park, Kingstreet 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. Brad Majors, Vice President
Dr. Wayne Cannon
Dr. Jeremy Anderson
Mr. Jesse Price
Mr. Charles Hill

SCLLR STAFF PRESENT:

Megan Flannery, Esq., Office of Advice Counsel
Meredith Buttler, Administrator
Jacquelyn White, Program Coordinator
Donnell Jennings, Esq., Office of Investigation and Enforcement
Mark Sanders, Office of Investigation and Enforcement
Tina Brown, Esq., Office of Disciplinary Counsel
Jessi Rish, Office of Investigation and Enforcement

PRESENT:

Kim Young, Court Reporter
Dr. Donald Purcell, OD

CALL TO ORDER: Dr. Cooper, President called the meeting to order at 2:59 p.m.

APPROVAL OF AGENDA

Motion: To approve the agenda with the amendment to move item #7 after item #3.
Cannon/Majors/Approved.

INTRODUCTION OF BOARD MEMBERS

Members of the board introduced themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve the absence of Dr. Deborah Long.
Cannon/Hill/Approved.

APPLICATION HEARING

a. Donald Purcell

Dr. Purcell appeared before the Board for an application hearing. He was not represented by counsel and was sworn in. Dr. Cannon was recused from the hearing. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter an executive session for legal advice.
Anderson/Majors/Approved.

Motion: To return to public session.
Hill/Anderson/Approved.

Motion: To approve application.
Anderson/Hill/Approved.
Price/Opposed.
Major/Abstained from vote.

APPROVAL OF BOARD MEETING MINUTES

a. Board meeting January 26, 2022.

Motion: To approve the agenda.
Anderson/Major/Approved.

b. Special Call Board meeting April 6, 2022.

Motion: To approve the agenda.
Anderson/Major/Approved.

c. Special Call Board meeting April 25, 2022.

Motion: To approve the agenda.
Anderson/Major/Approved.

PRESIDENT'S REMARKS

Dr. Cooper did not have any remarks.

STAFF REPRT

Administrator Report

Ms. Buttler reported to date, the Board has 1,036 active licensees, 16 pending applications and 2 mobile units. Since January 26, 2022, there have been 17 licenses issued.

The Board's current cash balance as of April 30, 2022 is \$173,299.64.

Office of Investigations and Enforcement Statistical Report

Mr. Sanders reported from January 19, 2022 to May 16, 2022 there are five (5) active investigations, one (1) closed case, and five (5) complaints received.

Office of Investigations and Enforcement IRC Report

Mr. Sanders reported the IRC recommends three (3) cases for dismissal and one (1) case for formal complaint.

Motion: To accept three cases for dismissal.
Cannon/Anderson/Approved.

Motion: To accept one case for formal complaint.
Cannon/Anderson/Approved.

Office of Disciplinary Counsel Report

On behalf of Ms. Shelby Sutusky, Esq., Ms. Brown, Esq. reported there are two (2) open cases.

OLD BUSINESS

a. Jurisprudence Work Group Report

Dr. Anderson reported the work group comprised of Dr. Long, Dr. Majors and himself reviewed the jurisprudence exam and identified two questions for revision. Dr. Anderson presented the revised questions the committee crafted.

Motion: To accept to remove question 234 and replace with one question.
Cannon/Majors/Approved.

Motion: To accept revision of question 224 as presented.
Majors/Cannon/Approved.

b. Portable Practice Work Group Report

Dr. Cannon presented the policy developed by the work group.

Motion: To enter an executive session for legal advice.
Hill/Major/Approved.

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

Motion: To accept to table discussion.
Cannon/Hill/Approved.

c. Code of Ethics

Presented at previous meetings, Dr. Cooper shared the AOA ethics with the Board for consideration. Per S.C. Code of Law 40-37-40(A)(3), the Board is to adopt a code of ethics. The question presented to the Board is, would they like to adopt an established code of ethics or create a code of ethics in Regulations.

Motion: To adopt a Code of Ethics by promulgation in Regulation.
Majors/Anderson/Approved.

NEW BUSINESS

a. Clarification of Continuing Education Incremental Hour Acceptance

Dr. Majors reported an inquiry had been submitted to the Board office regarding the acceptance of incremental CE hours. Currently CE Broker is set up to accept only whole hours but that can be changed per Board directive. Dr. Majors stated many ophthalmologic CE are incremental hours.

Motion: To accept quarter incremental CE hours.
Cannon/Majors/Approved.

b. Discussion of CE Broker Issues

Dr. Cooper stated there are concerns among licensees regarding mandatory use of CE Broker. Dr. Cannon inquired as to the Boards ability to forego using the system. As LLR has entered into a contract with CE Broker, all professional licensing boards are to use the system for CE compliance unless their statutes specify another CE tracking. Per South Carolina law the agency may enter into contracts, individual boards may not do so.

c. Administrative Implementation of H.4837

Mr. Jennings, Esq. and Ms. Buttler presented application and checklist for review and approval.

Motion: To accept to adopt a checklist.
Cannon/Price/Approved.

Motion: To approve the application with fee increase to \$175 for initial permit registration.
Majors/Cannon/Approved.

d. Discussion of New Drug Development and Board Laws

Dr. Cooper shared with the Board an inquiry for that was submitted to the Board office. The form requested a listing of the laws pertaining to dispensing, samples and prescribing. The Board office completed and returned the form as it was not asking for Board opinion nor position. Ms. Flannery stated that depending on how the new drug was classified would determine whether or not licensees could charge to dispense. The statutes does not provide the Board with the authority to review medications for classification.

e. Discussion of Board Authority

Dr. Cannon requested financial information be shared with the entire board.

PUBLIC COMMENTS

On behalf of Dr. Jarrod Keller, OD, Dr. Anderson presented a letter requesting the Board to allow more CE hours to be received via online courses.

ANNOUNCEMENTS

The next upcoming Board Meeting is scheduled for August 17, 2022.

ADJOURNMENT

Motion: To adjourn.

Anderson/Price/Approved.

The Board meeting was adjourned at 5:15 p.m.