

South Carolina Department of Labor, Licensing and Regulation
Board of Examiners in Optometry
Board Meeting Minutes
August 17, 2022 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. Brad Majors, Vice President
Dr. Wayne Cannon
Dr. Jeremy Anderson
Dr. Michael Campbell
Mr. Charles Hill

SCLLR STAFF PRESENT:

Megan Flannery, Esq., Office of Advice Counsel
Shelby Sutusky, Office of Disciplinary Counsel
Meredith Buttler, Administrator
Mark Sanders, Office of Investigations and Enforcement

PRESENT

Robin Reibold, Court Reporter
Jackie Rivers, SCOPA

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

APPROVAL OF AGENDA

Motion: To approve the agenda with an inclusion of the Election Report under the Liaison Board Member Reports.
Cannon/Anderson/Approved.

BOARD MISSION AND MEMBER STATISTICS

Dr. Cooper presented the mission statement of the Board and provided information regarding filled, expired and vacant Board seats.

INTRODUCTION OF BOARD MEMBERS

Members of the board introduced themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve Mr. Price's absence due to work conflict.
Hill/Cannon/Approved.

APPROVAL OF BOARD MEETING MINUTES

Motion: To approve May 25, 2022 Board Meeting minutes with a correction in New Business, item d. Should state “new drug was classified would determine whether or not licensees could charge to dispense.”

Cannon/Anderson/Approved.

PRESIDENT’S REMARKS:

Dr. Cooper thanked everyone for attending and welcomed Dr. Campbell.

STAFF REPORT:

a. Liaison Board Member Report

i. Licensure and Application

Dr. Anderson reported to date, the Board has 1,069 active licensees, 6 pending applications, 7 exam eligible applicants, and 2 mobile unit registrations. Since the last meeting 34 licenses have been issued. A breakdown of the new licensee’s schools and prior state licensure was provided for Board information only.

ii. Financial

Mr. Hill reviewed the Board’s Cash Balance Report. The Board’s current cash balance as of June 30, 2022 is \$159,644.98. Mr. Hill also shared additional financial information regarding how the money received by the Board is handled.

iii. Continuing Education

Dr. Majors reported on the number of CE courses that had been reviewed since the last meeting. A report on current CE Broker compliance was provided to the Board for information only. At present 437 licensees have not yet activated their free CE Broker accounts. Activation of the CE Broker account is being required for the upcoming renewal. CE Broker and Ms. Buttler will be in attendance at the 2022 SCOPA meeting at the end of the month to assist licensees with account activation and answering CE and Board questions.

iv. Election

An election was previously run for the seat held by Dr. Anderson, term expired on May 15, 2022, but the nominee submitted to the Governor’s office has withdrawn. At this time the Board office is accepting petitions for nominations, deadline is August 29, 2022. At present the Board office has received two petitions: Dr. Buzzelli and Dr. Wood. Following the petition deadline, the election will commence via the online voting platform. An eblast and information will be posted to the Board website and will remain open for two weeks.

b. Office of Investigation and Enforcement Statistical Report

Mr. Sanders reported from May 17, 2022 to August 15, 2022 there are 5 active cases, 3 closed case and 6 complaint received.

- c. Office of Investigation and Enforcement IRC Report
Mr. Mark Sanders reported the IRC recommends two (2) cases for dismissal, one (1) cease and desist, and one (1) letter of caution.

Motion: To accept two (2) cases for dismissal.
Cannon/Campbell/Approved.

Motion: To accept one (1) case for cease and desist.
Hill/Majors/Approved.

Motion: To accept one (1) case for letter of caution.
Cannon/Campbell/Approved.

- d. Office of Disciplinary Counsel Report
Ms. Sutusky, Esq. reported there are 3 open cases, 0 pending hearings and agreements and 0 cases closed since last meeting.

OLD BUSINESS

- a. Jurisprudence Work Group Report
Dr. Anderson provided a recap of the work groups mission and work done to date. Per the Board's request an additional question has been constructed for inclusion in the jurisprudence exam as well as additional references to be placed on the Board's Law's and Policies page.

Motion: To accept the question as presented and adding the cited links to the Board's Law's and Policy page.
Majors/Cannon/Approved.

- b. Code of Ethics
Dr. Cooper reviewed for the Board the decision to add a Code of Ethics to the board's regulation as per discussion at the last Board meeting. A framework of proposed regulations was presented to the Board for review only. As the regulation amendments ties in with the Regulatory Review Discussion, Dr. Cooper recommended revisiting the topic following the regulation agenda item under New Business.

NEW BUSINESS

- a. Regulatory Review
Ms. Flannery reviewed with the Board the requirements by law for the Board to engage in a review of regulations every five years. At this meeting, the Board is only being asked to go through the current regulations and determine whether the sections are good to keep as is, if there is a potential need to amend, or if the regulation needs to be removed.

Motion: To keep 95-1 as is.
Cannon/Hill/Approved.

Motion: To keep 95-2 as is.

Cannon/Hill/approved.

Motion: To mark 95-3 as needing amendment.
Majors/Cannon/Approved.

Motion: To mark 95-4 as needing amendment.
Cannon/Majors/Approved.

Motion: To mark 95-5 as needing amendment.
Hill/Majors/Approved.

Motion: To mark 95-6 as needing amendment.
Cannon/Majors/approved.

Ms. Flannery will compose a report for Dr. Cooper to sign that reflects the Board's decisions. With the new statutes regarding mobile units in place, the prior regulations addressing office facilities and mobile units that was withdrawn would need to be reviewed prior to resubmission to ensure compliance with the parameters in statutes.

Motion: To develop a Board committee to review the proposed regulations for office standards as well as the code of ethics and to review the current regulations flagged as needing amending.
Cannon/Hill/approved.

Dr. Cannon, Dr. Campbell and Dr. Cooper volunteered to be on the committee.

b. Travel Request: 2022 SCOPA Annual Meeting on August 25-27, 2022

Motion: To approve travel for Dr. Cooper and Ms. Buttler to attend the 2022 SCOPA meeting.
Majors/Hill/Approved.

LEGAL BUSINESS

a. Telemedicine.

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

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

PUBLIC COMMENTS

None

ANNOUNCEMENT

The next upcoming Board Meeting is scheduled for November 30, 2022.

ADJOURNMENT

Motion: To adjourn.
Cannon/Anderson/Approved.

The Board meeting was adjourned at 4:35 pm.