

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**Board of Examiners in Optometry**  
**Board Minutes**  
**August 6, 2014**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 204**  
**Columbia, South Carolina**

Public notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80 of the 1976 South Carolina Code, as amended, relating to the Freedom of Information Act.

**BOARD MEMBERS PRESENT:**

Dr. Thomas E. Tucker, President  
Dr. Derek Van Veen, Vice President  
Dr. Peter V. Candela  
Dr. James E. Vaught  
Dr. William W. Spearman

**BOARD MEMBER ABSENT:**

Isaac L. Johnson, Jr., Esquire, Public Member

**VACANT POSITION:**

Public Member (One)

**SCLLR STAFF PRESENT:**

Mary Sowell League, Esquire, Office of Advice Counsel  
Angie M. Combs, Administrator  
*For IRC Report:*  
David Love, Chief Investigator, Office of Investigations and Enforcement  
Lorie Graham, Investigator, Office of Investigations and Enforcement

**PRESENT:**

Tina F. Behles, Nationally Certified Court Reporter  
*For Reinstatement Hearing:*  
Richard Eugene Owens, O.D.  
Susan Huggins Owens

**CALL TO ORDER:** Dr. Tucker called the meeting to order at 3:06 p.m. and declared a quorum.

**APPROVAL OF AGENDA:** A **motion** was made by Dr. Vaught to accept the order of the August 6, 2014 Agenda. The motion was seconded by Dr. Candela and carried unanimously.

**APPROVAL OF ABSENT BOARD MEMBER:** A **motion** was made by Dr. Spearman to approve Mr. Johnson's absence from the meeting. The motion was seconded by Dr. Van Veen and carried unanimously.

**APPROVAL OF MAY 7, 2014 MEETING MINUTES:** A **motion** was made by Dr. Vaught to accept the May 7, 2014 minutes as written. The motion was seconded by Dr. Van Veen and carried unanimously.

**OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) REPORT:** Mr. Love presented the OIE Statistical Report. The Board accepted this report as information.

**INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT:** Mr. Love provided the IRC Report from the July 29, 2014 meeting. It was recommended to dismiss Cases #2014-2 and #2014-4. A **motion** was made by Dr. Spearman to accept the IRC recommendations to dismiss Cases #2014-2 and #2014-4. The motion was seconded by Dr. Van Veen and carried unanimously.

### **REPORTS / INFORMATION**

**President's Report / Prescribing Authority** – Dr. Tucker reviewed with the Board the possible rescheduling by the Drug Enforcement Administration of hydrocodone combination products from schedule III to schedule II. Pursuit to South Carolina Law, optometrists cannot prescribe Schedule II controlled substances. A **motion** was made by Dr. Spearman that in light of the possible rescheduling of hydrocodone combination products, the Board is to begin the process of drafting language to amend the Optometry Practice Act to allow optometrists to continue prescribing these drugs. The motion was seconded by Dr. Van Veen and unanimously carried. A **motion** was made by Dr. Van Veen to form a committee consisting of Dr. Tucker, Dr. Vaught, and Dr. Spearman to move forward with the process of introducing legislation to allow South Carolina licensed optometrists to continue to prescribe hydrocodone combination products. The motion was seconded by Dr. Vaught and unanimously carried.

*Reports/Information continued later in the meeting.*

### **REINSTATEMENT APPLICATION HEARING (3:30 p.m. – 4:39 p.m.)**

A hearing was conducted concerning Dr. Richard E. Owens' request to reinstate his optometry license to active status.

**EXECUTIVE SESSION:** A **motion** was made by Dr. Spearman to go into Executive Session to receive legal advice. The motion was seconded by Dr. Van Veen and unanimously carried. No actions or votes were taken.

A **motion** was made by Dr. Spearman to come out of Executive Session. The motion was seconded by Dr. Candela and unanimously carried.

A **motion** was made by Dr. Van Veen for Dr. Owens' optometry license to be reinstated upon obtaining one hundred hours of continuing education, 35 hours has already been presented, pass the clinical skills Part III portion of the National Board of Examiners in Optometry, and provide a release from a physician regarding ability to practice optometry. The motion was seconded by Dr. Spearman and unanimously carried.

### **REPORTS / INFORMATION *continued***

- Association of Regulatory Boards of Optometry (ARBO) Annual Meeting – Dr. Vaught provided an overview of the meeting.
- Licensee Totals – there are 874 S.C. licensed optometrists; 541 practice in South Carolina.
- License Renewal – renewal notices will be mailed to all licensees, due date is 12/31/2014.
- Branch Registrations – Applications were reviewed and approved for Dr. Matt Howell, Dr. William Coleman, Dr. Stephen Flowers, and Dr. Robert Kriegshaber.
- Financial Report provided and accepted as information.
- Office of Disciplinary Counsel (ODC) Report – one case is residing in ODC.
- Continuing Education (CE) Course Approvals – no courses presented for approval.

#### **NEW BUSINESS**

**National Board of Examiners in Optometry (NBEO) Continued Professional Development in Optometry (CPDO) Examination** – Information letter reviewed concerning a new examination developed by the NBEO to provide a means for optometry boards to periodically assess and document licensees' ongoing practitioner-level knowledge; a licensing board could grant CE credits for passing this examination. Discussion ensued. Ms. League advised the Board that requiring this examination or accepting this examination for continuing education would entail a law change.

**Scope of Practice Considerations** - A **motion** was made by Dr. Spearman to approve CPT Codes 99354, 99355, 99358, and 99359 for use by South Carolina optometrists. The motion was seconded by Dr. Vaught. The motion carried unanimously.

#### **PUBLIC COMMENTS**

No comments made.

#### **ANNOUNCEMENTS**

The next Board meeting date is October 29, 2014.

#### **ADJOURNMENT**

A **motion** was made by Dr. Van Veen, seconded by Dr. Vaught, and unanimously carried to adjourn the meeting. Dr. Tucker adjourned the meeting at 4:50 p.m.

*These minutes are a record of the official actions taken by the Board and a summary of the meeting provided by Angie M. Combs, Administrator. Minutes are presented to the Board for final approval.*