

**South Carolina Department of Labor, Licensing and Regulation (LLR)**  
**Board of Examiners in Optometry**  
**Board Meeting Minutes**  
**October 11, 2017**  
**Synergy Business Park**  
**110 Centerview Drive, Kingtree Building, Room 204**  
**Columbia, South Carolina**

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Optometry, Synergy Business Park, Kingtree Building 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.

**BOARD MEMBERS PRESENT:**

Dr. James Vaught, President  
Dr. Michelle Cooper, Vice President  
Dr. Derek Van Veen  
Dr. Thomas E. Tucker  
Charles Hill, Public Member  
Jesse W. Price, III, Public Member

**BOARD MEMBERS ABSENCE:**

Dr. Peter Candela

**SCLLR STAFF PRESENT:**

Stacey Hewson, Esquire, Office of Advice Counsel  
Sam Wellborn, Esquire, Office of Advice Counsel  
Shanika Johnson, Esquire, Office of Disciplinary Counsel  
Missy L. Jones, Administrative Assistant  
*For IRC Report:*  
Serrena Swartz, Investigator, Office of Investigations and Enforcement  
*For ODC Report:*  
Tina Brown, Esquire, Office of Disciplinary Counsel

**PRESENT:**

Kitty Lindler, Court Reporter  
Jackie Rivers, Executive Director, SCOPA  
Anna Balderson, SCOPA  
Dr. Stephen Powell  
Alissa Fleming, Esquire

**CALL TO ORDER:** Dr. Vaught called the meeting to order at 3:00 p.m.

**APPROVAL OF AGENDA:** A **motion** was made by Dr. Cooper to accept the October 11, 2017, Agenda. The motion was seconded by Dr. Tucker and carried unanimously.

**APPROVAL OF ABSENT BOARD MEMBER(S):** A **motion** was made by Dr. Tucker to approve Dr. Peter Candela's absence. The motion was seconded by Dr. Cooper and carried unanimously.

**INTRODUCTION OF ADVICE ATTORNEY FOR THE BOARD – STACEY HEWSON:** Introduction of Stacey Hewson as the Board's new Advice Attorney. Mr. Sam Wellborn substituted for Ms. Hewson until 4:15p.m.

**APPROVAL OF MAY 24, 2017 MEETING MINUTES:** A **motion** was made by Dr. Cooper to accept the May 24, 2017 minutes as written. The motion was seconded by Dr. Tucker and carried unanimously.

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

**INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT:** Mrs. Swartz provided the IRC Report. It was recommended to dismiss case #2017-4 and case #2017-6. A **motion** was made by Dr. Tucker to accept the IRC dismissal recommendations. The motion was seconded by Mr. Price and carried unanimously.

**OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT:** Ms. Brown reported that there is one (1) pending case in the Office of Disciplinary Counsel. The Board accepted this report as information.

**DISCIPLINARY HEARING: CASE 2013-11 STIPULATION OF FACTS:** Ms. Johnson presented the Board with the Stipulation of Facts for case 2013-11. Respondent and Attorney were given an opportunity to respond to the Stipulation of Facts. A **motion** was made by Dr. Tucker to go into Executive Session for legal advice. The motion was seconded by Dr. Van Veen and carried unanimously. A **motion** was made by Mr. Price to come out of Executive Session. The motion was seconded by Dr. Cooper and carried unanimously. A **motion** was made by Dr. Cooper to dismiss case 2013-11. The motion was seconded by Dr. Tucker and carried unanimously.

#### **REPORTS / INFORMATION**

- **Licensee Totals Report and Endorsement Applicant Report** – S.C. 891 licensed optometrists; 583 practice in S.C.; 308 practice out-of-state
- **Endorsement Applicant Report** – 3 Optometrists were licensed in S.C. since July 13, 2017 through October 5, 2017
- **Financial Report** - provided and accepted as information
- **COPE Accreditation substantially equivalent to ACCME CME Accreditation**– provided and accepted as information

#### **NEW BUSINESS**

**REGULATORY REVIEW PURSUANT TO EXECUTIVE ORDER 2017-09:** Ms. Hewson gave a brief review of the Governor's Executive Order 2017-9 to review the Regulations. Ms. Hewson read through each Regulation for the Optometry Board asking for comments or revisions.

A **motion** was made by Dr. Van Veen to accept Regulation 95-1 as written. The motion was seconded by Mr. Price and carried unanimously.

A **motion** was made by Dr. Cooper to accept Regulation 95-2 as written. The motion was seconded by Dr. Tucker and carried unanimously.

A **motion** was made by Dr. Cooper to amend Regulation 95-3 and carry over until the next scheduled Board meeting. The motion was seconded by Dr. Tucker and carried unanimously.

A **motion** was made by Dr. Cooper to amend Regulation 95-4 and carry over until the next scheduled Board meeting. The motion was seconded by Mr. Price and carried unanimously.

A **motion** was made by Dr. Cooper to amend Regulation 95-5 and carry over until the next scheduled Board meeting. The motion was seconded by Mr. Price and carried unanimously.

A **motion** was made by Dr. Cooper to accept Regulation 95-6 as written. The motion was seconded by Mr. Price and carried unanimously.

A **motion** was made by Dr. Cooper to have a subcommittee of the five (5) Optometrists on the Board to review and write proposed amendments to present at the next scheduled Board meeting for Regulations 95-3, 95-4, and 95-5. The motion was seconded by Mr. Hill and carried unanimously.

**REVISION TO OPTOMETRIC PROCEDURE CPT CODES POLICY:** A **motion** was made by Dr. Cooper to delete the sentence “Each of these procedures must be utilized in a non-invasive manner to examine and treat disorders of the eye, vision system, and ocular adnexal as an optometrist.” from the first paragraph. The motion was seconded by Mr. Price and carried unanimously.

**NATIONAL BOARD OF EXAMINERS IN OPTOMETRY (NBEO) EXAM PART III:** This item was carried over to the next scheduled Board Meeting.

**OE TRACKER OPTOMETRIC EDUCATION AUDIT:** Dr. Vaught reported that he met with Lisa Fennell ARBO and Dylan Sitterle, LLR today, October 11, 2017 regarding OE Tracker Optometric education audit and review what OE Tracker will track verses what CE Broker will track. Both programs will track continuing education for optometrists. Mr. Sitterle will come before the Board at a later date to make a recommendation on which program South Carolina Department of LLR will use for tracking continuing education hours.

**SC OPTOMETRIC PHYSICIANS ASSOCIATION - TELEMEDICINE:** Ms. Rivers reported that when the telemedicine law was passed, the Association had their attorney review the law. SCOPA’s attorney stated that it did not apply to optometrists. The Association will monitor this issue moving forward.

**APPROVAL OF PAIN MANAGEMENT CONTINUING EDUCATION:** A **motion** was made by Dr. Cooper to approve in the unlimited category the Pain Management Continuing Education with the Professional Society of Optometrist and Society of Optometrist and SC Medical Association. The motion was seconded by Mr. Price and carried unanimously. Ms. Rivers stated that SCOPA would like to have continuing education regarding pain management. She asked what the criteria for approval of the course was. The Board suggested that Mrs. Rivers review the information that was presented by The Professional Society of Optometrists. Mrs. Rivers would need to submit SCOPA’s course to the Board for approval.

**APPROVAL OF 2018 BOARD MEETING DATES:** The Board set the 2018 meeting dates as February 21, 2018, May 30, 2018, July 25, 2018, and October 10, 2018.

#### **PUBLIC COMMENTS**

There were no public comments.

#### **ANNOUNCEMENTS**

The next Board meeting is to be scheduled by calendar invite.

#### **ADJOURNMENT**

A **motion** was made by Mr. Hill, seconded by Dr. Cooper, and unanimously carried to adjourn the meeting. Dr. Vaught adjourned the meeting at 5:08 p.m.

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