

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
Board of Examiners in Opticianry
Board Meeting Minutes
November 17, 2016
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

BOARD MEMBERS PRESENT:

Daniel B. Gosnell, Chairman
Keith Hayes, Vice Chair
Grant Brown
Emily Mikell
James L. Rhodes

ABSENT BOARD MEMBERS:

John Hollis Inabinet, Esquire, Public Member

VACANT POSITION:

Public Member (One)

SCLLR STAFF PRESENT:

Stacey Hewson, Esquire, Office of Advice Counsel
April Koon, Administrator
Missy L. Jones, Administrative Assistant
For IRC Report:
Serrena Swartz, Investigator, Office of Investigations and Enforcement
For ODC Report:
Shanika Johnson, Esquire, Office of Disciplinary Counsel

PRESENT:

Kathryn Lindler, Court Reporter, Capital City Reporting, LLC
Shannon Scott Greene, Licensee
Sarah McMahan, Licensee

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Opticianry, Synergy Business Park, Kingstree 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. A quorum was present at all times.

CALL TO ORDER: Chairman Gosnell called the meeting to order at 9:01 a.m.

APPROVAL OF AGENDA: A **motion** was made by Rhodes to accept the November 17, 2016 Agenda. The motion was seconded by Hayes and carried unanimously.

APPROVAL / DISAPPROVAL OF ABSENT BOARD MEMBER(S): A **motion** was made by Hayes to approve the absence of Mr. Inabinet. The motion was seconded by Brown and carried unanimously.

APPROVAL OF MINUTES: A **motion** was made by Brown to accept the June 30, 2016 minutes as written. The motion was seconded by Rhodes and carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) STATISTICAL REPORT: Ms. Swartz provided the OIE Statistical Report; the Board accepted this as information.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Ms. Swartz provided the IRC Report from the September 21, 2016 IRC meeting. It was recommended to dismiss case #2016-2, case # 2016-3, case #2016-7, case 2016-8, and case #2016-9. ~~It was also recommended to dismiss the Order to Cease and Desist in case #2016-1.~~ A **motion** was made by *Hayes* to accept the IRC dismissal recommendations. The motion was seconded by *Rhodes* and carried unanimously.

OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT: Mrs. Koon reported that there were no cases pending in the Office of Disciplinary Counsel.

REINSTATEMENT OF LICENSE HEARING – SHANNON SCOTT GREENE: A **motion** was made by *Hayes* to *accept for reinstatement based on his CE*. The motion was seconded by *Emily* and carried unanimously.

200 CE hrs - opt/c
100 CE hrs - contact 725
the LES must be approved by Grant, must pay fees

APPLICATION HEARING – SARAH MCMAHAN: A **motion** was made by *Brown* to *approve application*. The motion was seconded by *Rhodes* and carried unanimously.

Exec in: Brown Hayes
Exec out: Rhodes Hayes

REPORTS / INFORMATION

Information provided by Ms. Koon concerning the following topics:

- **Licensee Totals Report** – 825 S.C. licensed opticians; 691 opticians practice in S.C.; 134 practice out-of-state, 115 registered apprentices.
- **S.C. Practical Examination** – Twenty-two candidates signed up for the December 5, 2016 S.C. Practical Exam.
- **Financial Report** – presented as information.

NEW BUSINESS

CLARIFICATION OF APPRENTICESHIP PROGRAM COMPLETION:

A **motion** was made by *Rhodes* to *approve form*

The motion was seconded by *Brown* and carried unanimously.

EXEMPTION REQUEST FOR FEDERAL INSTALLATION AS A NON-LICENSING STATE:

A **motion** was made by *Hayes* to *deny request & must complete apprenticeship*.

The motion was seconded by *Brown* and carried unanimously.

F. Williams

Exec in: Hayes Rhodes
Exec out: Rhodes Hayes

Exec in: Rhodes Hayes
Exec out: Rhodes Hayes

DISPENSING:

Carry over

Exec. in Emily Rhodes

Exec. in Hayes/Brown

listen to tape

A **motion** was made by ~~Brown~~ *Brown* to *on revised Bill eliminate Section 7 line 1 thru 4*
to update policy statement defining dispensing of contact lens.
The motion was seconded by *Hayes/Rhodes* and carried unanimously.

2017 BOARD MEETING DATES:

Feb 9
June 15
Oct. 5

A **motion** was made by *Hayes* for the

The motion was seconded by *Rhodes* and carried unanimously.

PUBLIC COMMENTS

No public comments

ANNOUNCEMENTS

The next South Carolina Board Examiners in Opticianry Board Meeting will be held

The next South Carolina Practical Examination in Opticianry will be administered December 5, 2016, 110 Centerview Drive, Columbia, South Carolina, Kingtree Building, Room 115.

ADJOURNMENT

A **motion** was made by *Rhodes* to adjourn the meeting. The motion was seconded by *Brown* and unanimously carried. Mr. Gosnell adjourned the meeting at *11:05* a.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.

Brown / Hayes

Eliminate Sec. 7 out of Bill
Change posit. statement to delivery of contact lens & charge med. device to contact lens.

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A BILL

§ 40-38-5. Application of chapter; conflict of laws.

Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to opticians regulated by the Department of Labor, Licensing and Regulation under this chapter. If there is a conflict between this chapter and Article 1, Chapter 1, Title 40, the provisions of this chapter control.

§ 40-38-10. Board of Examiners in Opticianry; membership; nominations; terms; removal.

(A) There is created the South Carolina Board of Examiners in Opticianry which consists of seven members. Five members must be licensed opticians appointed by the Governor upon nomination by all licensed opticians in this State through an election conducted by the board. The Governor may reject any or all of those nominated upon satisfactory showing as to the unfitness of those rejected. If the Governor declines to appoint any of the nominees, additional nominees must be elected and submitted in the same manner as the initial nominees. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. Two members must be members of the general public who do not derive their income or support from any optical or optical-related business or who are not related to an optician or a person engaged in an optical-related business. The members from the general public may be nominated by an individual, group, or association and appointed by the Governor in accordance with Section 40-1-45.

(B) The members of the board serve terms of four years and until their successors are appointed and qualify.

(C) The Governor may remove a member of the board in accordance with Section 1-3-240. No member may be removed without first giving the member an opportunity to refute the charges filed against the member, and the member must be given a copy of the charges at the time they are filed.

§ 40-38-20. Definitions.

As used in this chapter:

(1) "Optician" means one who prepares and dispenses lenses, ~~spectacles~~, eyeglasses, and appurtenances to the intended wearers on prescriptions from licensed physicians or optometrists and in accordance with these prescriptions, mechanically interprets, measures, adapts, fits, and adjusts lenses, ~~spectacles~~, eyeglasses, and appurtenances to the human face for the aid or correction of visual or ocular anomalies of the human eye;

(2) "Apprentice" means a qualified person registered by the board who is working under the supervision of a licensed optician, optometrist, or ophthalmologist and who is being trained in the practice of opticianry;

(3) "Board" means the South Carolina Board of Examiners in Opticianry; and

(4) "Contact lens dispensing optician" means an optician who prepares and dispenses contact lenses upon the receipt of and based on a prescription for contact lenses by an ophthalmologist or optometrist.

(5) "Contraband" means optical supplies and materials involved in the unlicensed practice of opticianry, and such supplies and materials must be confiscated and delivered to the law enforcement agency with jurisdiction where the violation occurred.

(4)-(6) "Direct supervision" means, with regard to a supervisee, the licensed optician must be on the premises at all times.

1 (7) “Dispensing” means the interpretation and assessment of a prescription and the
2 determination that a medical device is appropriately labeled and ready for transfer. In the context
3 of opticianry, this means that a prescription for contact lenses, eyeglasses, or other appurtenances
4 is filled, appropriately labeled, and ready for transfer to the patient.

5 (8) “Emeritus optician” means an optician who has been licensed for fifteen consecutive years
6 or longer and who is sixty-five years of age or older and who has retired from active practice.

7
8 § 40-38-30. Unlawful to practice opticianry without license.

9
10 It is unlawful for a person to practice as an optician without being licensed in accordance with
11 this chapter. A person who displays a sign, wears a name tag, or in any way advertises himself or
12 herself to be an optician is deemed to be practicing opticianry within the meaning of this chapter.

13
14 § 40-38-50. Administration of Board by Department of Labor, Licensing and Regulation.

15
16 The board must be administered by the Department of Labor, Licensing and Regulation in
17 accordance with Article 1, Chapter 1, Title 40.

18
19 § 40-38-60. Adoption of bylaws to govern board proceedings.

20
21 The board may adopt bylaws governing its own proceedings and promulgate regulations for the
22 practice of opticianry and examination of applicants for the practice of opticianry.

23
24 § 40-38-70. Board responsibilities regarding examinations, investigations, and prosecutions.

25
26 The board shall examine or provide for the examination of applicants for licenses in opticianry,
27 investigate complaints, and investigate and prosecute violations of this chapter.

28
29 § 40-38-80. Collection of evidence for investigations and other board proceedings.

30
31 For the purpose of conducting an investigation or proceeding under this chapter, the board or a
32 person designated by the board may subpoena witnesses, take evidence, and require the
33 production of documents or records which the board considers relevant to the inquiry.

34
35 § 40-38-90. Participation in hearing by board member filing complaint or conducting
36 investigation.

37
38 If a board member files a complaint or conducts the initial investigation of a complaint, the
39 board member must not participate in the capacity as board member at the hearing of that
40 complaint.

41
42 § 40-38-100. Injunctive actions allowed by board.

43
44 The board may seek to enjoin violations of this chapter as provided for in Section 40-1-100.

45
46 § 40-38-110. Grounds for license revocation, suspension, or limitations, or for disciplinary action
47 against licensee.

48
49 (A) In addition to the grounds for disciplinary action provided in Section 40-1-110, the board
50 may revoke, suspend, or otherwise restrict or limit the license of an optician or reprimand or

1 otherwise discipline a licensee when it is established upon a satisfactory showing to the board that
2 the licensee:

3 (1) has been convicted of a felony or crime involving moral turpitude. Forfeiture of a bond
4 or a plea of nolo contendere is considered a conviction;

5 (2) has knowingly performed an act which in any way assists a person to practice opticianry
6 illegally;

7 (3) has caused to be published, advertised, or circulated directly or indirectly fraudulent,
8 false, or misleading statements as to the skill or methods of practice of an optician;

9 (4) has failed to provide and maintain ~~reasonable~~-sanitary facilities;

10 (5) is guilty of obtaining fees, ~~or~~ assisting in obtaining fees or other remunerations under
11 deceptive, false, or fraudulent circumstances;

12 (6) has violated a provision of this chapter or a regulation promulgated under this chapter; or

13 (7) has been guilty of using third-party solicitation which is untruthful, deceptive, and/or
14 coercive to obtain patronage.

15 (B) In addition to all other remedies and actions provided for in this chapter, the license of an
16 optician adjudged mentally incompetent by a court of proper jurisdiction automatically must be
17 suspended by the board until the optician is adjudged by a court of competent jurisdiction or in
18 any other manner provided by law as being restored to mental competency.

19
20 § 40-38-115. Jurisdiction of board.

21
22 The board has jurisdiction over the action of licensees and former licensees as provided for in
23 Section 40-1-115.

24
25 § 40-38-120. Disciplinary actions permitted by board; procedures; sanctions.

26
27 (A) In addition to the sanctions the board may take against a person pursuant to Section 40-38-
28 110, the board may take disciplinary action against a person as provided for in Section 40-1-120.
29 No disciplinary action may be taken unless the matter is presented to and voted upon by the
30 board, pursuant to Section 40-1-90(A).

31 (B) Upon determination by the board that one or more of the grounds for disciplinary action
32 exists, the board may cancel, fine, suspend, revoke, issue a public reprimand or a private
33 reprimand, or restrict, including probation or other reasonable action, such as requiring additional
34 education or training or limitation on practice, the license of an optician who has engaged in
35 misconduct.

36 (C) Upon ordering suspension, an action may be stayed upon terms and conditions as the board
37 considers appropriate including, but not limited to, probation, payment of a fine, or other
38 reasonable action, such as requiring additional education and training or limitation on practice.

39 (D) The board may require the licensee to pay a fine of up to one thousand dollars per violation
40 and the costs of the disciplinary action. Fines are payable immediately upon the effective date of
41 discipline unless otherwise provided by the board. Interest accrues after fines are due at the
42 maximum rate allowed by law. No licensee against whom a fine is levied is eligible for
43 reinstatement until the fine has been paid in full. Fines must be deposited in a special fund
44 established for the department to defray the administrative costs associated with investigations
45 and hearings pursuant to this chapter.

46 (E) A person whose license has been permanently revoked never may be readmitted to practice
47 in this State. A person whose license to practice has been revoked shall surrender within fifteen
48 days after the effective date of the revocation the wall certificate and wallet card to the board
49 administrator. The wall certificate and wallet card must be destroyed by the board administrator.

50 (F) A licensee may relinquish his or her license. This action must be taken in writing on a form
51 approved by the board. This action is irrevocable by the licensee upon signature by the licensee.

1 Relinquishment must be given the same effect as a revocation of an authorization to practice and
2 must be considered a public action under the Freedom of Information Act.

3 (G) Final orders of the board in a disciplinary proceeding must be issued upon approval of the
4 board. Final orders must be kept on file in the board's office and must be distributed as public
5 orders of the board, except those designated as private reprimands or dismissals. Final orders,
6 except those designated as private reprimands or dismissals, must be filed promptly with the
7 National Practitioner Data Bank and other national databases as required by law. A final order of
8 the board, including those designated as private reprimands or dismissals, must be provided to the
9 respondent.

10 (H) The fact of restriction of a licensee's right to practice and subsequent related action is
11 public information under the Freedom of Information Act. Orders to cease and desist issued
12 against unlicensed persons are public information under the Freedom of Information Act.

13 (I) If a person's license is suspended, reissued, or reinstated by the board for any reason, the
14 board shall report that action to the licensee's last known employer and, if applicable, to any place
15 where the licensee has been granted privileges to practice.

16
17 § 40-38-130. Denial of license on same grounds as for disciplinary actions.

18
19 As provided for in Section 40-1-130, the board may deny licensure to an applicant based on the
20 same grounds for which the board may take disciplinary action against a licensee.

21
22 § 40-38-140. Denial of license based on prior criminal record.

23
24 A license for opticianry may be denied based on a person's prior criminal record as provided
25 for in Section 40-1-140.

26
27 § 40-38-150. Voluntary surrender of license by licensee under investigation.

28
29 A licensee under investigation for a violation of this chapter or a regulation promulgated under
30 this chapter may voluntarily surrender the license in accordance with Section 40-1-150.

31
32 § 40-38-160. Right of aggrieved person to seek review of board decision.

33
34 A person aggrieved by a final action of the board may seek review of the decision in
35 accordance with Section 40-1-160.

36
37 § 40-38-170. Payment of investigation and prosecution costs by violator.

38
39 A person found in violation of this chapter or regulations promulgated under this chapter may
40 be required to pay costs associated with the investigation and prosecution of the case in
41 accordance with Section 40-1-170.

42
43 § 40-38-180. Collection of costs and fines.

44
45 All costs and fines imposed pursuant to this chapter must be paid in accordance with and are
46 subject to the collection and enforcement provisions of Section 40-1-180.

47
48 § 40-38-190. Confidentiality of proceedings under provisions of this chapter.

49
50 All investigations and proceedings undertaken under the provisions of this chapter are
51 confidential and all communications are privileged as provided for in Section 40-1-190.

1
2 § 40-38-200. Violations; penalty.
3

4 (A) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon
5 conviction, must be fined not less than five hundred dollars or more than fifty-one thousand
6 dollars or imprisoned not more than one year. Each violation constitutes a separate offense.
7 Penalties provided for in this chapter or in Article 1, Chapter 1, Title 40 may be imposed against a
8 corporation, association, or person aiding and abetting in a violation.

9 (B) Optical supplies involved in the unlicensed practice of opticianry in violation of this
10 chapter must be confiscated and delivered to the law enforcement agency with jurisdiction where
11 the violation occurred, and these supplies are considered contraband material as provided for in
12 law.
13

14 § 40-38-210. Additional civil penalties and injunctive relief.
15

16 In addition to initiating a criminal proceeding for a violation of this chapter, the board also may
17 seek civil penalties and injunctive relief in accordance with Section 40-1-210.
18

19 § 40-38-230. Examinations; applications; fees; competency examinations; contact lens
20 examinations.
21

22 (A) A person desiring to be examined by the board must submit an application furnished by the
23 board ~~sixty-thirty~~ (30) days before the examination. The application must be accompanied by a
24 fee established by the board in regulation and in accordance with Section 40-1-50(D).
25

26 (B) An applicant for examination shall pass the opticianry competency examination prepared
27 by the American Board of Opticianry, or if that examination is not available, an opticianry
28 competency examination ~~prepared~~ approved by the board. Examinations in dispensing and other
29 practical areas of opticianry may be conducted by the board. The board may not require an
30 examination that is substantially duplicative of ~~the~~ a national examination if ~~the~~ a national
31 examination is available. Whether or not a national examination is substantially duplicative is to
32 be determined by the board.

33 (C) An optician or applicant for licensure as a contact lens optician successfully shall complete
34 a written qualifying contact lens examination prepared by the National Committee of Contact
35 Lens Examination, or if that examination is not available, an equivalent examination ~~prepared~~
36 approved by the board.
37

38 § 40-38-240. Qualifications for licensure as optician or contact lens optician.
39

40 (A) A person is qualified to receive a certificate of licensure as an optician if the person has:

41 (1) graduated from an accredited public or private high school or secondary school of equal
42 grade approved by the board or has completed an equivalent course of study approved by the
43 board.

44 (2)(a) received a certificate from a two-year school of opticianry approved by the board;

45 (b) a currently valid optician's license in another state;

46 (c) been engaged in opticianry for not less than two years in a state that does not license
47 opticians and has the educational component approved by the board; or

48 (d) had two years' consecutive apprenticeship under a South Carolina licensed optician,
49 optometrist, or ophthalmologist and has the educational component approved by the board. The
50 board must approve in writing an apprenticeship before the apprenticeship commences, and the
regulations of the board apply to the apprentice.

1 (3) satisfactorily passed an examination conducted or recognized by the board and shows
2 proficiency in processing a lens, frame, or any other optical device or appurtenance in accordance
3 with an optometrist's or physician's prescription. ~~Processing does not mean those tasks and~~
4 ~~functions in surface grinding performed by persons who work in a wholesale laboratory.~~

5 Having met the requirements of this subsection, and upon payment of a licensure fee
6 established by the board in regulation, the board shall issue a certificate of licensure and shall
7 enter the person in the board register as licensed to work as an optician.

8 (B) A person is qualified to receive a certificate of licensure as a contact lens optician who has:

9 (1) met all the requirements of subsection (A); and

10 (2) satisfactorily passed a written qualifying contact lens examination conducted or
11 recognized by the board.

12 Having met the requirement of this subsection, and upon payment of a licensure fee established
13 by the board in regulation, the board shall issue a certificate of licensure and shall enter the
14 person in the board register as licensed to work as a contact lens dispensing optician.

15
16 § 40-38-250. Apprentices and apprenticeships; promulgation of regulations.

17
18 The board shall promulgate regulations for apprentice registration requirements and fees and
19 for the regulation of apprentices and apprenticeships.

20
21 § 40-38-260. ~~Annual-Biennial~~ renewal of licenses and registrations; fees; revocation for default;
22 reinstatement; continuing education requirements; waiver; emeritus opticians.

23
24 (A) A licensed optician or registered apprentice who desires to continue to be licensed or
25 registered in this State ~~annually-biennially (annually for apprentices), on or before the first day of~~
26 ~~October as approved by the board,~~ shall pay a renewal fee, to be established by the board in
27 regulation and in accordance with Section 40-1-50(D). In case of default in payment of the fee,
28 the person's license or registration ~~is automatically revoked if the board gives the licensee may be~~
29 sanctioned up to and including revocation once he or she is given thirty days' notice, in writing,
30 before the effective date of revocation-being sanctioned. Deposit of the notice in the United States
31 Postal Service addressed to the person at the person's last place of residence or business,
32 registered with the board, with postage prepaid, constitutes legal service of the notice. No license
33 or registration may be revoked for nonpayment of the renewal fee if within the thirty-day notice
34 period the person pays a renewal fee and a penalty established by the board in regulation. A
35 person whose license or registration has been revoked for failure to pay the renewal fee may
36 apply to have it reinstated upon payment of all renewal fees and a penalty as established by the
37 board in regulation. If the license or registration has been lapsed for more than two years, the
38 person shall appear before the board, which shall determine if the license or registration should be
39 reinstated and the terms under which the reinstatement is to be made. If the apprentice has let the
40 registration lapse for more than two years, the board shall require that the apprentice reapply and
41 meet the current registration requirements. If the licensed optician has let the license lapse for at
42 least five years, the board shall require that the licensee retake the examination for licensure. A
43 person holding a license ~~or registration~~ in South Carolina not practicing in this State who wishes
44 to keep the license ~~or registration~~ current, ~~annually-biennially~~ may pay an inactive license ~~or~~
45 ~~registration~~ fee established by the board in regulation. If the person decides to resume practice in
46 this State, the person shall pay the fee being charged active practitioners in South Carolina at that
47 time.

48 (B) An optician ~~or apprentice annually~~ shall attend a minimum of ~~four-eight~~ hours of
49 continuing education courses ~~or meetings biennially~~, one hour of which may be in office
50 management or administration. Apprentices shall attend a minimum of four hours of continuing
51 education courses annually. The instruction must be on subjects relative to opticianry at board-

1 approved and recognized educational seminars and courses or accredited institutions of learning.
2 An optician holding a contact lens license must obtain ~~one~~ two additional hours of continuing
3 education courses or meetings, which must be in contact lens education at board-approved and
4 recognized educational seminars and courses or accredited institutions of learning. Satisfactory
5 proof of compliance with this subsection is a prerequisite for ~~annual~~ biennial renewal.

6 (C) In individual cases involving extraordinary hardship or extenuating circumstances,
7 disability or illness, all or any part of the continuing education requirements may be waived,
8 modified or extended by the board. Any applicant shall be eligible for waiver or extension who,
9 upon written application to the board and for good cause shown, within the board's discretion,
10 demonstrates that he or she is unable to participate in a sufficient number of regular continuing
11 educational programs for licensure/registration.

12 (D) Emeritus opticians who wish to return to active practice shall complete continuing
13 education requirements for each exempted biennial renewal period not to exceed two renewal
14 periods immediately prior to the reinstatement request and shall submit applicable reinstatement
15 fees.

16
17 § 40-38-270. Fitting of contact lenses and professional determinations by opticians prohibited;
18 exception.

19
20 Notwithstanding any other provision of law, with respect to contact lenses, an licensed contact
21 lens dispensing optician shall act upon receipt of and based on a prescription for the lenses by an
22 ophthalmologist or optometrist. Nothing in this chapter may be construed to allow an licensed
23 contact lens dispensing optician to fit contact lenses or to make professional determinations as
24 ~~lenses~~ to the specifications of these lenses unless under the supervision of an ophthalmologist or
25 optometrist. If supervision is not direct and if the licensed contact lens dispensing optician
26 dispenses the contact lenses outside of the presence of the ophthalmologist or optometrist, the
27 licensed contact lens dispensing optician shall instruct the patient to return to the prescribing
28 ophthalmologist or optometrist for verification of the fitting as soon as an appointment may be
29 obtained.

30
31 § 40-38-280. Ophthalmic dispensing of services and appliances; prescription required;
32 exceptions.

33
34 The services and appliances related to ophthalmic dispensing must be dispensed, furnished, or
35 supplied to the intended wearer or user only upon prescription issued by a physician or an
36 optometrist; however, duplications, replacements, reproductions, or repetitions may be provided
37 without prescription and are deemed to be ophthalmic dispensing, as if performed on the basis of
38 a written prescription. Oral prescriptions are permitted if the optician maintains a written record.
39 Contact lenses may be dispensed only in accordance with Section 40-38-270.

40
41 § 40-38-290. Dispensing of ~~spectacles~~ eyeglasses to public from manufacturing or warehouse
42 locations prohibited.

43
44 It is unlawful for an ophthalmic manufacturer, wholesale supply house, or any of their
45 employees, whether licensed as an optician or unlicensed, to dispense ~~spectacles~~ eyeglasses to the
46 public from its manufacturing or wholesale locations.

47
48 § 40-38-300. Use of optician's license by unlicensed persons unlawful; assistants under
49 supervision of opticians; delegation of tasks.

50

1 (A) It is unlawful for an optician to permit his or her license to be used by an unlicensed
2 person, and it is unlawful for an unlicensed person to practice or attempt to practice or conduct
3 optician business under the rights and privileges conferred upon another person who is a licensed
4 optician.

5 (B) Notwithstanding any other provision of law, an optician may delegate tasks to assistants
6 working under his or her direct supervision. However, under no circumstances may an assistant
7 be allowed to perform a contact lens fitting. Nothing in this section precludes an optician who is
8 supervising an assistant from being absent from the practice for reasonable periods during the
9 working day including, but not limited to, lunch or other customary, practice-related absences;
10 however, no contact lenses may be dispensed during the optician's absence.

11
12 § 40-38-310. Unlawful advertising, sales, and pricing acts regarding ophthalmic goods and
13 services; required disclosures.

14
15 (A) It is unlawful for a person to disseminate, directly or indirectly, and/or cause to be
16 disseminated any untruthful, deceptive advertisement, and/or representation concerning eye
17 examinations, ophthalmic goods, ophthalmic services, or the practice of opticianry. It is unlawful
18 for a person, partnership, or corporation to disseminate, directly or indirectly, and/or cause to be
19 disseminated any untruthful, impossible, improbable, misleading, or deceptive advertisement
20 and/or representation concerning the terms, guarantee, or warranty which relates to the
21 procurement of ophthalmic goods or services.

22 (B) It is unlawful for a person to offer or give eye examinations, eyeglasses, ~~spectacles~~, lenses,
23 or any part used in connection with them as a premium or bonus with merchandise or in any other
24 manner to induce trade. This section does not prohibit giving ophthalmic products incidental to
25 the use of the product being offered or the offering of a reduced price, sale, or discount on
26 purchases.

27 These disclosures must be made with any offer:

28 (1) if the offered price is represented as being a reduced price, sale price, or discounted price,
29 the offer shall disclose how the reduced price, sale price, or discounted price ~~is~~ differs from the
30 offeror's regular selling price or shall disclose any other price and its source which serves as the
31 standard from which the offeror represents the offered price as being a reduced price, sale price,
32 or discounted price;

33 (2) the date the offer terminates.

34 (C) It is unlawful for a person to disseminate price information concerning ophthalmic goods
35 and services without including an advertised price for:

36 (1) "eyeglasses" includes single vision or multi-focal lenses;

37 (2) "contact lenses" refers to hard or soft contact lenses;

38 (3) "ophthalmic materials" includes all dispensing fees;

39 (4) "ophthalmic materials" includes an eye examination; and

40 (5) "eyeglasses" includes both frame and lenses.

41
42 § 40-38-320. Use of third-party solicitations; restrictions.

43
44 Nothing in this chapter prevents opticians from using third-party solicitation which does not
45 involve uninvited, in-person solicitation of persons who, because of their particular
46 circumstances, may be vulnerable to ~~undue influences~~.

47
48 § 40-38-330. Regulations by board concerning employment, location and number of stores,
49 advertising, and display of products prohibited.

50

1 The board has no authority to promulgate regulations governing the employment of opticians,
2 the location of optical stores, the number of optical stores operated, the prohibition of lawful
3 advertising of optical products or services, or the manner in which these products can be
4 displayed.

5
6 § 40-38-340. Advertising by dispensing optician under corporate name, trade name, or as
7 successor to another optician.

8
9 Dispensing opticians may hold themselves out as doing business and may advertise under their
10 corporate name, trade name, or as successor to another optician in the State, and the board may
11 not promulgate regulations restricting these rights.

12
13 § 40-38-350. Display of certificate of licensure; effect of failure to display certificate.

14
15 (A) A person to whom a certificate of licensure is granted under this chapter shall display it in
16 a conspicuous place in ~~the person's principal~~ each office or place of business or employment. A
17 separate certificate of licensure as a contact lens optician granted by the board also must be
18 displayed by an optician eligible to dispense contact lenses.

19 (B) A person who fails, neglects, or refuses to display the certificate of licensure is deemed to
20 have forfeited the certificate, and it may not be restored except upon the payment of a
21 reinstatement fee of ~~twenty-five~~ fifty dollars.

22 (C) Every location of each optical business must be registered with the board using a board
23 approved form within ten days of the opening date by the licensed optician and the business
24 owner, and the registration must be kept current.

25
26 § 40-38-360. Service of required notices; prima facie evidence.

27
28 Notices required by this chapter may be sent by registered mail, return receipt requested, to the
29 person's last mailing address furnished to the board. The post office registration receipt signed by
30 the recipient, his or her agent, or a responsible member of his or her household or office staff or,
31 if not accepted by the person to whom addressed, the postal authority stamp showing the notice
32 refused is prima facie evidence of service of the notice.

33
34 § 40-38-370. Persons excepted from application of chapter.

35
36 This chapter does not apply to:

- 37 (1) physicians licensed in this State for the practice of medicine or osteopathy;
38 (2) optometrists licensed under the laws of this State to practice optometry; or
39 (3) persons who sell as merchandise from an established place of business ready-made
40 eyeglasses ~~or spectacles~~ if the person does not aid the purchaser in the fitting of the eyeglasses ~~or~~
41 ~~spectacles~~.

42
43 § 40-38-380. Immunity.

44
45 No member of the board, its committees, special examiners, agents, and employees may be
46 held liable for acts performed in the course of official duties except where actual malice is shown.

47
48 § 40-38-390. Severability.

49
50 If a provision of this chapter or the application of a provision to a person or circumstance is
51 held invalid, the invalidity does not affect other provisions or applications of this chapter which

1 can be given effect without the invalid provision or application, and to this end the provisions of
2 this chapter are severable.
3



APPRENTICE COMPLETION FORM
To be completed by Apprentice and Sponsor

Apprentice Name: _____

Sponsor Name: _____ Telephone: _____

Email: _____

License Type: Optician Optometrist Ophthalmologist License #: _____

Sponsor's Address: _____

I, the named sponsor, submit that the named apprentice has completed his/her apprenticeship under my supervision. Apprentice training included specific skills such as:

- **Assisting in selection of frames and lens options**
- **Fitting/adjusting frames and making frame repairs**
- **Interpreting prescriptions**
- **Making optical calculations and finishing layout calculations**
- **Lens neutralization and verification**
- **Identification of lens materials, manufacturer, and index of refraction**
- **Using Geneva Lens Measure, measure lens surface power**
- **Fitting measurements such as P.D., segment height, etc.**
- **Calculating effective power of a designated meridian of a compound lens**
- **Compensations or effective power for changes in lens vertex distance**

Average number of hours worked per week (32 hours minimum): _____

CHECK STATEMENT THAT APPLIES – ONE MUST BE CHECKED:

- ____ Applicant enrolled and completed the National Academy of Opticianry Career Progression Program.
- ____ Applicant enrolled and completed the Durham Technical College Optical Apprentice Certificate Program.
- ____ Applicant enrolled and completed the Penn Foster Career School.
- ____ Applicant enrolled and completed the Northern Alberta Institute of Technology Optical Sciences Eyeglasses Program.
- ____ Applicant enrolled and completed formal optical education program that was pre-approval by the Board.

IMPORTANT: A formal optical education program *pre-approved* by the Board is **REQUIRED** to be successfully completed before an apprentice can qualify to sit for the South Carolina Practical Examination in Opticianry.

Certification:

I, the named apprentice, certify that to the best of my knowledge the statements made in this application are true and correct, and I understand my responsibilities of work, obtaining formal education, and study. I understand the limitations of being registered as a South Carolina Apprentice.

 Signature of Apprentice

 Date

 Print Name of Apprentice

I, the named sponsor of the named applicant, certify that to the best of my knowledge the statements made in this application are true and correct, and it is my intention to provide to the apprentice optical dispensing training that includes, but is not limited to, the skills listed above. I have worked at the same location as the apprentice and was accessible to him/her.

 Signature of Sponsor

 Date

 Print Name of Sponsor

 SC License Type and Number

Date: October 6, 2016

**South Carolina Board of Examiners in
Opticianry**

Statistical Board Report

Case Status (Opticianry cases received from 1/1/2016 thru 9/21/2016)	Total
Active Investigation (Avg. days: 42) (OPTICIANRY)	1
Closed (avg. days: 60) (OPTICIANRY)	3
Pending Board Action (Avg. days: 170) (OPTICIANRY)	5
Total	9

Case Status (Opticianry cases received from 1/1/2015 thru 12/31/2015)	Total
Closed (Avg. days: 198) (OPTICIANRY)	3
Total	3

SOUTH CAROLINA BOARD OF EXAMINERS IN OPTICIANRY
BOARD MEETING AGENDA
November 17, 2016 at 9:00 A.M.
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

Public Notice of this meeting was properly posted at the Opticianry 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.

Call to Order

Approval of Agenda

Approval / Disapproval of Absent Board Member(s)

Approval of June 30, 2016 Board Meeting Minutes

Office of Investigations and Enforcement (OIE) Statistical Report – David Love, Chief of Investigations

Investigative Review Committee (IRC) Report – David Love, Chief of Investigations

Office of Disciplinary Counsel (ODC) Report – Shanika Johnson, ODC

Reinstatement of License Hearing – Shannon Scott Greene

Application Hearing – Sarah McMahan

Reports / Information

Administrative Report – April Koon

- a. Licensee Totals Report
- b. S.C. Practical Examination
- c. Renewal Update
- d. Financial Report

New Business

1. Clarification of Apprenticeship Program Completion
2. Exemption request for Federal Installation as a Non-Licensing State-April Koon
3. Dispensing – Daniel Gosnell
4. 2017 Board Meeting Dates

Public Comments

Announcements

S.C. Practical Examination, December 5, 2016, Kingstree Building, Columbia, S.C.
Upcoming Board Meeting Date – To be announced

Adjournment

South Carolina Department of Labor, Licensing and Regulation (SCLLR)
Board of Examiners in Opticianry
Board Meeting Minutes
June 30, 2016
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina

BOARD MEMBERS PRESENT:

Daniel B. Gosnell, Chairman
Grant Brown
Emily Mikell
John Hollis Inabinet, Esquire, Public Member

ABSENT BOARD MEMBERS:

James L. Rhodes
Keith Hayes, Vice Chair

VACANT POSITION:

Public Member (One)

SCLLR STAFF PRESENT:

Mary League, Esquire, Office of Advice Counsel
April Koon, Administrator
Missy L. Jones, Administrative Assistant
Holly Beeson, Esquire, Office of Communication and Governmental Affairs
For IRC Report:
David Love, Chief Investigator, Office of Investigations and Enforcement
For ODC Report:
Shanika Johnson, Esquire, Office of Disciplinary Counsel

PRESENT:

Kathryn Lindler, Court Reporter, Capital City Reporting, LLC

Public notice of this meeting was properly posted at the South Carolina Board of Examiners in Opticianry, Synergy Business Park, Kingstree 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. A quorum was present at all times.

CALL TO ORDER: Chairman Gosnell called the meeting to order at 9:00 a.m.

APPROVAL OF AGENDA: A **motion** was made by Mr. Brown to accept the June 30, 2016 Agenda. The motion was seconded by Ms. Mikell and carried unanimously.

APPROVAL / DISAPPROVAL OF ABSENT BOARD MEMBER(S): A **motion** was made by Ms. Mikell to approve the absence of Mr. Hayes and Mr. Rhodes. The motion was seconded by Mr. Brown and carried unanimously.

APPROVAL OF MINUTES: A **motion** was made by Mr. Inabinet to accept the February 11, 2016 minutes as written. The motion was seconded by Ms. Mikell and carried unanimously.

OFFICE OF INVESTIGATIONS AND ENFORCEMENT (OIE) STATISTICAL REPORT: Mr. Love provided the OIE Statistical Report; the Board accepted this as information.

INVESTIGATIVE REVIEW COMMITTEE (IRC) REPORT: Mr. Love provided the IRC Report from the June 8, 2016 IRC meeting. It was recommended to dismiss cases #2016-4 and case #2016-6. A **motion** was made by Mr. Inabinet to accept the IRC dismissal recommendations. The motion was seconded by Ms. Mikell and carried unanimously.

OFFICE OF DISCIPLINARY COUNSEL (ODC) REPORT: Ms. Johnson reported that there were no cases pending in the Office of Disciplinary Counsel.

LEGISLATIVE UPDATE – Ms. Beeson gave the Board a brief legislative update regarding The Eye Care Consumer Protection Law that was passed under Chapter 24. Ms. Beeson also gave the Board a brief legislative update regarding the Regulation which the Board intended to promulgate regarding the Apprenticeship Program. Initially there were no objections to the changes when it was published in the State Register. Once the legislation went to the Regulatory and Administrative Procedures Subcommittee, there were concerns there was no grandfathering language in the proposed changes. After speaking with the Board Chair, the Board Advice Counsel, and the Board Administrator the Regulation was withdrawn. After a brief discussion, the Board instructed Ms. Beeson to resubmit the Regulation in January 2017 to the Regulatory and Administrative Procedures Subcommittee. Mrs. Koon inquired if the Eye Care Consumer Protection Law effected the Board’s definition of dispensing. Ms. League stated that it does not change the Board’s definition of dispensing.

REPORTS / INFORMATION

Information provided by Ms. Koon concerning the following topics:

- **Licensee Totals Report** – 543 S.C. licensed opticians; 458 opticians practice in S.C.; 85 practice out-of-state, 131 registered apprentices.
- **S.C. Practical Examination** – Twelve candidates took the June 6, 2016 exam. Five candidates passed and seven candidates failed.
- **Financial Report** – presented as information.

UNFINISHED BUSINESS

Investigative Review Committee Professional Member – Ray Sansbury (current member): A **motion** was made by Ms. Mikell to reappoint Ray Sansbury as the Investigative Review Committee Professional Member. The motion was seconded by Mr. Brown and carried unanimously.

Clarification for Apprenticeship Renewal: A **motion** was made by Mr. Brown to add the Annual Sponsor Evaluation form that must be signed by the Sponsor and Apprentice as a part of their renewal. Mrs. Koon, Administrator for the Board, can receive and approve the Certificate of Study for applicants taking the South Carolina Practical Exam for the third or more times. The motion was seconded by Ms. Mikell and carried unanimously.

At the February 11, 2016 Board meeting, the Board made a motion and proposed changes to the apprenticeship program concerning examinations and resting periods. Mary League, Advice Counsel for the Board, discussed the motions made and explained to the Board what they proposed required legislative changes so therefore the motion from the February 11th meeting could not be upheld.

NEW BUSINESS

Acceptance of electronic transcripts: A **motion** was made by Mr. Brown to accept electronic transcripts directly from the university, college, or school foreign and domestic. The motion was seconded by Ms. Mikell and carried unanimously.

Request for Continuing Education hours to be extended or excused – Sandra Hudson: A **motion** was made by Mr. Inabinet to deny Ms. Hudson's request for an extension or excuse her Continuing Education hours for 2016. The motion was seconded by Ms. Mikell and carried unanimously.

Clarification of Election Procedures: A **motion** was made by Mr. Brown to hold the election again due to clerical error using colored paper and removing the name and signature lines on the ballot. The motion was seconded by Ms. Mikell and carried unanimously.

Revision of Cease and Desist Order Procedures: A **motion** was made by Mr. Inabinet for the Order of Cease and Desist to be signed by the Board Chair and in the event the Board Chair has a conflict the Order is to be signed by the Board Vice Chair. The motion was seconded by Mr. Brown and carried unanimously.

PUBLIC COMMENTS

There were no public comments.

ANNOUNCEMENTS

The next South Carolina Board Examiners in Opticianry Board Meeting will be held October 6, 2016 in Room 204.

The next South Carolina Practical Examination in Opticianry will be administered December 5, 2016, 110 Centerview Drive, Columbia, South Carolina, Kingstree Building, Room 115.

ADJOURNMENT

A **motion** was made by Mr. Inabinet to adjourn the meeting. The motion was seconded by Mr. Brown and unanimously carried. Mr. Gosnell adjourned the meeting at 11:60 a.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.

Date: October 6, 2016

South Carolina Board of Examiners in
Opticianry

Statistical Board Report

Case Status (Opticianry cases received from 1/1/2016 thru 9/21/2016)	Total
Active Investigation (Avg. days: 42) (OPTICIANRY)	1
Closed (avg. days: 60) (OPTICIANRY)	3
Pending Board Action (Avg. days: 170) (OPTICIANRY)	5
Total	9

Case Status (Opticianry cases received from 1/1/2015 thru 12/31/2015)	Total
Closed (Avg. days: 198) (OPTICIANRY)	3
Total	3

Date: October 6, 2016

**South Carolina Board of Examiners in
Opticianry**

IRC Board Case Recommendation Report

IRC held on September 21, 2016

Dismissal – 5

IRC Members

**Shanika Johnson– Attorney
Ray Sansbury – IRC Advisor
Missy Jones- Administrator Assistant
Adrian Rivera– Investigator
David Love – Chief Investigator**

DISMISS

Case #	Investigator	Initial Complaint Allegations	IRC Logic
2016-2	Adrian Rivera	The complaint alleges Respondent is unlicensed and is dispensing glasses.	IRC met on 09/21/2016 and recommended dismissal. No evidence found to support the allegation.
2016-3	Adrian Rivera	The complaint alleges Respondent is unlicensed and is dispensing glasses.	IRC met on 09/21/2016 and recommended dismissal. No evidence found to support the allegation.
2016-7	Adrian Rivera	Complaint alleges Respondent does not have a licensed optician on staff.	IRC met on 09/21/2016 and recommended dismissal. Respondent has a licensed optician on staff.
2016-8	Adrian Rivera	The complaint alleges Respondent is dispensing glasses and contacts without a licensed optometrist or optician on staff. In addition workers are selling contacts and eyeglasses without a licensed optician present.	IRC met on 09/21/2016 and recommended dismissal. Licensed optician on staff.
2016-9	Adrian Rivera	The complaint alleges Respondent performed the duties of a licensed optician without proper licensing.	IRC met on 09/21/2016 and recommended dismissal. The work done was under the supervision of a licensed Optometrist.
Total Cases: 5			

Administrative Report – April Koon

a. Licensee Totals (Totals include OPI & OPC Credentials)

Total of all licensees – 825

Instate licensee total – 691

Out-of-state licensee total – 134

Total of all apprentices – 115

b. S.C. Practical Examination

December 5, 2016 Exam total – 22

c. Apprentice Renewal Update

As of October 26, 2016, 107 apprentices have successfully renewed their registrations.

Opticianry Board
DB0018

June 2015 June 2016 Oct 2016
Cash Balance Cash Balance Cash Balance

		<u>FY15</u>	<u>FY16</u>	<u>FY17</u>
Beginning Cash Balance		(115,730.44)	(229,633.31)	(205,242.07)
Total Revenue		9,495.53	128,595.00	5,925.00
Total Direct Expenditures		(73,322.55)	(53,154.63)	(19,611.87)
Indirect Expenditures (Overhead):				
Admin/Dir/Adv Cou- Based on Previous Yr. Expenses	0.597%	(24,230.62)	(29,281.30)	(8,831.92)
POL Admin - Based on Previous Yr Expenses	0.597%	(8,253.04)	(8,730.59)	(2,061.59)
OLC - Former POL Program		0.00	0.00	0.00
OIE - Based on No. of Investigations	0.186%	(2,508.45)	(2,711.31)	(2,369.19)
Legal - Based on No. of Investigations	0.186%	(901.88)	(948.62)	(793.52)
Office of Business Services - Based on Prev Yr Exp		0.00	0.00	0.00
Office of Health & Medical Rel Bds - Based on Pre Yr Exp	0.000%	0.00	0.00	0.00
Remittance to General Fund - Proviso 81.3	10.00%	(7,332.26)	(5,315.46)	0.00
Communications-Based on Prev Yr Exp	0.597%	(1,867.45)	(2,052.40)	(864.78)
Immigration Proviso 81.8-Based on Prev Yr Exp	0.597%	(1,536.78)	(1,691.27)	(417.94)
Osha Proviso 81.7-Based on Prev Yr Exp	0.597%	(3,445.37)	(1,488.12)	0.00
Total Indirect Expenditures (Overhead)		(50,075.85)	(52,219.07)	(15,338.94)
NET		(113,902.87)	23,221.30	(29,025.81)
Fines Draw			1,169.94	-
Year End Balance		(229,633.31)	(205,242.07)	(234,267.88)

**APPLICATION HEARING BEFORE THE SOUTH CAROLINA BOARD OF
EXAMINERS IN OPTICIANRY**

Re: Shannon Scott Greene

1. This hearing is called to order.
2. This is the matter of: Shannon Scott Greene
(Does any Member of the Board have reason to recuse him or herself from consideration of this application?)
3. The purpose of this hearing is to determine whether the applicant should be granted reinstatement of his license.
4. Everyone is reminded that these proceedings are being recorded and that all witnesses must be sworn before they testify. All remarks should be directed to the Chair.
5. Shannon Scott Greene submitted a reinstatement application for licensure on August 8, 2016. Mr. Greene's Optician's and Contact Lens Dispensing licenses expired on October 1, 2011. Mr. Greene has expressed he would like to come back to the Optical field and wishes to have his licenses reinstated.
6. Would the court reporter please swear in the Applicant.
7. Mr. Greene - is there anything you wish to tell the Board in regards to this application?
(after Applicant concludes) Do you have any witnesses here today to testify on your behalf? (If so, have them state their names and be sworn). (Witness), you may proceed.
8. Do any Board Members have questions at this time?

[alternative A] Your case is submitted and the Board is ready to make a decision.

[alternative B] Your case is submitted and the Board will take it under advisement. Is there a motion to go into executive session to receive legal advice in this matter? Second? All those in favor, say "aye." Will everyone please be excused while the Board goes into executive session?

Is there a motion to come out of executive session? Second? All those in favor, say "aye."

9. Is there a motion as to the disposition of this application?
10. *At the conclusion of the Board's decision, the following statement should be read into the record:*

The decision we announce today expresses only the basic elements of our ruling in this case. Counsel for the Board will prepare an order which more fully expresses our conclusions in the appropriate language and format which the Board has traditionally used. The final written decision must be approved by and signed by the Chair of the Board and will be the final order in this matter. If you wish to appeal the decision to the Administrative Law Court, you will need to do so within 30 days of receipt of the order.



South Carolina Department of Labor, Licensing and Regulation
South Carolina of Examiners in Opticianry
 P.O. Box 11329 • Columbia, SC 29211
 Phone: 803-896-4681 Fax: 803-896-4719
www.llr.state.sc.us/POL/Opticians/

For Office Use Only
 Check No. _____
 Amount: _____

Reinstatement Application

PLEASE READ THE INSTRUCTIONS VERY CAREFULLY

Name: Shannon Scott Greene License #: 780

Reinstatement Instructions

This form may be used if your South Carolina Opticians license or Apprentice Registration lapsed October 31, 2015.

Submit the following with your application to the above address:

- Complete all questions on this reinstatement application. A name change requires a copy of legal documentations.
- Return this entire completed reinstatement form to:
 SC Board of Opticians, PO Box 11329, Columbia, SC 29211-1326

Fee Schedule:

Optician \$200.00	Out of State/inactive Optician \$120.00
Contact Lens Optician \$100.00	Out of State/inactive Contact Lens Optician
Apprentice \$50.00	\$60.00

Reinstatement Fee: \$50.00 per license / apprenticeship if postmarked after 10/31/2015

Continuing Education Required: Apprentice: 4 hours of ABO approved CE obtained since 10/01/2014. **Optician:** 8 hours of ABO approved CE obtained since 10/01/2013. **Contact Lens Dispenser:** 8 hours of ABO approved CE and 2 hours of NCLE approved CE obtained since 10/01/2013.

Home Address	Work Place Name and Address	Mailing Address
<u>Myrtle Beach SC</u> <u>29579</u>		
Telephone: _____	Telephone: _____	Telephone: _____

Email: _____

Congressional District 1 2 3 4 5 6 _____

Continuing Education

Do you have documentation of your ABO approved Continuing Education? Yes No

If yes, please provide how many hours. _____ Hours

IF YOU ANSWER "YES" TO A QUESTION BELOW, A DETAILED LETTER OF EXPLANATION ALONG WITH THE DOCUMENTATION INDICATED AFTER EACH QUESTION MUST BE SUBMITTED.

1. Since you last renewed your license, have you been convicted or pleaded nolo contendere to any crime? If you do not have documentation, request a criminal records check be sent by the appropriate entity directly to the Board. Yes No
2. Since you last renewed your license, have you had a license denied, restricted or disciplined by any other licensing board or national certifying body? **Send a request to the board/body where your disciplinary action occurred for a final order to be sent directly to the Panel.** Yes No
3. Since you last renewed your license, have you had any mental, emotional, and/or physical condition, including alcohol or other substance abuse that may presently interfere with your ability to competently and safely perform the essential functions involved in this profession? Yes No
4. Since you last renewed your license, have you been addicted to, or used in excess, any drug or chemical substance including alcohol, or been treated for a drug or alcohol addiction or participated in a rehabilitation program? Yes No
5. Has there been any change in the status of your lawful presence in the United States since initial licensure? (e.g. naturalization; received a renewed permanent resident card) Yes No
6. **FOR APPRENTICES ONLY:** Since you last renewed your license, have you been continuously employed as an apprentice? Yes No

I HEREBY swear/affirm I have read all questions on this renewal application and have answered truthfully, accurately, and completely. I hereby acknowledge that failure to answer these questions truthfully, accurately and completely shall constitute cause for the initiation of disciplinary action against my South Carolina license.

Signature _____

Date 8/24/14

PRIVACY DISCLOSURE:

South Carolina Law requires that every individual who applies for an occupational or professional license provide a social security number for use in the establishment, enforcement and collection of child support obligations and for reporting to certain databanks established by law. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Social security numbers may also be disclosed to other governmental regulatory agencies and for identification purposes to testing providers and organizations involved in professional regulation. Your social security number will not be released for any other purpose not provided for by law.

Other personal information collected by the Department for the licensing boards it administers is limited to such personal information as is necessary to fulfill a legitimate public purpose. The South Carolina Freedom of Information Act ensures that the public has a right to access appropriate records and information possessed by a government agency. Therefore, some personal information on the application may be subject to public scrutiny or release. The Department collects and disseminates personal information in compliance with The South Carolina Freedom of Information Act, the South Carolina Family Privacy Protection Act, and other applicable privacy laws and regulations. Additionally, the Department shares certain information on the application with other governmental agencies for various governmental purposes, including research and statistical services.

A copy of the Practice Act and Regulations governing the practice of Opticianry in South Carolina can be obtained from the website at www.lhr.state.sc.us/POL/Opticians/ under Laws / Policies.

Scott Greene

Myrtle Beach, SC 29579

AUG 25 2016

South Carolina Board of Opticianry
PO Box 11329
Columbia, SC 29211
803-896-4681

August 24, 2016

To Whom It May Concern:

I have been out of the optical business for a few years and want to get back in the business. I have unfortunately let my Optician and Contact Lens License Expire. I want to do what is necessary to reinstate my license. I was told by April to fill out the reinstatement form, which I have included, and mail it in. I was told I would then have to go before the State Board in October to have them hear my case on why I left the optical business, what I have been doing since and why I would like to return. Once receiving this letter and the form, will you please notify me on what else I will need to do? I thank you in advance for your help with this matter. I look forward to hearing from you soon.

Sincerely,

Shannon Scott Greene

**APPLICATION HEARING BEFORE THE SOUTH CAROLINA BOARD OF
EXAMINERS IN OPTICIANRY**

Re: Sarah McMahan

1. This hearing is called to order.
2. This is the matter of: Sarah McMahan
(Does any Member of the Board have reason to recuse him or herself from consideration of this application?)
3. The purpose of this hearing is to determine whether the applicant should be granted an apprenticeship.
4. Everyone is reminded that these proceedings are being recorded and that all witnesses must be sworn before they testify. All remarks should be directed to the Chair.
5. Sarah McMahan submitted an application for apprenticeship on September 9, 2016. The applicant answered "Yes" to the question "Have you ever been convicted of or pled guilty or nolo contendere to a felony of any kind or to a non-felony crime involving drugs or moral turpitude?" Mrs. McMahan submitted a letter of explanation wherein she stated that she had made some poor choices in late teens and early twenties which resulted in a Second Degree Burglary charge. Mrs. McMahan has since paid restitution to the victim and would like to move forward with her career as an Optician in South Carolina.
6. Would the court reporter please swear in Ms. McMahan.
7. Ms. McMahan, is there anything you wish to tell the Board in regards to this application?
(after Applicant concludes) Do you have any witnesses here today to testify on your behalf? (If so, have them state their names and be sworn). (Witness), you may proceed.
8. Do the Board Members have any questions at this time?

[alternative A] Your case is submitted and the Board is ready to make a decision.

[alternative B] Your case is submitted and the Board will take it under advisement. Is there a motion to go into executive session to receive legal advice in regards to this matter? Second? All those in favor, say "aye." Will everyone please be excused while the Board goes into executive session?

Is there a motion to come out of executive session? Second? All those in favor, say "aye."

9. Is there a motion as to the disposition of this application?
10. *At the conclusion of the Board's decision, the following statement should be read into the record:*

The decision we announce today expresses only the basic elements of our ruling in this case. Counsel for the Board will prepare an order which more fully expresses our conclusions in the appropriate language and format which the Board has traditionally used. The final written decision must be approved by and signed by the Chair of the Board and will be the final order in this matter. If you wish to appeal the decision to the Administrative Law Court, you will need to do so within 30 days of receipt of the order.



South Carolina Department of Labor, Licensing and Regulation
South Carolina Board of Examiners in Opticianry

P.O. Box 11329 • Columbia • SC • 29211

Phone: 803-896-4681 • Contact.Opticianry@llr.sc.gov • Fax: 803-896-4719

www.llronline.com/POL/Opticians/



SEP 09 2016

Application for Registration for Apprenticeship Training in Ophthalmic Dispensing

Submit the following with your application to the above address:

- Check or Money Order for the application fee of \$20 payable to LLR - SC Opticianry Board (This is a non-refundable fee)
- A returned check fee of up to \$30, or an amount specified by law, may be assessed on all returned funds.
- Copy of drivers license, state issued ID or passport
- Copy of social security card
- Proof of high school graduation, college transcript or GED Certification
- Have sponsor complete the Request to Sponsor Apprentice Form – Once completed you may submit with your application.

Board Use Only	
Beg Date:	
Sch. Comp Date:	
Ed Program	
Check No.	9206000175
Amount	\$20.00

Note for SC Residents: To find your Congressional District you may go to: <http://www.scstatehouse.gov/legislatorssearch.php>

APPLICANT INFORMATION:

Last Name: McMahon First: Sarah Middle: Tomlinson Suffix: _____

Have you ever legally changed your name? Yes No Maiden Name: Tomlinson
 If yes, please submit legal documentation supporting the change. (Marriage certificate, divorce decree, etc.)

Home Address: _____ City: Greenville State: Sc Zip: 29607 District: _____
Congressional District (SC Residents Only)

Mailing Address: _____ (If different than above) City: _____ State: _____ Zip: _____

Phone: _____ Email Address: _____

Date of Birth: _____ Social Security No.: _____

Place of Birth (Country): USA Race: (for statistical purposes only) _____

Gender: Female Male

EDUCATION:

College: _____ School: _____ Location (city/state or country): _____
 Degree: _____ Date of Attendance/ Date Degree Awarded: _____

High School:

School: Byrnes HS Location (city/state or country): Duncan, Sc
 Year Graduated: _____ Year GED Received: 2011

EMPLOYMENT:

Company Name: LensCrafters Type of Facility: Optical Store and Lab
 Telephone: 864-234-7200 Fax: _____
 Address: 700 Haywood Rd. #100 Greenville, Sc 29607

Sponsor information will be filled out on the Request to Sponsor Apprentice form.

PERSONAL HISTORY:

- 1. Have you ever held any type of professional or occupational license in any state? Yes No
a. If yes, list the states and types of licenses: _____
- 2. Has any licensing agency revoked, suspended, or restricted your license or disciplined you? Yes No
If yes, give cause, dates and disposition in your written explanation.
- 3. Have you ever been convicted of or pled guilty or nolo contendere to a felony of any kind or to a non-felony crime involving drugs or moral turpitude (You may exclude juvenile or expunged crimes.)? *Please see attached letter.* Yes No
a. If yes, attach a written explanation that includes cause, dates and disposition.
- 4. Do you have a mental or physical impairment or addiction that would prohibit you from safely practicing as an apprentice? Yes No

FORMAL EDUCATION: CHECK STATEMENT THAT APPLIES – ONE MUST BE CHECKED:

- Applicant will enroll in the National Academy of Opticianry Career Progression Program.
- Applicant will enroll in the Durham Technical College Optical Apprentice Certificate Program.
- Applicant will enroll in the Penn Foster Career School.
- Applicant will enroll in the Northern Alberta Institute of Technology Optical Sciences Eyeglasses Program.
- Applicant will submit another formal optical education program for pre-approval by the Board.

IMPORTANT: A formal optical education program *pre-approved* by the Board is **REQUIRED** to be successfully completed before an apprentice can qualify to sit for the South Carolina Practical Examination in Opticianry.

PRIVACY DISCLOSURE:

South Carolina Law requires that every individual who applies for an occupational or professional license provide a social security number for use in the establishment, enforcement and collection of child support obligations and for reporting to certain databanks established by law. Failure to provide your social security number for these mandatory purposes will result in the denial of your licensure application. Social security numbers may also be disclosed to other governmental regulatory agencies and for identification purposes to testing providers and organizations involved in professional regulation. Your social security number will not be released for any other purpose not provided for by law.

Other personal information collected by the Department for the licensing boards it administers is limited to such personal information as is necessary to fulfill a legitimate public purpose. The South Carolina Freedom of Information Act ensures that the public has a right to access appropriate records and information possessed by a government agency. Therefore, some personal information on the application may be subject to public scrutiny or release. The Department collects and disseminates personal information in compliance with The South Carolina Freedom of Information Act, the South Carolina Family Privacy Protection Act, and other applicable privacy laws and regulations. Additionally, the Department shares certain information on the application with other governmental agencies for various governmental purposes, including research and statistical services.

Certification:

I, the named applicant, certify that all information contained in this application is truthful, complete, correct, accurate, and agree that such information is subject to verification by the Board. I understand the requirement of employment, along with **COMPLETING A FORMAL OPTICAL EDUCATION** program from a Board approved provider, and the limitations of being a South Carolina Apprentice in Ophthalmic Dispensing. I am aware that if an investigation should discover inaccurate or misleading information, my application will be rejected, my apprenticeship terminated, and all fees forfeited.

Signature of Applicant: _____
Apprenticeship Training Application (04/2015)

Date: 9/7/2016



STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES
AFFIDAVIT OF ELIGIBILITY



Pursuant to Section 8-29-10, *et seq.* of the South Carolina Code of Laws (1976, as amended), the Department of Labor, Licensing and Regulation must verify that any person who applies for a South Carolina license is lawfully present in the United States. Complete and sign this affidavit of eligibility. The information provided is subject to verification.

Section A: LAWFUL PRESENCE in the United States.

The undersigned Sarah Tomlinson McManis of Greenville, SC
(Print clearly First, Middle, and Last name) (Home Address, City, State, and Zip Code) 29607
being first duly sworn deposes and states as follows:

Check only one box:

1. I am a United States citizen; or
2. I am a Legal Permanent Resident of the United States eighteen years of age or older; or
3. I am a Qualified Alien or non-immigrant under the Federal Immigration and Nationality Act, Public Law 82-414, eighteen years of age or older, and lawfully present in the United States.
4. Other: _____ Please submit any documentation that supports this status.

Date of Birth: _____

Alien Number: _____

I-94 Number: _____

(If you checked number 2, 3, or 4 you must attach a copy of your immigration documents. See instruction sheet for a list of accepted immigration documents.)

Section B: ATTESTATION.

I understand that in accordance with section 8-29-10 of the South Carolina Code of Laws, a person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall, in addition to other sanctions imposed by this State or the United States, be guilty of a felony, and upon conviction must be fined and/or imprisoned for not more than 5 years (or both).

I understand that the representations made in this Affidavit shall apply through any license(s) or renewals issued, and that I shall have an affirmative duty to immediately advise the Department of Labor, Licensing and Regulation of any change of my immigration or citizenship status.

I swear and attest the information contained herein is true and correct to the best of my knowledge. I understand that under South Carolina law, providing false information is grounds for denial, suspension, or revocation of a license, certificate, registration or permit.

Signature of Affiant _____

SWORN to before me this 7th day of September, 2016

Notary Signature _____

Johnathon Patterson

Print Name

Notary Public for South Carolina

My Commission Expires: 1/5/2026



JOHNATHAN PATTERSON
NOTARY PUBLIC
SOUTH CAROLINA

MY COMMISSION EXPIRES 1/5/2026

Members of the South Carolina State Board,

Hello. My name is Sarah McMahan and I am writing this letter in reference to my enclosed application for the Optician Apprenticeship Program.

I would like to start by telling you how much this truly means to me. Being employed by LensCrafters and having a mentor willing to sponsor me in this program is something that I consider a blessing. I have worked hard to get here, and the road has not been an easy one.

My late teens and early twenties were a very difficult time in my life and I made many bad decisions that made the life that I have today a challenging one to accomplish. I made bad choices. I ended up in a very bad marriage, lost close relationships with my amazing family and, due to my own bad decisions, obtained a felony record. The worst of which is a Second Degree Burglary for which I served time and paid restitution to the victim. It was the breaking point and serious wake-up call that caused me to drastically change my life. I separated from my now ex husband and began a long road of rebuilding what I should have never lost. This was nearly a decade ago. I take full responsibility for all of my actions. I know that accountability is the only real road to change. I hold myself 100% accountable and I could not be more ashamed of my past actions. Unfortunately, there is no way for me to change them. All that I can do is move forward and make positive decisions to make my life better.

Today, I can be proud of the life that I have. After many years of attempts, I finally finalized my divorce from my ex husband who I hadn't seen in so long. I moved away from all negative influences in my life and started to discover who I really am. I am now remarried to a fantastic, caring husband who believes in me and supports my dreams. I am a step-mom to two wonderful children who love me as much as I love them. I have re-built my relationship with my family.

I found the career that I love three years ago....Optics. I was hired on as a retail associate at America's Best. I found that I had a passion for helping others and a fascination for the science behind the job that I was doing. I became good at what I did and I was recruited into another retail position by Stanton Optical. They had an on site lab where my former boss from America's Best was the Lab Manager. I was able to spend time learning a little bit about lens manufacturing and I knew that that was where I wanted to end up. A year later, I am a Certified Lab Tech at LensCrafters and I am so excited to get up and come to work every day! I know, without a doubt, that this is what I want to spend my life doing.

The next step for me is this apprenticeship. I have worked hard at everything that I have done because I know that I have a lot to prove to those who give me a chance. This apprenticeship would mean more to me than words can express and I am asking for a chance. I will work hard every day to reach my full potential and earn my Optician's License.

I ask that you please take the time to read the referral letters written by my former boss, my former colleague and, of course, my current boss and sponsor. They are all available should you have any questions about my character or work ethic. If there are any questions that you have for me, I will be glad to answer them.

The SC Department of Education has emailed you a copy of my GED and I have included my divorce decree, my marriage license (both to show legal name changes) and all other paperwork that was required. Thank you so much for your time and consideration.

Sincerely,
S

Sarah T. McMahan

Greenville, SC 29607

Amanda Allen

Travelers Rest, SC 29690

To Whom It May Concern,

Sarah McMahan is applying to join the SC Optician Apprenticeship program with myself as her sponsor. Sarah has been an excellent associate who is very quick to learn. She has prior optical retail experience, but this is her first position in an optical lab. She has worked very hard to earn her certification to be able to do quality inspections on eyewear before they are dispensed. Sarah is now working a minimum of 32 hours per week at LensCrafters since she has completed her training. She now meets the eligibility requirement for weekly hours worked for apprentices.

Sarah did disclose during her hiring process that there was a charge against her record from several years ago. I processed her background check and our corporate office approved her hiring. I understand that the SC Optician's board also requests background information on new apprentices. Sarah received approval from Luxottica's new hire background check, therefore I believe she should still be eligible for the apprenticeship program. She will include additional information for you to review.

Sarah is very excited about joining the apprenticeship program. This is her chosen career path and she has proven that she is eager to learn new things. She has done very well with her optics training we have accomplished so far. We are excited to have her as an apprentice and believe that she will be a valuable asset to our team.

Please feel free to call me if you have any questions or need additional information.
Thank you for your time.

Amanda Allen, LDO

To whom it may concern,

I first met Sarah McMahan when I was employed as a General Manager at America's Best in Greenville, SC. She was a walk-in candidate without prior optical experience, going door to door to find employment. Something about her caught my interest and I interviewed her on the spot. I discovered my initial reaction was well founded. During our conversation she displayed a great curiosity about our industry and asked me more about what we do than I was able to ask about her! It was apparent to me that she had a fascination with all things scientific and wanted to understand more than memorize or repeat things she learned. While she had minimal work experience to date I moved quickly to hire her on as a Retail Associate. I feel fortunate that I was able to recruit such a great mind into our field.

During her training she continued to be extremely inquisitive about everything presented. Once again she wanted to understand the "why" behind what we do so she was better able to apply the knowledge in a practical setting. Admittedly this took more time than typical, but the end result was a much more competent optician than most in their early careers. For me as a General Manager, I was able to see more solid application of optics during the sales process which resulted in more quality sales with very few remakes. Furthermore, as she began excelling in the sales and fitting processes, she put the same energy into learning better dispensing skills as well as troubleshooting. She became my highest selling sales associate (leapfrogging my more experienced ones) and was an all around great asset.

We both moved onto a newly opened practice that had a lab on site. She maintained her role as a sales associate while I moved into my true love--the lab. Once again, she quickly became the highest selling associate. For Sarah, this was not enough. She still had the intense desire for learning that I've seen all along and was fascinated by the inner workings of the lab. Whenever she could get a moment away from a very busy sales floor she was back in the lab asking me about everything she could.

I once again moved on, this time to Lenscrafters. Fast forward a half year and Sarah began reaching out to me. Her learning had begun to plateau in a very sales focused environment and she wanted the deeper knowledge of optics that the lab can provide. At the time I had no open positions, but after a month or two our sister store in Greenville did. I worked with the Lab Manager there (Amanda Allen) to bring her onboard. Once again, Sarah demonstrated her extreme curiosity and has been rewarded by a wealth of new knowledge to absorb. She worked and studied tirelessly to learn and pass her Lenscrafters Final Inspection Certification. I foresee several years more of continued growth in the lab and optical in general.

The next logical step for Sarah is to begin her apprenticeship. I with no hesitation offer this referral to assist with this process.

If you have any questions feel free to reach out to me.

Sincerely,

~~Brian~~ Reynolds

Lab Manager Lenscrafters

Greenville, SC

Store Phone: 864.676.1122

Jan Standard

Spartanburg, SC 29301

Dear SC State Board,

August 23, 2016

I am pleased to recommend Sarah McMahar for the Optician apprenticeship program. I was privileged to work beside her as the SC Licensed Optician for almost a year. I've watched her grow by leaps & bounds in her abilities... She is not afraid to try anything new if it will help her patients' visual needs (they love her).

Sarah is passionate about the optical industry & is very determined to be the best at every aspect of her job. She craves more knowledge & always strives to meet & exceed her goals.

I've been in the optical field for over 29 years & I will be honored to call Sarah a fellow optician!

Please give her the chance that she deserves to follow her dreams. Sarah will do great things in the future as a SC Licensed Optician.

Jenscrafters is so lucky to have
her!

Thanks for your time.

S. C. Y. / ~~XXXXXXXXXX~~
S.C. Y. / Licensed Optician
950

Please feel free to contact
me if you need to.

Administrative Report – April Koon

a. Licensee Totals (Totals include OPI & OPC Credentials)

Total of all licensees – 825

Instate licensee total – 691

Out-of-state licensee total – 134

Total of all apprentices – 115

b. S.C. Practical Examination

December 5, 2016 Exam total – 22

c. Apprentice Renewal Update

As of October 26, 2016, 107 apprentices have successfully renewed their registrations.

Opticianry Board
DB0018

June 2015 June 2016 Oct 2016
Cash Balance Cash Balance Cash Balance

		<u>FY15</u>	<u>FY16</u>	<u>FY17</u>
Beginning Cash Balance		(115,730.44)	(229,633.31)	(205,242.07)
Total Revenue		9,495.53	128,595.00	5,925.00
Total Direct Expenditures		(73,322.55)	(53,154.63)	(19,611.87)
Indirect Expenditures (Overhead):				
Admin/Dir/Adv Cou- Based on Previous Yr. Expenses	0.597%	(24,230.62)	(29,281.30)	(8,831.92)
POL Admin - Based on Previous Yr Expenses	0.597%	(8,253.04)	(8,730.59)	(2,061.59)
OLC - Former POL Program		0.00	0.00	0.00
OIE - Based on No. of Investigations	0.186%	(2,508.45)	(2,711.31)	(2,369.19)
Legal - Based on No. of Investigations	0.186%	(901.88)	(948.62)	(793.52)
Office of Business Services - Based on Prev Yr Exp		0.00	0.00	0.00
Office of Health & Medical Rel Bds - Based on Pre Yr Exp	0.000%	0.00	0.00	0.00
Remittance to General Fund - Proviso 81.3	10.00%	(7,332.26)	(5,315.46)	0.00
Communications-Based on Prev Yr Exp	0.597%	(1,867.45)	(2,052.40)	(864.78)
Immigration Proviso 81.8-Based on Prev Yr Exp	0.597%	(1,536.78)	(1,691.27)	(417.94)
Osha Proviso 81.7-Based on Prev Yr Exp	0.597%	(3,445.37)	(1,488.12)	0.00
Total Indirect Expenditures (Overhead)		<u>(50,075.85)</u>	<u>(52,219.07)</u>	<u>(15,338.94)</u>
NET		(113,902.87)	23,221.30	(29,025.81)
Fines Draw			1,169.94	-
Year End Balance		<u>(229,633.31)</u>	<u>(205,242.07)</u>	<u>(234,267.88)</u>

The President of the SC Optometry Board has reached out to me concerning a staff member he has supervised for a number of years on the base at Ft Jackson. The individual is not a Federal employee nor are they licensed as an optician; however, they have worked on the base for 10 years under Dr. Candela's supervision and have been selling, dispensing, and making glasses during that time. This individual has passed the ABO and now wants to work as an optician off the base. The question from Dr. Candela is "Can the individual be licensed as an Optician in SC without having to complete an apprenticeship since they have worked on base where a license is not required"? The second question is "Would this person be required to take the pre- approved formal education before licensure can be obtained"?

Thank you.

April Koon

Administrator

South Carolina Board of Long Term Health Care Administrators

South Carolina Board of Examiners in Optometry

South Carolina Board of Examiners in Opticianry

South Carolina Panel for Dietetics

SC Department of Labor, Licensing and Regulation

110 Centerview Dr, Columbia, SC 29210

803-896-4625

Fax: 803-896-4719

Email: april.koon@llr.sc.gov

Website: www.llronline.com

Dispensing Chapter 38

SECTION 40-38-280. Ophthalmic dispensing of services and appliances; prescription required; exceptions.

The services and appliances related to ophthalmic dispensing must be dispensed, furnished, or supplied to the intended wearer or user only upon prescription issued by a physician or an optometrist; however, duplications, replacements, reproductions, or repetitions may be provided without prescription and are deemed to be ophthalmic dispensing, as if performed on the basis of a written prescription. Oral prescriptions are permitted if the optician maintains a written record. Contact lenses may be dispensed only in accordance with Section 40-38-270.

SECTION 40-38-290. Dispensing of spectacles to public from manufacturing or warehouse locations prohibited.

It is unlawful for an ophthalmic manufacturer, wholesale supply house, or any of their employees, whether licensed as an optician or unlicensed, to dispense spectacles to the public from its manufacturing or wholesale locations.

SECTION 40-38-340. Advertising by dispensing optician under corporate name, trade name, or as successor to another optician.

Dispensing opticians may hold themselves out as doing business and may advertise under their corporate name, trade name, or as successor to another optician in the State, and the board may not promulgate regulations restricting these rights.

Date: October 6, 2016

**South Carolina Board of Examiners in
Opticianry**

IRC Board Case Recommendation Report

IRC held on September 21, 2016

Dismissal – 5

IRC Members

**Shanika Johnson – Attorney
Ray Sansbury – IRC Advisor
Missy Jones – Administrator Assistant
Adrian Rivera – Investigator
David Love – Chief Investigator**

DISMISS

Case #	Investigator	Initial Complaint Allegations	IRC Logic
2016-2	Adrián Rivera	The complaint alleges Respondent is unlicensed and is dispensing glasses.	IRC met on 09/21/2016 and recommended dismissal. No evidence found to support the allegation.
2016-3	Adrian Rivera	The complaint alleges Respondent is unlicensed and is dispensing glasses.	IRC met on 09/21/2016 and recommended dismissal. No evidence found to support the allegation.
2016-7	Adrian Rivera	Complaint alleges Respondent does not have a licensed optician on staff.	IRC met on 09/21/2016 and recommended dismissal. Respondent has a licensed optician on staff.
2016-8	Adrian Rivera	The complaint alleges Respondent is dispensing glasses and contacts without a licensed optometrist or optician on staff. In addition workers are selling contacts and eyeglasses without a licensed optician present.	IRC met on 09/21/2016 and recommended dismissal. Licensed optician on staff.
2016-9	Adrian Rivera	The complaint alleges Respondent performed the duties of a licensed optician without proper licensing.	IRC met on 09/21/2016 and recommended dismissal. The work done was under the supervision of a licensed Optometrist.
Total Cases: 5			