

Opticians whose licenses remained expired for more than two years (2008 being the last year renewed), and were deleted from the files:

1. Lori Ellen Anderson #1318
2. Kimberly Fowler Carter #0987
3. Joseph N. Cates #0038
4. William F. Dunn #0154
5. Hilda Everhart #1150
6. Bernard Eugene Hall #0908
7. Sallye Marshall Keith #0408
8. Arnold V. Nash #0860
9. Bobby Allen Raynor #0727
10. Tony Reich Rominger #0465
11. Ann Sabatino #1671
12. Teresa Downey Scruggs #1047
13. Ronald Martin Skudlarek #1676
14. Wasyl Wojtaszewski #0754

Opticians whose licenses, by request during 2010, were deleted from the files:

1. Mary Jane Burgess #1650
2. Elizabeth G. Dula #0447
3. Clarence Woodrow Foster, Jr. #0258
4. Robert T. Morris #0091

Opticians whose licenses, by reason of death during 2010, were deleted from the files:

1. Sarah Hamilton Best #0345
2. Michael J. Copeland #1503
3. Judee Hafer Windham #1174

The above actions, for the reasons stated, were taken January 12, 2011. These records are to become part of the minutes of the NC State Board of Opticians.

Respectfully submitted,



Sue M. Kornegay  
Director

**Minutes**  
**January 27 and 29, 2011 Meeting**  
**NC State Board of Opticians**

A meeting of the North Carolina State Board of Opticians was begun in the 2<sup>nd</sup> Floor Conference Room of the Capital Bank Building, 333 Fayetteville Street, Raleigh, North Carolina on Thursday, January 27, 2011.

**Members Present:** William Brock, Jennifer Hawkins, Andres Quintana, Donald St. Aubin, Tammi Shirer

**Members Absent:** Carolyn Middlebrooks

**Others Present:** Board Counsel Anna Baird Choi, Board Director Sue Kornegay, Hal Wilson (CyberImaging), Russ Tolar (NC Opticians Association), Palmer Sugg (1-800 Contacts), Joseph Seriani, OD (CyberImaging), Andy Ellen (NC Retail Merchants Association)

Chair Jennifer Hawkins called the meeting to order at 1:31 PM and inquired of the members as to whether there was any conflict of interest or ethical considerations relative to current ethics law or the Governor's Executive Orders. There were none identified, and the meeting's agenda commenced.

Chair Hawkins welcomed the guests in attendance, and reminded them to record their attendance on the provided Public Attendance Roster. She informed the Board that Old Business and administrative matters would be addressed after the conclusion of New Business and the review/discussion of pending rules.

She asked that Board Counsel Anna Baird Choi and Board Director Sue Kornegay help guide the discussion regarding rules. Rules that had received no public comment were addressed first, followed by those which received either written comments or comments at the public hearing.

**.0307 Time and Place of Examination** – This rule is being repealed, combined into the new .0303. No public comments were received. Bill Brock moved, and Andres Quintana seconded, to adopt the rule as revised and submit the final rule to the Rules Review Commission (RRC). The motion carried unanimously.

**.0318 Terms of Examination & Re-examination** – This rule is being repealed – combined into the new .0303. No public comments were received. Don St. Aubin moved, and Andres Quintana seconded, to adopt the rule as revised and submit the final rule to the RRC. The motion carried unanimously.

**.0104 Information & Application** – Public comments were received. Board Counsel offered changes to the rule based on public comments and comments from RRC staff. Bill Brock moved and Don St. Aubin seconded to adopt the rule with changes discussed and also to permit Board Counsel and Board Director to make additional, non-substantive edits to the rule prior to submission to the RRC. The motion carried unanimously

**.0109 Election of Members** – No public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Andres Quintana moved and Don St. Aubin seconded to adopt the rule as originally submitted. The motion carried unanimously.

**.0112 Forms** - No public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Don St. Aubin moved and Tammi Shirer seconded to repeal the entire rule rather than revise the current rule. The motion carried unanimously.

**.0202 Registration of Place of Business** – Public comments were received. Board Counsel offered changes to the rule based on public comments and comments from RRC staff. Don St. Aubin moved and Bill Brock seconded to adopt the rule with changes discussed and also to permit Board Counsel and Board Director to make additional, non-substantive edits to the rule prior to submission to the RRC. The motion carried unanimously

**.0206 Continuing Education** – Public comments were received. Board Counsel offered changes to the rule based on public comments and comments from RRC staff. Andres Quintana moved and Bill Brock seconded to adopt the rule with changes discussed. The motion carried unanimously.

**.0207 Location of Licensee, Intern or Apprentice** – No public comments were received. Bill Brock moved and Tammi Shirer seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0209 Display of Registration and License** – Board Counsel offered changes to the rule based on public comments received. Andres Quintana moved and Bill Brock seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0210 Prescription and Interpretation** – Public comments were received. Board Counsel offered changes to the rule based on public comments and comments from RRC staff. Andres Quintana moved and Don St. Aubin seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0213 Gross Negligence** –Public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Don St. Aubin moved and Tammi Shirer seconded to repeal the entire rule. The motion carried unanimously.

**.0214 Complaints; Preliminary Determinations** –Public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Don St. Aubin moved and Tammi Shirer seconded to adopt the rule with changes as discussed and also to permit Board Counsel and Board Director to make additional, non-substantive edits to the rule prior to submission to the RRC. The motion carried unanimously.

**.0301 Application Photograph Requirement** - No public comments were received. Board Director offered changes to the rule, specifically regarding photo size. Bill Brock moved and Tammi Shirer seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0302 Licensure Examination Fees** – No public comments were received. Board Director offered changes to this rule based on RRC staff comments for rule .0303. Don St. Aubin moved and Andres Quintana seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0303 Licensure Examination and Re-Examination** –No public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Tammi Shirer moved, and Don St. Aubin seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0319 Applicants from Other States** –No public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Tammi Shirer moved and Andres Quintana seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0320 Applications for Renewal of Registrations or License** – Public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Tammi Shirer moved and Bill Brock seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0323 Affidavit of Applicant** –No public comments were received. Board Counsel offered changes to the rule based on comments from RRC staff. Andres Quintana moved and Bill Brock seconded to adopt the rule with changes as discussed. The motion carried unanimously.

**.0422 Motions for Continuance** – No public comments were received. Board Director offered changes that would coincide with changes adopted in rule .0323. Bill Brock moved and Andres Quintana seconded to adopt the rule with changes as discussed. The motion carried unanimously.

With the Rules discussion being complete, Chair Hawkins called for a motion to recess the meeting. Andres Quintana moved, and Don St. Aubin seconded the motion to recess the meeting for resumption on Saturday, January 29 in Greensboro. There was no discussion and the motion carried unanimously. The Chair recessed the meeting at 4:40 PM.

On Saturday January 29, 2011, Chair Hawkins reconvened the meeting at 10:15 AM in Room 1172 of the Sheraton Greensboro Hotel at Four Seasons, 3121 High Point Road, Greensboro, North Carolina:

**Members Present:** William Brock, Jennifer Hawkins, Carolyn Middlebrooks, Andres Quintana, Tammi Shirer

**Members Absent:** Donald St. Aubin

**Others Present:** Board Counsel Anna Baird Choi, Board Director Sue Kornegay

Chair Hawkins reminded the members that they were still bound to report any conflict of interest or ethical considerations relative to current ethics law or the Governor's Executive Orders. There were none identified.

She reiterated that this portion of the meeting would cover the remaining items on the January 27 agenda.

### **Old Business**

#### **Item #1 - Approval of minutes of meetings held December 3 and 20, 2010.**

Minutes were previously distributed to all Board members. Carolyn Middlebrooks moved and Andres Quintana seconded that both meetings' prepared minutes be approved as presented. With no discussion or dissension, the motion passed.

#### **Item #2 - Approval of license deletions.**

A listing of licenses to be deleted was previously distributed to all the members. Board Director Kornegay told members that a variety of factors can cause a license's deletion: the license remains expired for two years (G.S. 90-244); the licensee's relinquishment-upon-request; and the death of the licensee. She noted that this listing is incorporated into the Board minutes. Chair Hawkins received a motion by Tammi Shirer, seconded by Andres Quintana, that this listing be accepted and recorded as part of the Board record. There was no discussion and the motion passed unanimously.

**Additional New Business**

**Item #1 – Reports from Board Standing Committees.**

Disciplinary Committee – Board Director Sue Kornegay reported for the Committee:

There are six individuals being recommended for some measure of disciplinary action as a result of the investigations done for licenses not renewed as of January 1, 2011. The licenses investigated January 3-5 were shown in the database to be for individuals working in Board-registered optical businesses. There were also other opticians late in renewing, she said, but they do not work in NC, had not been at work since January 1, or had another licensee on site for “coverage.”

Four of the recommendations are regarding individuals shown as optician-in-charge (OIC) of a business. They were found working alone and unlicensed in the optical businesses on the day of investigation, or admitted that they had been dispensing January 1 or after with an unexpired license. For each of these licensees the Committee is recommending a fine of \$150, and the requirement that they re-register their place of business (since the business registration was invalidated when their license expired).

Bill Brock moved, and Tammi Shirer seconded, that the Board accept the Committee’s recommendation and implement the action. There was no discussion; the motion passed unanimously.

Two other licensees shown as optician-in-charge (OIC) of a business allowed their license to expire, but they were not found working on the date of investigation. For these two licensees the Committee is recommending that they be required to re-register their place of business (since the business registration was invalidated when their license expired).

Tammi Shirer moved, and Andres Quintana seconded, that the Board accept the Committee’s recommendation and implement the action. There was no discussion; the motion passed unanimously.

Board Counsel noted that each of the actions would be issued in the form of Consent Orders.

**Item #2 – Continuing education monitoring report(s).**

Chair Hawkins reported on the continuing education event she monitored January 16 in Fayetteville, presented by McDonald & Associates. She noted that this was a new education provider, and that it was well-presented. The presenters were lively and interesting, and attendees were engaged during the presentations. Presentations were informative and true to the information submitted by the provider for the Board’s approval.

**Item #3 – Director’s Report.**

Board Director Sue Kornegay updated the Board regarding the following administrative matters:

- **CE Monitoring Forms** - have been updated to show start/stop times, and will note anything that was of concern during the Board approval process (to remind monitors of those matters).

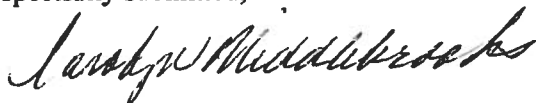
- Board March 2011 Exam report - there are 37 registered (13 first-timers, 24 retakes); she noted that the March 10-11 date *may* be revised if Durham Tech must use it as inclement weather make-up.
- Website Update – confirmed that final revisions are being uploaded; once complete, members will be given test site URL for final review & confirmation. Barring other priorities' slowing the process, she anticipates the site going into production by mid-February to March.
- Governor's Request to General Assembly – Members were provided a Press Release from Governor Perdue, reporting that she had sent to the General Assembly a list of all boards/commissions over which the legislature has appointment or other authority to legislature, assigning *them* the task of reviewing and consolidating/eliminating. Kornegay told the Board that she (as legislative liaison) and Board Counsel would keep on top of the issue and report back as needed.
- WRAL's Article on Spectacle Purchases – Provided to the members as an FYI-only, so that they could see information out there regarding the profession and options for the purchase of eyewear. She told member that they could send items they find locally to her that would be of interest to the full Board (either by email link, or printed) and the office will distribute it to the full membership.

Chair Hawkins called for any other Additional New Business; there being none, she asked if there was a motion to go into closed session. Carolyn Middlebrooks moved and Bill Brock seconded, that the Board go into Executive Session for discussion of matters that were proprietary to the Board. There was no discussion and the Board voted unanimously to go into Executive Session at 10:41 AM.

At the conclusion of the Executive Session, Chair Hawkins resumed Regular Session at 10:51. After brief discussion of the Board's completion of its administrative forms, Chair Hawkins asked for a motion to adjourn the meeting. Carolyn Middlebrooks moved, Bill Brock seconded to adjourn the meeting. There was no discussion and the motion passed unanimously.

The Chair adjourned the meeting at 11:02 AM.

Respectfully submitted,



Carolyn Middlebrooks, Secretary/Treasurer  
NC State Board of Opticians

**Minutes**  
**February 18, 2011 Meeting**  
**NC State Board of Opticians**

A meeting of the North Carolina State Board of Opticians was held by telephone conference call on Friday, February 18, 2011.

**Members Present:** William Brock, Jennifer Hawkins, Carolyn Middlebrooks, Andres Quintana, Don. St. Aubin, Tammi Shirer

**Others Present:** Board Counsel Anna Baird-Choi, Board Director Sue Kornegay; Dennis Kelso (Wal-Mart); Andy Ellen (NC Retail Merchants Assoc); Russ Tolar (NC Opticians Assoc); Palmer Sugg (1-800 Contacts); Franklin Rozak (National Assoc of Optometrists & Opticians)

Chair Jennifer Hawkins called the meeting to order at 3:07 PM, and inquired of the members as to whether there was any conflict of interest or ethical considerations relative to current ethics law or the Governor's Executive Orders. There were none identified, and the meeting's agenda commenced.

The Chair inquired as to any Old Business requiring discussion by the Board; there being none, she moved on to New Business.

**New Business**

**Item #1 – Review/Discussion of Final Rules Revisions.**

Chair Hawkins advised the Board on Senate Bill 22 which is currently making its way through the General Assembly. Though this bill originated as an attempt to curtail rulemaking of environmental rules, she said, the statute that it will amend (150B), applies to all agencies with rulemaking authority under the APA; this includes the Board of Opticians.

She said counsel has opined that Senate Bill 22 is likely to be enacted into law prior to March 17<sup>th</sup>, the date on which the Board's rules will be on the Rules Review Commission's meeting agenda. Because the adoption of several of the Board's rules may result in additional costs on persons subject to the rule, it is counsel's recommendation that rules .0202 and .0319 be pulled from the rulemaking process at this time.

She asked for, and received from Bill Brock, a motion to pull rules .0202 and .0319 from the rulemaking process for the present. Andres Quintana seconded the motion, and with no further discussion or dissension, the motion passed.

Additionally, Chair Hawkins said, it is counsel's recommendation that two additional rules be removed from the current rulemaking process – rules .0210 and .0320.

Carolyn Middlebrooks moved, and Andres Quintana seconded, to remove rules .0210 and .0320 from the group of rules voted on at the January 27<sup>th</sup> Board meeting. With no further discussion or dissension, the motion passed.

**Item #2 – Director's comments.**

Board Director Sue Kornegay reminded the Board of two current administrative matters:

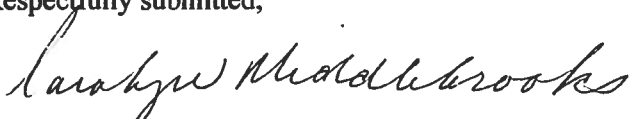
- **SEI Filings Due** - Board members' *Statement of Economic Interest* are due to the Ethic Commission on April 15<sup>th</sup>; members are to submit their filings to the Board office by March's end. The office will be responsible for submitting all the filings to the Ethics Commission well in advance of the Commission's deadline.

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- Votes Due on Recent CE Submissions – Members were sent two continuing education submissions earlier, and the votes are due back to office before February 25<sup>th</sup>.

Chair Hawkins called for any Additional New Business and there being none, called for a motion to adjourn; Don St. Aubin made the motion, with a second from Middlebrooks. With no discussion or dissension, the motion carried and Chair Hawkins adjourned the meeting at 3:12 PM.

Respectfully submitted,



Carolyn Middlebrooks, Secretary/Treasurer  
NC State Board of Opticians



**Minutes**  
**August 25, 2011 Meeting**  
**NC State Board of Opticians**

A meeting of the North Carolina State Board of Opticians was held by telephone conference call on Thursday August 25, 2011.

**Members Present:** Jennifer Hawkins, Andres Quintana, Bill Brock, Carolyn Middlebrooks, Tammi Shirer (on at 7:14)

**Members Absent:** None

**Others Present:** Brian Burton (Sam's Clubs), Board Counsel Jack Nichols, Board Director Sue Kornegay

Chair Jennifer Hawkins called the meeting to order at 7:03 PM, and inquired of the members as to whether there was any conflict of interest or ethical considerations relative to current ethics law or the Governor's Executive Orders. There were none identified, and the meeting's agenda commenced.

**Old Business**

There was no pending **Old Business** to be resolved from prior meetings.

**New Business**

**Item #1 – Standing Committee Reports.**

Board Director Sue Kornegay reported for the Board's standing committees.

The Applications Committee presented recommendations on five individuals' applications for NC licensure by waiver of the Exam. After the report, Tammi Shirer moved that the Board accept the Committee's recommendations; Carolyn Middlebrooks seconded the motion. The motion passed without opposition.

For the Disciplinary Committee Kornegay reported that there were only three businesses in the state whose business registrations were not received, or postmarked, in the Board office on or before July 1. Investigations were conducted July 1<sup>st</sup> and 5<sup>th</sup> by telephone (because of the smaller number of registrations to check, and to save travel funds). The Committee has the following recommendations based on those investigations:

There are 3 opticians-in-charge (OICs) of businesses who registration expired. These opticians have no prior violations and/or disciplinary actions. For each of these opticians, the Committee is recommending the issuance of Consent Orders including a fine of \$150\_(triple the amount of the registration fee), and a probationary period. Carolyn Middlebrooks moved, and Bill Brock seconded the motion, that the Board accept the report and recommendations of the Disciplinary Committee and enact the actions recommended; without opposition, the motion passed

There is one disciplinary matter pending from another of the Board's recent disciplinary actions; correspondence from Counsel is going out, and the Board will be advised of any necessary subsequent actions.

The Training Review Committee was reactivated early this year. It completed a survey of opticians & optical businesses in the spring, to document current practices/training needs. Then it began review of the Board's Training Establishment (TE) package.

The Committee has pared down some of the package's weightier information, and added some Quick Reference documents for trainers and trainees. For years, this document went without information on contact lens training; that has now been corrected. The Committee broke training topics/suggestions into 6-month

segments (rather than total hours) – making it easier to follow, and consistent with the multitasking done in optical shops. Some items heretofore only seen in the TE package will be mailed to trainees at their registrations, so double-duty reminders will be in place (no more room for ‘I never heard that’ excuses).

Six-month assessment/tests will be designed to help trainers see where topics and techniques may be altered for better results, and the Committee is intending to implement web-based ‘Train the Trainer’ sessions, so that trainers understand their responsibilities & full roles.

The revised package was sent to the Board members prior to the meeting. There will still be some small adjustments to be made for ‘aesthetic consistency’ but for the largest part the Committee’s work is done and it is comfortable recommending to the Board that (after the adjustments) it adopt this package and begin its distribution.

Tammi Shirer moved that the Board accept the Committee’s report and recommendations; Carolyn Middlebrooks seconded the motion. The motion passed without opposition.

A review of the Exam reference materials (and their associated components) has been done and the Exam Committee has a recommendation for the Board; because the Exam is proprietary to the Board, the details and the Committee’s recommendation will be presented in Exec Session.

#### **Item #2 – Continuing Education Events.**

Chair Hawkins noted that there had been six CE events since the Board’s last meeting, and that they’d not be discussed individually. If members had any specifics they wished to point out from the event(s) they’d monitored they should do so at this point. Carolyn Middlebrooks commented that during the NCOA’s education in Concord in May one of the speakers went ‘off-subject’ often and for protracted periods of time, going into personal conversation and information totally irrelevant to the course’s topic.

It was also noted that Director Kornegay had recently issued the monitoring assignments for the remainder of 2011. Members should advise her as soon as possible if they cannot meet the assigned schedule.

#### **Item #3 – Administrative Report.**

**Director Kornegay updated the members on the following topics:**

**October 2011 Exam** - Scheduled for October 13-14 in Durham, there are 42 participants registered (24 retakes, 18 first-timers); from the Board’s actions taken during this meeting, there may still be a few more as registrants. Scheduling letters are to go out next week, after the Executive Session discussions and actions. Board member assignments have not yet been made, pending other possible activities.

**ITS Migration** – The Board office joined the ranks of much of State Government last month when it went under ‘managed services’ with Information Technology Services. The computers have all been switched to units fully owned (and maintained) by ITS, the server is now maintained & backed up nightly by ITS, and the office is now a part of the nc.gov email system. There is a monthly fee (like a retainer) for the services, but the advantages in not having to replace equipment, and having retrieval of info in catastrophic events are tremendous. It’s not been a kink-less process – Kornegay has had to defend turf and be very blunt with ITS personnel, but all is getting smoothed out. With the consolidation of ITS into another State department, some of our projects have been waylaid; Kornegay will keep the Board updated as it progresses.

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**FY2011 Audit** - The auditor's office work has been tentatively scheduled for mid-September. With the State Auditor's changes in bid-letting requirements for boards like this one, there may extra efforts necessary to keep Shelton Hawley (the accountant who's done the Board's audits for *many* years). Board Counsel Nichols commented that the Auditor's Office usually requires a 'cursory approval' of contractors used, but his firm hasn't seen other boards encounter problems with their selected auditors.

**Law Class for 2012** - Having had several past discussions about the inconsistencies between the different providers and their Law classes, the Board has for some time considered having the legal team do the class. There was additional, and final, discussion on the matter - Board Consultant Tom Thompson suggested that rather than having the Board attorney do the delivery it (the Board) may be able to provide an outline of 'allowable' information to other presenters. Instead, the Board determined that it was indeed time to reestablish the Board Counsel as the presenter.

Counsel Nichols assured the members that between him, Anna Choi and one other associate of the firm, he thought there would be sufficient coverage for all the year's events. (As a backup resource, however, he said that he thought Director Kornegay should be considered qualified and capable of presenting the course.)

Kornegay will draft a letter to all the in-state education providers 'requesting' their cooperation with the Board's decision, and letting them know of their obligation to pay a minimal \$75 fee for Jack's presentation.

**Board Appointments** - Kornegay told the members that there'd been no activity (or updates) from the Governor's office regarding the reappointments and (initial) public member appointments.

**Executive Order 70** - Before the (anticipated) March 2012 Board meeting, the deadline will have come for the Board's response(s) to public comments solicited by the Governor regarding needed Rules improvements. There was only one comment submitted regarding this Board's rules. The Board Counsel and Director will be reporting back to the Office of State Budget and Management and the Governor's Office on planned rulemaking changes and/or other activities in response to the comment.

The Chair called for any **Additional New Business**; there was none. She then asked for a motion for an Executive Session for the purposes of Board personnel discussions, and for discussions pertaining to the Board-proprietary Exam. Carolyn Middlebrooks made the motion, and Andres Quintana seconded; the motion passed without opposition. The meeting was suspended for Executive Session at 7:22 PM.

When the Executive Session concluded at 7:58 PM, the Board resumed Regular Session. Chair Hawkins called for an adjournment motion. Bill Brock moved to adjourn the meeting and Carolyn Middlebrooks seconded. All voted in favor, with no opposition. The meeting was adjourned at 7:59 PM.

Respectively submitted,

Handwritten signature of Carolyn Middlebrooks in cursive script, with the initials "SK" written below the signature.

Carolyn Middlebrooks, Secretary/Treasurer  
NC State Board of Opticians

**Minutes**  
**December 13, 2011 Meeting**  
**NC State Board of Opticians**

A meeting of the North Carolina State Board of Opticians was held by telephone conference call on Thursday December 13, 2011.

**Members Present:** Jennifer Hawkins, Andres Quintana, Bill Brock, Marshall Norris

**Members Absent:** Heather Allen, Tammi Shirer, Jeff Fischer

**Others Present:** Board Counsel Jack Nichols, Board Director Sue Kornegay

Chair Jennifer Hawkins called the meeting to order at 7:35 PM, and inquired of the members as to whether there was any conflict of interest or ethical considerations relative to current ethics law or the Governor's Executive Orders. There were none identified, and the meeting's agenda commenced.

**Old Business**

There was no pending **Old Business** to be resolved from prior meetings.

**New Business**

**Item #1 – Standing Committee Reports.**

Board Director Sue Kornegay reported for the Board's standing committees. There was no report from the Disciplinary Committee.

Bill Brock moved and Marshall Norris seconded to accept a recommendation from the Applications Committee to disapprove a waiver application submitted from an optometrist of a US territory. This individual has not had training equivalent to what NC requires for opticians.

For the Training Review Committee, Kornegay reported that the new Training Establishment package was sent to all TEs and apprentices in September, and the Board has received some very positive comments on it (easier to follow, trainees appreciated getting notice of the updates too). The Committee is now working on the 6-month assessment/tests, to help trainers & trainees see where they stand. When those are complete it's anticipated they'll be mailed out in January (once the license renewals are complete). Beyond that the Board intends to create web-based 'Train the Trainer' sessions to establish a baseline understanding for trainers' roles & areas of training.

From the work the Exam Committee has done for well over a year now, Kornegay said, the updated and combined Exam was implemented in October. The Exam results and statistics will be given in the Administrative Report later.

**Item #2 – Continuing Education Reports and Discussion.**

The Chair noted that there have been five CE events since the Board's last meeting, so they'll not be discussed individually. But she requested that if a member had any specifics they wished to point out from the event(s) they monitored, they were welcome to do so.

Andres Quintana commented that he noted some time issues from the CEDO event in Raleigh, where the classes had started late; more help is needed, he said, at their check-in. Further, he opined, some of the content was lacking.

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Bill Brock monitored CEDO's Charlotte event and stated that he wanted to get clarification on *when* the required 50-minute per hour started, because part of the beginning presentation in Charlotte was taken up with announcements.

Because of recent incidents at CE events, and with new Board members aboard, the **responsibilities of Board members and what they are / are not to do at ConEd events were reviewed.**

- 50-min class time starts when speaker begins, not when door shuts or any provider announcements are begun
- Speakers are to stay on subject – not wander, get 'off track' - and should be easily heard
- Monitors should note noise in room, or if there's texting or phone usage (ideally, providers should note to attendees that phones should be placed on 'vibrate'). There really should be representative of provider agency in room at all times, but the Board cannot require/dictate that.
- No one should enter after 10 minutes of class start – if they do, they should not receive credit for the class
- If the provider chooses to start a class early, that's their decision. Anyone who arrives at what would have been the correct/published start time should have education time made available by provider to give them the required 50 minutes.
- The Board member monitoring should not give provider verbal approval for any action that changes what was approved/published. IF asked for decision/opinion, members should always say "I can't speak for the Board; I will report any differing circumstances on my monitoring report" – the full Board would make any decisions beyond its initial event approval.
- Same thing for attendees approaching a monitor regarding a class presented in less than the required 50 minutes: "I can't speak for the Board...."
- Monitors should not give personal opinions in any of the classes; do not be coerced or cajoled into commenting. Should a comment be solicited tell presenter, "I'm not here to help *provide* education, I'm only here to monitor the planned education that was submitted to the Board."
- Write *complete* notes on the monitoring report, for reference for the full Board and for documentation if any future action is required.

The Chair made **monitoring assignments for the first few ConEd events of 2012.**

January 15, Fayetteville, McDonald & Assocs - Heather Allen

February 12, Charlotte, CEDO – Bill Brock

February 26, Raleigh, CEDO – Andres Quintana

NCOA's 'convention' is scheduled for the last weekend in January (27-29). Members were alerted that there would be a Board meeting on Friday morning, so they should calendar their work/travel accordingly. Kornegay said that the Chair would want the full Board in attendance at the first Law course presentation (on Friday); beyond that, some members (depending on monitoring assignments) will be able to leave. Monitoring schedules and room assignments will be distributed to members.

Board Counsel Jack Nichols, Chair Hawkins and Director Kornegay led the Board in a recurrent discussion - **the viability/possibility of requiring all ConEd courses to have ABO/NCLE approval.** This has been discussed a few times before but because of some comments from Board monitors, and participants themselves, it appears that education *may* not be what it once was (or what the Board wants it to be). We're seeing comments more often regarding speakers rambling (not on course subject or outline), courses too short or too boring, or not well presented. The Board is concerned with its need to assure that opticians

receive *quality* education; and it has become convinced that the best way to do that may be to require all courses to have *current* ABO/NCLE approval. This would require a rule change – another revision to Rule .0206, which was one of the ones approved for revision earlier this year (though ultimately referred for legislative review). It would require pulling the revision and ‘revising the revision’ – most likely a less-than-popular move since it *could* incur additional provider expense (if a speaker’s courses were not currently approved and/or the speakers would not seek approval themselves). The Board discussed and acknowledged that it may face opposition on this course of action; but it certainly would lend more credibility to education, and the Board would be out of the (what might be perceived as objective) approval business.

With a motion from Andres Quintana and a second from Bill Brock, the Board vote to begin the rulemaking process for the discussed revision to Rule .0206. Kornegay and the legal team will draft a revision for presentation to the Board at its meeting in January 2012. Kornegay also noted that she would get out information to the Board regarding the process that ABO/NCLE uses for review/approval of CE courses.

Board leadership led the members’ discussion of the **2012 Law classes**, and the requirement that the legal team conduct them. The reasons for making this change were reviewed: the class used to be done by Board attorney, inconsistencies in presenters’ information, and the fact that oftentimes personal opinions are interjected.

In prior conversation it was proposed that the Board pay for the course’s development, and then require the providers to pay fully for time and travel of the Discussions are now underway instead to have providers pay a minimal per-incident fee (since they generally pay for other lecturers at events), while the Board would absorb the majority of the costs. Jennifer Hawkins commented that providers *should* welcome this idea, since this would take some burden off them.

It was noted that the Board-provided course would be *only* Law course approved – no provider will be allowed to do their own for credit hour. Since the Board is already receiving ConEd submissions with providers’ speakers set to do the Law hour, this must get resolved.

Counsel Nichols Board advised the Board that it should vote to implement this change. The Chair called for a motion to accept the requirement that the Board’s legal team be the only approved presenter(s) for the Law classes for 2012. Andres Quintana made the motion and Bill Brock seconded. There was no opposition, and the motion passed. All providers will be notified in writing of the change by letter that Kornegay will draft and have Counsel approve.

### **Item #3 – Administrative Report.**

Director Kornegay and Counsel Nichols updated the Board regarding the following administrative matters.

**October 2011 Exam** - Held October 13-14 in Durham - 42 participants registered (24 retakes, 18 first-timers). There was a minor ‘burp’ with the scoring this time, and a few components had to be hand-graded. (All the scorecards are always double-checked after each exam, but this time they were triple-checked.) We had a pass rate of 40%, with 17 folks passing – the best we’ve had in a long time. We’re being positive, saying it’s a result of the realignment of components.

**Website Implementation** – [www.opticians.nc.gov](http://www.opticians.nc.gov) site went live December 1, after a protracted development period; the development process didn’t take years, just continued to get back-burnered when other projects took priority.

It has been well-received, already getting good reviews from users. The Board is developing some procedures with ITS so that it can 'locally' add messages & update the database – this will save money (instead of asking ITS to make simple changes and being charged their hourly rate). Kornegay plans to do a MFA (most frequently asked) tab, and is considering how to show disciplinary actions -- either a separate tab listing them all, since they are public record, or notations on the individual licensee's Search page.

**FY2011 Audit** - The fiscal year audit was completed in September, and all members received a copy prior to the meeting. Kornegay commented that we now are required to go through a bid-letting process for the audit contracts, and that she *strongly* hopes that the Board will continue to approve Shelton Hawley to do our audits because of the many years he's done the Board's audits and his experience with so many licensing boards

With a motion from Bill Brock and a second from Andres Quintana, the Board took a vote to accept the FY11 audit as presented. There was no opposition and the motion passed; the audit was accepted.

**Business Registration Rule Change** – Counsel Nichols suggested to the Board that it again discuss registering optical businesses *in addition to* registering 'opticians-in-charge'. Most other boards already register both the business and an individual/licensee held responsible for lawful operations. Nichols said that we need to consider a re-do of the business registration rule (.0202) to allow for the dual-registrations of businesses (the brick-and-mortar AND the OIC), so that it would have disciplinary authority over the businesses. Obtrusively this action could aid the OICs, in that they wouldn't be the *only* responsible entity for the business.

As an aside it would, obviously, increase revenue for the Board (to help compensate for all the conversations held with corporate entities regarding registrations, and the processing of the many changes made throughout the year in corporate stores. That revenue increase would not be the primary reasoning for the action. Just as a point of information, Kornegay pointed out to the Board that the last fee adjustments for businesses (and all fees) were last made in 2004.

Nichols told the Board that it technically already had authority (through G.S. 90-243) to make a rule change about business registrations (the statute says the Board 'may adopt rules to register places.')" He noted however that the last round of rulemaking began with those discussions with the Association telling the Board that as much as possible it (the Board) needed to make changes to its operations by rule. He did suggest however that the Board take and record an official vote to show that the Board reached consensus.

On Counsel's advice, Andres Quintana and a second from Bill Brock, the Board vote to begin the rulemaking process for the discussed revision to Rule .0202. Kornegay and the legal team will draft a revision for presentation to the Board at its meeting in January 2012.

The Chair called for additional new business; with there being none, she called for a motion for the Board to go into an Executive Session for the purposes of Board personnel discussions. Andres Quintana moved and Marshall Norris seconded that the Board go into Executive Session.

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When the Board had ended its Executive Session and resumed Regular Session, the Chair asked for a motion for adjournment. Bill Brock moved and Andres Quintana seconded the motion for adjournment. There was no opposition, and the motion carried. The Chair adjourned the meeting at 8:44 PM.

Respectively submitted,



Sue M. Kornegay for  
Heather Allen, Acting Secretary/Treasurer  
NC State Board of Opticians