

Opticians whose licenses remained expired for more than two years (2009 being the last year renewed), and were deleted from the files:

1. Harvey Berkowitz #1526
2. Robert Guy Brigman #0194
3. James J. Danseglio #1499
4. Christine Potter Davidson #1036
5. Gwyn Gooch #0236
6. Ronald S. Graves #0383
7. Rachel Shelton Hebert #0626
8. Wesley A. Holmes #1699
9. Robert Nelson Karsten #1261
10. Raymond Wesley Parks, Jr. #0338
11. Arnold Ray Potter #0031
12. Phillip Olyn Quesenberry #0825
13. Angela Kay Ward #0824

Opticians whose licenses, by request during 2011, were deleted from the files:


1. Marvin Wayne Andrews #0265
2. Rodney Dunn Draughon #1519
3. William W. Price #1418
4. Susan Silbovitz #1681
5. Austin Weiman, Jr. #1689
6. Brenda Kay Woodard #0707

Opticians whose licenses, by reason of death during 2011, were deleted from the files:

1. Donald J. Heavner, Jr. #0386
2. Eileen M. Mors #1388
3. Yvonne "Sissy" Whitley #1908

The above actions, for the reasons stated, were taken January 11, 2012. 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, 2012 Meeting
NC State Board of Opticians**

A meeting of the North Carolina State Board of Opticians was held Friday January 27, 2012, in Room 1068 (Parlor Room) of the Sheraton Hotel Greensboro at Four Seasons, 3121 High Point Road, Greensboro NC.

Members Present: Jennifer Hawkins, Andres Quintana, Heather Allen, Bill Brock, Jeff Fischer

Members Absent: Carolyn Middlebrooks, Marshall Norris

Others Present: Brian Burton (Sam's Clubs), Andy Papier (Sam's Clubs), Dale Sneed (Sam's Clubs), Judy Ridge, Russ Tolar and David Killian (NCOA), Tom Thompson, Board Counsel Anna Baird Choi, Board Director Sue Kornegay

Chair Jennifer Hawkins called the meeting to order at 10:35 AM, 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.

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

New Business

Item #1 – Personnel Activity.

Chair Jennifer Hawkins announced, seeing no need for Executive Session to do so, that Tom Thompson has accepted a contractual Inspector's position with the Board, effective February 1. He's continued to serve on some of the Board's committees and consults with the Board on key issues, since leaving the Board last year. For the Board, she said she's glad to continue to have him with the Board in this new capacity.

Item #2 - Approval of Prior Meetings' Minutes.

Minutes for the August 25 and December 13, 2011 meetings had been distributed for the members' review prior to the meeting. Bill Brock moved, and Andres Quintana seconded the motion to approve the minutes as prepared. There was no discussion or opposition, all members voted in favor, and the motion passed.

Item #3 - Reports from Board Standing Committees.

On behalf of the committees, Board Director Sue Kornegay gave the following reports:

Disciplinary Committee

There were 8 *practicing* opticians whose 2012 license renewals had not been received in the Board office by January 1. Of those 8:

There are 2 opticians-in-charge of businesses whose license expired. Both have some type other violations and/or disciplinary actions, but neither was practicing alone in shop – they had other license coverage with them. For each of these opticians, the Committee is recommending issuance of a Consent Order inclusive of a fine of \$150, a requirement that they re-register the business of which they are OIC (an additional \$50 expense), 3 months' probation, and reporting of the violation to the HIPDB (Healthcare Integrity Protection Data Bank).

Andres Quintana moved, and Bill Brock seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

There is one optician whose license expired and while they are employed in a doctor's practice (and so not an OIC) they are a trainer with 2 trainees under them at present. Because this same optician was

reprimanded 2 years ago about late renewals and the impact on trainees, the Committee is recommending issuance of a Consent Order inclusive of a fine of \$75, and reporting of the violation to the Data Bank.

Bill Brock moved, and Andres Quintana seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

There are 2 opticians whose license expired and were found to have been practicing without a license and without other attending license coverage. The Committee is recommending issuance of a Consent Order inclusive of a fine of \$250, 12 months' probation and reporting of the violation to the Data Bank.

Heather Allen moved, and Andres Quintana seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

There are 3 other opticians whose license expired. While they were not found working without other attending license coverage, they did not have solid bases for non-compliance – they had flimsy excuses for not renewing on time. The Committee is recommending issuance of a Letter of Caution as a means of reminder, and for documentation purposes if violations *should* occur in the future. This Letter of Caution would not include reporting to the Data Bank, since no violation occurred.

Bill Brock moved, and Andres Quintana seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

There has been a business registration violation, where an optical business was left unregistered for over 6 weeks. The 2 opticians working there had done nothing to pursue the registration, nor had the business's unlicensed manager. The Committee is recommending issuance of Consent Orders to both opticians inclusive of a fine of \$150 each, 6 months' probation and reporting of the violation to the HIPDB.

Heather Allen moved, and Bill Brock seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

The Committee is recommending issuance of a Letter of Caution to the unlicensed individual as a means of reminder of the Board's capabilities over unlicensed individuals, and for documentation purposes if another violation *should* occur.

Bill Brock moved, and Heather Allen seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

Lastly, there have been violations involving 3 opticians concerning display of licenses. During a routine inspection it was discovered that two opticians doing fill-in work at a location displayed photocopies of their licenses, rather than their actual licenses. The optician-in-charge had allowed the activity.

The Committee is recommending issuance of a Consent Order inclusive of a fine of \$250, 12 months' probation and reporting of the violation to the Data Bank, to the optician who displayed a photocopy

of their license at the location over a 5-month period of regular fill-in work. The higher fine amount also takes into consideration prior improprieties in which this optician has been involved.

Andres Quintana moved, and Bill Brock seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

The Committee is recommending issuance of a Consent Order inclusive of a fine of \$100, 6 months' probation and reporting of the violation to the Data Bank, to the optician who displayed a photocopy of their license at the location on a limited basis, with no more than two occasions of fill-in work.

Bill Brock moved, and Andres Quintana seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

The Committee is recommending issuance of a Consent Order inclusive of a fine of \$150, 6 months' probation and reporting of the violation to the Data Bank, to the optician to whom the business is registered, for allowing the business to operate improperly with regard to the display of licenses in practice there.

Andres Quintana moved, and Bill Brock seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

Applications Committee

The Committee brought a report on one individual applying to the Board for licensure pursuant to G.S. 90-241(a) – licensure by waiver of examination.

The applicant has submitted all required documentation, has been practicing in the other licensed state for the immediate 4 preceding years, and is both spectacle and contact-lens licensed in the other state.

Having met all statutory and application requirements, the Committee is recommending approval of the applicant's request for licensure by waiver of exam.

Bill Brock moved, and Andres Quintana seconded a motion to accept the Committee's recommendation. No one opposed the motion, all were in favor, and the motion passed.

Item #4 – Continuing Education Events.

Chair Hawkins commented that there had been one CE event thus far in 2012, and asked the monitor for any appropriate comments.

Heather Allen had monitored the McDonald and Associates courses on January 15th in Fayetteville, and commented that it was a good meeting, on topic and had good attendee participation. There were no disturbances to note.

It was noted that members had copies of the monitoring 'reminders' originally discussed during the December 13 meeting in their meeting folders, along with the monitoring forms for the NCOA event many were attending. All will complete and make comments on the particular courses they attend.

Item #5 – Administrative Report.

Board Director Sue Kornegay reported to the Board on the following items:

License Deletions – The members were presented the listing of licenses deleted earlier this month: by statute because of non-renewal; those deleted/relinquished voluntarily; and those deleted by reason of licensee death. Because these deletions are a part of the Board's public record, Chair Hawkins asked for a motion to accept the document into the Board's records.

Bill Brock moved, and Heather Allen seconded a motion to accept the 2012 listing of deleted licenses as a part of the official Board records. No one opposed the motion, all were in favor, and the motion passed.

March 2012 Exam Report – The next Licensure Exam is scheduled for March 8 - 9 in Durham. When the application period ended on January 9th there were 29 participants: 9 first-timers and 20 retakes. Members will be notified when Chair Hawkins has determined the Exam proctoring assignments – Kornegay will explain (for new members) that the full Board no longer participates in the Exam since its administration has been streamlined, and to save travel funds.

Kornegay also noted the projected dates of the October Exam (18-19), with the deadline being August 20th.


Legal Counsel's Update - Board Counsel Anna Baird Choi commented on:

- Legislative activities, including the Joint Regulatory Reform Study Commission – this legislative commission is looking at revisions to the Administrative Procedures Act (the basis of all rulemaking activities) by means of SB781.
 - Jack anticipates changes in Ethics requirements – the only change for this Board might be when the *Statement of Economic Interest* (SEIs) would be filed. Too, the Lobbying Division for the Secretary of State's office and the Ethics Commission might be rolled into a single agency.
 - He also anticipates the Office of State Budget and Management taking more of a role in rulemaking and administrative actions.
- Julian Mann has been named the Chief Administrative Law Judge;
- No recent court cases for the Board of Opticians, but she gave an update on the Dental Board v. the FTC case, and implications from that litigation for many state licensing and regulatory boards;
- Status of the Board members' Ethics Training. She reminded the new members that they are to complete the required training within 6 months of appointment. There is on-line training available; Sue will get information to those needing completion.
- Rulemaking Discussion - Anna, responsible for coordination of the Board's rulemaking efforts, explained the scheduling and procedural requirements for rulemaking. She reminded the Board that *any* time rulemaking procedures are begun, the Notice of Text should be published on the Board's website. She commented that both she and Gail Hargrave at AP had now attended Rules training.

Call for Additional New Business, and Motion for Adjournment

The Chair called for any **Additional New Business**; there was none. She then called for an adjournment motion. Bill Brock moved to adjourn the meeting and Andres Quintana seconded. All voted in favor, with no opposition. The meeting was adjourned at 11:15 AM.

Respectively submitted,

A handwritten signature in cursive script that reads "Heather Allen".

Heather Allen, Acting Secretary-Treasurer
NC State Board of Opticians

Minutes
April 10, 2012 Meeting
NC State Board of Opticians

A meeting of the North Carolina State Board of Opticians was held by telephone conference call on Tuesday April 10, 2012.

Members Present: Jennifer Hawkins, Andres Quintana, Heather Allen, Bill Brock, Jeff Fischer

Members Absent: Carolyn Middlebrooks

Others Present: Brian Burton (Sam's Clubs), Andy Papier (Sam's Clubs), Board Consultant Tom Thompson, Board Counsel Jack Nichols, Board Director Sue Kornegay

Chair Jennifer Hawkins called the meeting to order at 7:02 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 different types applications: two individuals' applications for NC licensure by waiver of the Exam; after the recommendation was given, Heather Allen moved that the Board accept the Committee's recommendations; Andres Quintana seconded the motion. The motion passed without opposition.

Next was an individual appealing an earlier Board decision denying Exam participation pursuant to G.S. 90-241(b) because they'd applied beyond the required time for application. They again requested the Board approve their Exam application. After the recommendation was given, Andres Quintana moved that the Board accept the Committee's recommendations; Bill Brock seconded the motion. The motion passed without opposition.

Finally, an apprentice had requested suspension of their training time, based on their disability determination. Counsel was of the opinion that since the Board allow opticians' exemption from ConEd attendance (with a doctor's note), and since this trainee has been deemed medically unfit to work, the Board should grant the request and suspend the training time. After the recommendation was given, Heather Allen moved that the Board accept the Committee's recommendations; Bill Brock seconded the motion. The motion passed without opposition.

Item #2 – Continuing Education Events.

Chair Hawkins asked if any of the monitoring Board members had any specifics they wished to point out from the event(s) they'd monitored. Heather Allen noted the very positive audience participation at the McDonald & Associates events. Bill Brock observed that in his opinion the quality of education at the NCOA's Greensboro 'convention' was not as good as in previous years, and that some attendees had made the same type comments to him; Andres Quintana agreed.

Chair Hawkins noted again that the Board should look at *requiring* ABO/NCLE approval for CE courses, and she encouraged the group not to drop the ball on this effort. Jeff Fischer asked for clarification of ABO/NCLE

approval. Tom Thompson spoke to putting comments on the monitoring forms (for file documentation) and mentioning overheard comments directly to the education provider while still on site.

Chair Hawkins made monitoring assignments for the NCOA meeting in Concord April 29 (Bill Brock) and McDonald & Associates meeting in Wilmington June 10 (Jennifer Hawkins).

Item #3 – Administrative Report.

Board Director Kornegay gave the following report, with appropriate Counsel comments:

March 2012 Exam – Eight of 27 (8 first-timers, 19 retakes) Exam participants passed, for a 30% overall pass rate. Exam Review is scheduled for April 18th.

Board Election – There are two Board seats with June 30th expirations. Three names were submitted in nomination. Ballots have been mailed, by statute, so the licensees will begin receiving theirs very shortly. Ballots must be returned in by May 7th. Beyond the deadline, the Chair will appoint an Election Committee and votes will be tallied for submittal to Governor's Office.

Office Relocation – The Medical Society is terminating all tenant leases, making way for repairs/renovations to their building's 1st floor. (1st floor NCMS employees being shifted to lower and 3rd floors, so tenancies are being terminated.) It's bittersweet for this Board – it's been in the same building now for over 19 years. Our lease terminates June 30, but Kornegay is hoping to relocate the office *before* the business/TE and apprentice renewal period begins for the new fiscal year (no later than mid-May).

Kornegay has already been looking at other spaces, and is negotiating now for an office suite that is the same approximate size as is currently occupied. It's in the Five Points/Whitaker Mill Road area of Raleigh, still very close to downtown and the Board Counsel's office (within 10 minutes). Chair Hawkins has seen the suite, and spoke to its suitability for the Board's needs. And Counsel Nichols reiterated Allen Pinnix & Nichols' offer for conference/meeting space when the Board needs larger accommodations.

It should be noted that costs will increase, because the Board has had a tremendously-advantageous rate and arrangement with the Medical Society. But Kornegay is negotiating some closing points with the new property owner for the best spot they can land.

The State Property Office has some concerns about a few of the Landlord's lease provisions; those points are being discussed, and hopefully resolved, soon. Kornegay asked for a 'vote of confidence' from the Board to pursue and complete the relocation in the Board's best interest. Counsel Nichols advised that the Board authorize an officer (such as the sitting Chair) to sign the finalized lease, and that Board members *should* vote 'permission' for the Director to pursue finalization of the new lease. Heather Allen moved, and Bill Brock seconded the motion to allow Kornegay to continue and complete the negotiations.

Website Update – There have been some issues with ITS over Web development (some unauthorized work was done), and the Board Director suspended all activity on the site until those were resolved. It caused some delay in posting announcements and ConEd events.

The Board has now purchased and installed *DreamWeaver* software so that staff can directly execute Search (the database) updates, and make changes to the (static) announcements and other information. The hope is

that this will enable faster changes, and be less costly in the long run for site management. Training by IT staff was conducted in the last few days, and that practice should begin shortly.

Heather Allen suggested that the Board web announcements contain the announcement's dates.

Item #4 – Officer Elections.

Chair Hawkins reminded the Board that since her term was ending in June, they needed to have Board Officer elections. She said that the first office elected would be a new Chair, and the newly-elected Chair would finish out the elective process. She asked for nominations for Chair of the State Board of Opticians.

Andres Quintana made a statement to the Board regarding his current part-time work in opticianry, his full-time work in his wife's practice, his entering NCSU for a teaching certificate (and how he hopes this will help shape his intentions to provide opticians' education in the future), and his hectic home schedule. He said that with all this in the works, he doesn't feel that he can devote the time needed from those who traditionally move the Vice-Chair into the Chair's seat. He commented that after observing him for some time, and getting to know him better, he wanted to nominate Bill Brock for the Chair's position. Chair Hawkins asked Brock if he was willing to have his name placed in nomination and if elected, serve in this capacity; Brock responded he would. There being no other nominations received, and the nominations were closed. A voice vote was taken, and by unanimous vote, Bill Brock became the Board's new Chair.

The newly-elected Chair directed the nomination-and-vote procedure, and declared (after unanimous votes for both) declared the remaining new officers as Vice-Chair Heather Allen, and Secretary/Treasurer Andres Quintana).

Call for Additional New Business, and Motion for Adjournment

The Chair called for any **Additional New Business**; there was none. He then called for an adjournment motion. Jennifer Hawkins moved to adjourn the meeting and Heather Allen seconded. All voted in favor, with no opposition. The meeting was adjourned at 7:51 PM.

Respectively submitted,



Andres Quintana, Secretary/Treasurer
NC State Board of Opticians

Minutes
September 6, 2012 Meeting
NC State Board of Opticians

A meeting of the North Carolina State Board of Opticians was held at the offices of Allen Pinnix and Nichols, 510 Glenwood Avenue, Suite 300, Raleigh NC on Thursday September 6, 2012.

Members Present: Heather Allen, Bill Brock, Heidi Potter, Andres Quintana

Members Absent: Carolyn Middlebrooks

Others Present: Jerry Garrett (NCOA), Board Consultant Tom Thompson, Board Counsel Jack Nichols, Board Director Sue Kornegay

Chair Bill Brock called the meeting to order at 10:31 AM, 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.

The Chair commented that there'd been some appointment activity for the Board seats since its last meeting. Carolyn Middlebrooks was appointed to a full term (after serving out the remainder of Tammi Shirer's unexpired term); just recently, Heidi Potter was been appointed to a full term. Though scheduling concerns prevented Carolyn from attending this date, he extended a welcome to all the new members. The meeting's agenda commenced.

Old Business

Item #1 - Approval of Prior Meetings' Minutes.

Draft minutes from the January 27 and April 10 Board meetings had been distributed to the members prior to the meeting. The Chair asked for any corrections, and one was noted for public attendance at the April 10 meeting. With that correction to be made, the Chair called for a motion to accept both meetings' minutes as drafted and corrected. Heather Allen moved, and Andres Quintana seconded a motion for acceptance. There was no opposition, and the motion carried.

New Business

Item #1 – Reports from Board Standing Committees.

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

The Applications Committee brought a report on 6 individuals applying to the Board for licensure. First are three applying pursuant to G.S. 90-241(a) – licensure by waiver of examination. The Committee had reviewed these applications and done any additional research/investigation necessary. All three submitted the required and proper employment and personal reference documents. They all had the required 4-immediately-prior-years' time in practice in their credit states. The Committee found them eligible for licensure by waiver of the Exam, and recommended these three individuals' approval for licensure, after completion of a 6-month internship. The Chair called for a motion - Andres Quintana moved, and Heather Allen seconded, to accept the recommendations of the Committee regarding the applicants. There was no opposition, and the motion carried.

Three others had applied for 90-241(a) waiver, but did not qualify. One individual was not contact-lens licensed in their credit state, and did not have NCLE certification. The Committee recommended they be granted license exam entry, for the Contact Lens Written & Practical components. After those are passed, and a six-month internship completed, they can be licensed. The Chair called for a motion - Andres Quintana moved, and Heidi Potter seconded, to accept the recommendation of the Committee regarding the applicant. There was no opposition, and the motion carried.

**NC State Board of Opticians
September 6, 2012 Meeting Minutes
Page Two**

One individual stopped practicing in their credit state in 2010. With the 90-day application requirement, they were well past the timeframe for waiver qualification. The Committee recommended the individual be required to sit and pass the full license exam: when it is passed, and a six-month internship completed, the applicant can be licensed. The Chair called for a motion – Heather Allen moved, and Heidi Potter seconded, to accept the recommendation of the Committee regarding the applicant. There was no opposition, and the motion carried.

One other applicant met the four-year licensing timeframe, and was contact-lens licensed in their credit state. However, this individual's work history showed a several-month break in service, so they did not qualify for waiver consideration. The Committee recommended they be required to sit and pass the full license exam. When it is passed, and a six-month internship completed, they can be licensed. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded to accept the recommendation of the Committee regarding the applicant. There was no opposition, and the motion carried.

The Disciplinary Committee had conferred on several different types violations, and had the following report and recommendations:

Late FY13 Business Registrations -There were five businesses in the state whose business registrations were not received in the Board office, or postmarked, on or before July 1. Investigations were conducted July 2nd and 5th by visits and/or telephone. Three of the opticians-in-charge (OICs) have no prior violations and/or disciplinary actions. For these three the Committee recommended issuance of a Consent Order, including a fine of \$150, 12 months' probation, and an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion –Andres Quintana moved, and Heidi Potter seconded, to accept the recommendation of the Committee regarding these violators. There was no opposition, and the motion carried.

Two other OICs had prior violations in their files. For one with a prior personal license renewal violation, the Committee recommended issuance of a Consent Order, including a fine of \$250 (citing higher fine in consideration of prior violation), increased probationary period to 24 months, with an admonition in cover letter to be more vigilant regarding towards opticianry statute and rule. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

For the other OIC with a prior business registration violation the Committee recommended issuance of a Consent Order, including a fine of \$250 (citing higher fine in consideration of prior violation), increased probationary period to 24 months, with an admonition in cover letter to be more vigilant regarding any business for which responsibility is accepted. The Chair called for a motion – Andres Quintana moved, and Heidi Potter seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

In another instance, there was a business registration that had gone six weeks beyond the required date for registration after the change of OIC. There was evidence that the registration had been attempted (though the office never received the mailing) but the OIC did not follow up on the missing certificate or uncashed payment. For this OIC the Committee recommended issuance of a Consent Order, including a fine of \$50 and 12 months' probation, with an admonition in the cover letter to be more vigilant regarding any business for which responsibility is accepted. The Chair called for a motion – Heidi Potter moved, and Andres Quintana seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

Practicing Opticianry Without Displayed License – Recommendations from three violations were reported to the Board.

During a routine inspection, an optician was found to be working at an optical business without a license displayed as required by law. During an investigatory telephone conversation the violation was admitted and it was further discovered that this optician had been doing fill-in opticianry for more than two years without informing the Board of their employment status/location. The OIC of this location had not followed through on their responsibility to see that licenses are displayed, and that all optician-employees are properly reporting to the Board.

For the optician not reporting their employment status, nor displaying their license the Committee recommended the issuance of a Consent Order, including a fine of \$100 and 12 months' probation, with an admonition in the cover letter to be more vigilant to adherence to opticianry statute/rule. The Chair called for a motion – Andres Quintana moved, and Heidi Potter seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

For the OIC of this location the Committee recommended the issuance of a Consent Order, including a fine of \$150 and 12 months' probation for allowing these activities to take place, with an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Heather Allen moved, and Andres Quintana seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

The same circumstance was found in another matter; during a routine inspection, an optician was found to be working at an optical business without a license displayed as required by law. During an investigatory telephone conversation the violation was admitted. The OIC of this location had not followed through on their responsibility to see that licenses are displayed.

For the optician not displaying their license the Committee recommended the issuance of a Consent Order, including a fine of \$100 and 12 months' probation, with an admonition in the cover letter to be more vigilant to adherence to opticianry statute/rule. The Chair called for a motion – Heather Allen moved, and Heidi Potter seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

For the OIC of this location the Committee recommended the issuance of a Consent Order, including a fine of \$150 and 12 months' probation for allowing these activities to take place, with an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

And in one more such matter, during a routine inspection, an optician was found to be practicing at an optical business without a license displayed as required by law and without another licensee on site to cover their acts. The individual initially attempted to conceal truth, but then admitted they'd neglected to bring license. The OIC of this location had not followed through on their responsibility to see that licenses are displayed.

For the optician not displaying their license the Committee recommended the issuance of a Consent Order, including a fine of \$100 and 12 months' probation, with an admonition in the cover letter to be more vigilant to adherence to opticianry statute/rule. The Chair called for a motion – Andres Quintana moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

For the OIC of this location the Committee recommended the issuance of a Consent Order, including a fine of \$150 and 12 months' probation for allowing these activities to take place, with an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

There was an additional business registration violation involving one of the same OIC/opticians involved in one of the prior incidents. Shortly after the prior violation, one of these same opticians went to another location as OIC. The business registration was not received within the allotted timeframe, and when they were called after the registration deadline had passed they said they'd 'just not gotten around to it'. With another very recent violation, the Committee commented that this optician does not seem to seriously accept responsibilities as an OIC. This individual had other/lesser prior violations as well, not connected with a business registration.

For this optician the Committee recommended the issuance of a Consent Order, including a fine of \$250 (citing higher fine in consideration of multiple violations) and an additional 12 months' probation -- bringing the optician's total fine to \$400 and a total probationary period to 24 months. The cover letter should have an admonition to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

Practicing Opticianry Without a Licensed Optician on Site – Recommendation on two instances were reported to the Board.

During a routine inspection, an optical place of business was found open and an unlicensed individual was witnessed practicing opticianry without a license on site. The unlicensed individual admitted the violation.

For the OIC of this location the Committee recommended the issuance of a Consent Order, including a fine of \$500 and 12 months' probation for allowing these activities to take place, with an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Heather Allen moved, and Andres Quintana seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

For the unlicensed individual at this location the Committee recommended the issuance of a Letter of Caution to 'remind' the individual of the remedies available to the Board against unlicensed individuals, and of the problems that such individuals' activities can cause for an OIC. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded, to

accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

And in another such matter, as a result of a complaint received regarding an unlicensed individual practicing without license coverage on site on weekends, an investigation was conducted and the violation reported was confirmed – an unlicensed manager was witnessed practicing opticianry without a license on site. The unlicensed individual could do nothing but admit the violation, but alleged that district management had directed the store to be open/operational on Sundays, when it's most likely that their opticians would not be scheduled. Telephone conversation was held with the OIC of this location who admitted helping schedule eyewear dispensing appointments on weekends – when they knew there was a good probability of no coverage.

For the OIC of this location the Committee recommended the issuance of a Consent Order, including a fine of \$200 and 24 months' probation for allowing these activities to take place, with an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Andres Quintana moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

For the unlicensed individual at this location (who is also a prior trainee considering rejoining the Apprenticeship program) the Committee recommended the issuance of a Letter of Caution to 'remind' the individual of the remedies available to the Board against unlicensed individuals, and of the problems that such individuals' activities can cause for an OIC. The Chair called for a motion – Heather Allen moved, and Andres Quintana seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

Dispensing Contact Lenses Without Utilizing Release Forms - During a routine inspection, an optical place of business was found to be dispensing contact lenses without having patients/customers sign a release form as required by G.S. 90-236.1. Optician/OIC admitted non-compliance, said there were none on site and that they'd 'never heard of the requirement nor has it been mentioned before in an inspection'.

For the OIC of this location the Committee recommended the issuance of a Consent Order, including a fine of \$100 and 12 months' probation for allowing this activity to take place, with an admonition in the cover letter to be more vigilant regarding any business for which they accept responsibility. The Chair called for a motion – Heidi Potter moved, and Heather Allen seconded, to accept the recommendation of the Committee regarding this violator. There was no opposition, and the motion carried.

Item #2 – Continuing Education Events.

The Chair called on members who'd monitored CE events since the last meeting for any comments or information they'd want to share with the remainder of the Board for future reference. (These would have been a CEDO event in April in Raleigh, an NCOA event in Concord, and a McDonald & Associates event in Wilmington.) Board Counsel Jack Nichols commented that he was contemplating splitting the *NC Opticianry Law* course into 2-3 different courses; with so much material to cover (especially the changes in administrative rules) he may revise it for Basic, Intermediate and Advanced courses.

**NC State Board of Opticians
September 6, 2012 Meeting Minutes
Page Six**

The Chair made monitoring assignments for the remainder of 2012's CEC events:

CEDO, Charlotte, September 9 – Bill Brock (with Jack Nichols)

CEDO, Raleigh, September 23 – Heather Allen (with Anna Baird-Choi)

NCOA, Wrightsville Beach, September 29-30 – Heidi Potter (with Anna Baird-Choi, Sue Kornegay)

The ABO/NCLE National Opticians' Conference CE submission was included in the members' meeting folders; they were asked to review and return their departure after the meeting.

Item #3 – Administrative Report.

Board Director Sue Kornegay and Counsel Jack Nichols presented information to the members on the following topics:

October 2012 Exam – Set for October 11-12, the Chair will decide soon on proctor team. Exam application deadline was August 20; there are 22 first-timers, 20 retake applicants. Exam Reviews are scheduled by Tommy Rich and the DTCC staff – dates and info the reviews are on web, & participants have been notified.

Board appointments – Kornegay echoed the Chair's welcome-back to Carolyn Middlebrooks, and welcomed Heidi Potter. The only Board vacancy now is a Public Member; that may soon be made, to again complete our roster.

Office Relocation – The move is now complete, and members received a summary of the associated costs. Counsel's firm has offered space for this meeting but small Board meetings, and certainly committee meetings, can also be held in the new offices. As was noted throughout this process, administrative costs will unavoidably increase as a result of the relocation.

Website – Issues with the Search function have been resolved, and that function has now been expanded to show licensees currently in disciplinary action. (Site only notes there is action & advises searcher to call Board office; eventual plans are to actually list the licensees and actions taken – many other boards already do this via a site or a newsletter.) Kornegay commented that she's seen real value for the site, with the Exam deadlines and Review information, and the Board's public communications regarding the Rules revisions.

Legislative Actions Requiring SBO Action – The members received a copy of Session Law 2012-196 (HB 799) enacted in the most recent Session, requiring that special licensing consideration be granted to those military personnel, or their spouses, who have completed optical training equivalent to the training required of civilians. The legislation states that boards must establish administrative rules outlining compliant procedures within one year after enactment. The Board will need to enter into rulemaking to allow these individuals entry into the Exam process, once their qualifications have been documented/approved.

ABO/NCLE beginning electronic certification testing with its November 2012 exams.

Item #4 – Call for Closed Session.

The Chair called for a motion for Closed Session, for the purpose of contract discussions with Counsel. Andres Quintana moved, and Heather Allen seconded, for the Board to move into Closed Session for the stated purpose.

NC State Board of Opticians
September 6, 2012 Meeting Minutes
Page Seven

The Chair commented that all items on the Board's Regular Session agenda were concluded, and asked all additional and public attendees to excuse themselves. He thanked them for their attendance.

When the Board had ended its Closed Session and resumed Regular Session, the Chair asked for any additional items of New Business. There being none, he entertained a motion for adjournment. Heather Allen moved and Andres Quintana seconded the motion for adjournment. There was no opposition, and the motion carried. The Chair adjourned the meeting at 4:04 PM.

Respectively submitted,



Sue M. Kornegay, Board Director
(acting as) Secretary-Treasurer
NC State Board of Opticians