

**Minutes**  
**April 9, 2013 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 9, 2013.

**Members Present:** Heather Allen, Bill Brock, Carolyn Middlebrooks, Heidi Potter

**Members Absent:** Jeff Fischer, Jennifer Hawkins, Becky Johnson

**Others Present:** Russ Tolar and Jerry Garrett (NCOA), Jeff Gray (Counsel, NCOA), OD Thomas Akers (NC Optometric Society), Board Counsel Jack Nichols, Board Director Sue Kornegay

Chair Bill Brock called the meeting to order at 7:34 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.

Chair Brock stated that there was no Old Business and that other than some matters proprietary to the Board regarding its Exam (that would be addressed in Closed Session), the sole reason for this meeting was to have Counsel and staff update the members on activity concerning the statutory revisions introduced in the General Assembly.

**New Business –**

**Item #1 – SB435 Concerns.**

With direction from the NC Board of Optometry, the Optometric Society had voiced concern and opposition to several revision items. Society President Dr. Tom Akers had joined the Board on the call and was given the opportunity to address the Board concerning each of the sections with their noted concerns. Counsel for the Board and the NC Opticians Association, along with the Board members and Russ Tolar (from the NCOA) participated in discussion of the concerns, and offered alternative language. Ultimately, it was agreed that there weren't significant differences between and groups and that the Board Counsel Jack Nichols would quickly confer with the other groups' attorneys and compose satisfying language.

Also discussed was the meeting Board Counsel Nichols and Director Sue Kornegay had had with Senator David Curtis (R-Gaston, Iredell, Lincoln), an optometrist. (SB435's primary sponsor Sen. Fletcher Hartsell had asked that Sen. Curtis be informed of the legislation as a courtesy, since he is in a related field and a member of the Senate Health Care Committee.) When presented with the bill synopsis Sen. Curtis had no problems with any of its provisions; he instead wanted to discuss the Board's training program. He'd had staff members in the past he said who had dropped out of the program because of its length, and the difficulty of the test. (When Jack and Sue asked if it was the Exam itself, Sen. Curtis admitted that *none of his staff had ever sat for the Exam* -- one staffer has completed the training and is Exam-eligible, she's just never taken it.) Optometric Society President Akers was quick to comment that neither the Optometric Board nor Society is backing the senator's efforts in this regard - 'Sen. Curtis has gone out on his own with this conversation' and that as far as he (Akers) knew neither the Optometric Board nor Society had any information on the senator's displeasure and attempts to change the Opticians' training and exam processes.

Board Director Kornegay shared some of the senator's comments:

- How are young people supposed to be encouraged to become opticians with this level of difficulty?
- Have seen your Exam results – you have an abysmal pass-rate, don't know of any licensing board with rates that low.
- Is this Board *truly* protecting the public (as it should be), or the licensees and salary rates, by making the Exam so hard as to keep the numbers of licensees low?
- Most everything opticians do now is done by computer – would it be so bad to shorten the training?

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- He's heard that Wal-Mart has an excellent training program – why couldn't that just be used instead?
- How would the Board feel about reducing the training time required?

Even though the merits of apprenticeship and in-house training were discussed with the senator (and he agreed there's a need for it – just not so long), he persisted that the revisions' bill 'would be an excellent avenue' to these other changes made. He said he didn't want to cause confrontation, and 'wouldn't hold up the bill to get these changes made...I don't think; I'd have to think about that. Let's just see what the Board's response is.' He was assured during the meeting that the matter would be discussed with the Board, and that the Board Counsel and Director would meet with him again.

Director Kornegay told the Board members it was concluded from a subsequent meeting with the NCOA that it (the Association) would oppose any changes to the training program's length. NCOA President Russ Tolar (on the call as a public participant) spoke up in agreement with her conclusion.

Kornegay spoke to some of the documentation she was gathering in response to Sen. Curtis: national average apprenticeship time, exam requirements and pass-rates in other states. She said that this Board's exam has been updated twice in the last five years and that she'd looked into the senator's assertion about the corporate training programs from Wal-Mart and National Vision – those programs concentrate more on customer service and basic optics (that would prepare individuals better for the ABO/NCLE exams).

Once all the associated groups have agreed on the text for the revisions, and the bill has restarted its route through the Senate, Nichols and Kornegay will meet again with Sen. Curtis. They will keep the Board apprised of developments with the legislation and Sen. Curtis.

Item #2 – Call for Closed Session.

Chair Brock called for a motion for a Closed Session, for discussions of matters proprietary to the Board. Carolyn Middlebrooks moved, and Heather Allen seconded the motion. There was no further discussion or opposition, and the motion passed. The Chair thanked the public participants for their attendance, and the Board waited for their departure from the call.

When the Board had ended its Closed Session and resumed Open Session, the Chair asked for any additional items of New Business. Board Director Kornegay reminded the members again that their *Statement of Economic Interest* is due to the Ethics Commission no later than April 15<sup>th</sup>.

With no further matters the Chair entertained a motion for adjournment. Heather Allen moved and Heidi Potter seconded the motion for adjournment. There was no further discussion or opposition, and the motion carried.

Chair Brock thanked everyone for their time and attendance, and adjourned the meeting at 9:17 PM.

Respectively submitted,



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