

**Minutes**  
**January 25, 2013 Meeting**  
**NC State Board of Opticians**

A meeting of the North Carolina State Board of Opticians was held in the Riverdale Room of the Sheraton Greensboro at Four Seasons, 3121 High Point Road, Greensboro NC on Friday January 25, 2013.

**Members Present:** Heather Allen, Bill Brock, Jeff Fischer, Jennifer Hawkins, Carolyn Middlebrooks, Heidi Potter

**Members Absent:** Becky Johnson

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

Chair Bill Brock called the meeting to order at 11:54 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 had been some appointment activity since the last full Board meeting. He welcomed Jennifer Hawkins back (to complete the unexpired term that Andres Quintana left on his resignation). And the other Public member has been named - Becky Johnson from Winston-Salem; a prior long-standing commitment prevented her attendance this weekend.

**Old Business –**

Item #1 - Approval of Prior Meetings' Minutes.

Draft minutes from the September 6 Open and Closed Session, and the November 29 Closed Session of the Board had been distributed to the members prior to the meeting. The Chair asked for any corrections; there were none noted. The Chair called for a motion to accept both meetings' minutes as drafted and corrected. Carolyn Middlebrooks moved, and Jennifer Hawkins seconded the motion for acceptance. There was no opposition, and the motion carried.

**New Business –**

Item #1 – Fiscal Year 2012 Financial Audit.

The FY12 audit was sent out to all the members after Auditor Shelton Hawley presented it to the Board. Chair Brock asked if there were questions to be addressed before formally accepting the previous year's audit. With none voiced, he called for a motion to accept the FY12 audit as presented. Heather Allen moved, and Carolyn Middlebrooks seconded, to accept the audit. There was no further discussion or opposition, and the motion carried.

Item #2 – Reports from Board Standing Committees.

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

**NC State Board of Opticians**  
**January 25, 2013 Meeting Minutes**  
**Page Two**

The Applications Committee brought a report on 3 individuals applying to the Board for licensure. One is applying pursuant to G.S. 90-241(a) – licensure by waiver of examination. The Committee had reviewed the application and done any additional research/investigation necessary. The required and proper employment and personal reference documents, and the required 4-immediate-prior-years' time in practice in the credit state was documented. The Committee found them eligible for licensure by waiver of the Exam, and recommended the individual's approval for licensure, after completion of a 6-month internship. The Chair called for a motion – Jennifer Hawkins moved, and Heather Allen seconded, to accept the recommendations of the Committee regarding the applicant. There was no opposition, and the motion carried.

There were two other individuals who applied for licensure by waiver, but do not qualify. They are not contact-lens licensed in their credit states, and not in their original certification period for NCLE. The Committee recommended they be granted license exam entry, for the *Contact Lens Written & Practical* components. Once these components are passed, and a six-month internship is 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 these applicants. There was no opposition, and the motion carried.

For the Disciplinary Committee, Director Kornegay reported that with the confusion with the office's address change, the Association's (now incorrectly addressed) envelopes and the protracted forwarding time, there are still some renewals arriving. The Disciplinary Committee has not met to consider any renewal violations; that report will be presented at a subsequent meeting.

**Item #3 – Continuing Education Events.**

Chair Brock asked if any member had comments to present from a CE event they had monitored during the September – November 2012 timeframe. The members discussed some of the administrative procedures being used by CEDO at its events – with only one person seeing to registrations, start-times are held up and time adjustments are done then throughout the day. Breaks are rarely given, so that attendees must leave during the courses (a disruption for attendees). Course attendance certifications are passed out once the course begins, sometimes cutting into instruction time and causing a disruption to both the attendees *and* speaker.

Since Director Kornegay has had off-the-record conversation with CEDO previously about these issues the Board determined that it was time to formally address the issues, and instructed the Director to write the provider and explain that future event approval may be in jeopardy if the issues persist.

Monitoring assignments were made for the February and March continuing education events: CEDO, February 10 in Charlotte (Carolyn Middlebrooks) and CEDO, March 10 in Raleigh (Heather Allen and/or Director Kornegay).

**NC State Board of Opticians  
January 25, 2013 Meeting Minutes  
Page Three**

**Item #4 – Administrative Report.**

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

Licensure Exam(s) – The final October 2012 Exam statistics were presented: 40 participants – 14 passed, 26 failed, for a 35% overall pass rate.

March 7-8 is scheduled date for the next Exam; there will be 34 participants (7 first-timers, 27 retakes). Independent reviews are being set and dates will be published on the Board website. Scheduling letters will go out within the next couple weeks. Members will be contacted shortly regarding their availability for proctoring.

Board Mailing Address – One further note on the ‘mailing issues’ encountered during the renewal cycle: a message will be posted on the website to ‘encourage’ licensees to allow messages from the Board’s info-address into their e-mailboxes (since here weren’t a large number of returned messages, it’s likely that some of these may have gone into Spam folders). The comment was made that hopefully the Association will reprint or (minimally) correct the envelopes it distributes.

License Deletions – Normally during the Board’s first meeting of the year, a list of deletions effective January 1<sup>st</sup> is presented for review & approval. (These are the licenses automatically deleted after 2 years of non-renewal, or those that have voluntarily relinquished their licenses.) Once office staff is confident that all the renewals mailed before year’s end have been received, that list will be compiled and presented at a subsequent meeting.

Wal-Mart News – The business arrangement between Wal-Mart and 1-800-Contacts was dissolved effective December 31<sup>st</sup>. WellPoint is a mega-operator of Blue Cross/Blue Shield plans around the country, and is now the owner of 1-800. Media reported Wal-Mart and WellPoint having been in a bidding war, with WellPoint being successful. For interested parties, Director Kornegay can provide an e-link about that purchase.

For the state’s opticians and contact lens consumers, this means that now Wal-Mart is in the CL-direct-ship business for itself. It is directing opticians to help customers with orders not in inventory (while in the store), but the lenses will ship *direct* to the customers’ homes. This was already being done, but through 1-800. With Wal-Mart having to do this now ‘on their own’, Director Kornegay has been advising those opticians who’ve checked that they should have the customer complete a CL release form *when they place the order* to be compliant with current law and for dispensary documentation, and of course to tell the customer they must return to the doctor if there are any problems.. She’s further suggested that they offer to check the order once it’s received by the customer, to ensure its accuracy.

**NC State Board of Opticians**  
**January 25, 2013 Meeting Minutes**  
**Page Four**

Ethics Evaluation for New/Returning Members - Agencies are required to record into the Board minutes when Evaluations from the Ethics Commission are received. These documents have been returned on new member Heidi Potter (July 27), new Public member Becky Johnson (September 6), re-appointed member Andres Quintana (September 6), and on returning member Jennifer Hawkins (assuming Andres' unexpired term, January 22). For licensee members, the Commission always cites a potential conflict of interest because these members serve on a board that regulates peers. There were no cited conflicts for the new Public member.

Ethics Education & Mandatory Reporting – A reminder was issued by the Ethics Commission about the need for members' completion of Ethics & Lobbying education within six months of appointment, and a refresher course at least every two years thereafter. Director Kornegay gave information on the members who needed to complete this education. Counsel Nichols reiterated that the law firm is no longer 'approved' to give the Ethics course – the Commission wants everyone to participate in its training. The education is available online.

And Director Kornegay reminded the members to they must file their *Statement of Economic Interest* with the Ethics Commission before April 15<sup>th</sup>; this form is also available online. If there are no changes from last year or (for the newer members) since their initial submission, the 'short form' can be completed.

Director Kornegay will send the Ethics Commission link to all members, and asked that these items be addressed as soon as possible, so that the Board can be determined compliant.

Counsel Nichols noted that 93-B training needed to be done for the full Board – he can accomplish this if necessary through a web conference call.

Miscellaneous Admin Matters - Director Kornegay advised that she had a license supply on which to get the members' signatures, and that she had travel reimbursement and the weekend's monitoring forms for distribution.

Item #5 - Legal Counsel's Update.

Board Counsel Jack Nichols offered information to the Board on the following topics:

New Rules re: Ethics, Statement of Economic Interest – There are now more questions asked on the SEI form regarding advertisement. And to keep everything transparent, Counsel Nichols advised the members that they should not charge per diem to the Board for any days they participate in visits/events at the Legislative Building.

General Assembly Schedule – The GA convened and adjourned on January 9 (only for the purpose of electing officers and establish rules), then will reconvene January 30 to begin its

work in Regular Session. Leaders from both chambers have said they will move legislation through quickly, so we should anticipate their adjournment no later than June 30. There are at least two committees for which we will want to monitor activities:

Administrative Procedures Oversight Committee - a standing committee in the General Assembly, this body has begun recommending changes to the rulemaking process, what they term as 'making things uniform'. Jack predicts their recommendations will get some push-back.

Program Evaluation Committee - There is a Senate PEC and a Joint Legislative PE Oversight Committee. There is already discussion of doing a study on establishing an umbrella agency for all licensing boards and commissions. Jack said this idea will be a hard-sell – with likely opposition from most of the boards *and* from the fact that most boards do not receive appropriated funds, so there is no real cost savings for the General Fund. There are legislators advancing this idea though so it will bear watching.

Legal/Lobbyist Representation for NCOA – Jack commented that he'd only just learned of Jeff Gray being named counsel and lobbyist for the Association. He said he and Jeff have known each other very well for some time and have a solid relationship; he sees this as a positive move for the Association *and* for this Board.

Update on NC Dental Board-FTC case – Jack's firm argued the case in the 4<sup>th</sup> Circuit; it was very contentious. They are waiting for a decision any day.

#### Call for Closed Session –

The Chair called for a motion for a Closed Session for discussions of matters proprietary to the Board. Carolyn Middlebrooks moved, and Jennifer Hawkins seconded her motion. There was no opposition, and the motion carried. Chair Brock thanked those public participants for attending, and the Board waited for their departure before moving into Closed Session.

When the Board had ended its Closed Session and resumed Open Session, the Chair asked for any additional items of New Business. There being none, he entertained a motion for adjournment. Jennifer Hawkins moved and Heather Allen seconded the motion for adjournment. There was no further discussion or opposition, and the motion carried.

The Chair thanked everyone for their time and attendance, and adjourned the meeting at 1:43 PM.

Respectively submitted,



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