

BOARD OF OPTICIANRY
GENERAL BUSINESS MEETING MINUTES
TELEPHONE CONFERENCE CALL

1-888-670-3525

Pass Code: 4552635641

April 21, 2016 at 6:00 p.m. EST

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 p.m. EST on Thursday, April 21, 2016 by Mr. Shannon, Chair. Those present for all or part of the meeting included the following:

Members present:

Dale Shannon, Chair
John Girdler, III, Vice-Chair
David Calvo
Irene Stavros, R.D.H.
Margaret Slattery
Richard Williams
Paul Wilford

Staff present:

Douglas Dolan, Assistant Attorney General, Board Counsel
Jennifer Wenhold, Executive Director
Robin McKenzie, Program Administrator
Court Reporter: For the Record Court Reporting

REVIEW AND APPROVAL OF MINUTES

The minutes of the December 10, 2015 meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Stavros to approve with correction on page 3 from Ms. Barnhart to Mr. Barnhart.
Second: by Mr. Williams.
Vote: Unanimous.

PETITIONS FOR VARIANCE OR WAIVER OF RULES

Wanda Ruiz, Rules 64B12-16.003, 16.004, 16.008, F.A.C.

Ms. Ruiz was present and was not represented by counsel. She was registered as an apprentice optician from July 30, 2008 through July 29, 2014. Ms. Ruiz submitted an Apprenticeship Sponsor Form for 2,931.50 hours completed from 7/31/09 to 11/30/10 which was received by the Board of Opticianry on April 1, 2015. She submitted another Apprenticeship Sponsor Form for 3,328.50 hours completed from 12/1/10 to 7/29/14 which was received by the Board of Opticianry on April 8, 2015.

Ms. Ruiz submitted a petition for waiver/variance to the rule requirements for submitting the Apprenticeship Sponsor Forms within required timeframes due to serious health issues with her 4 year old daughter. She has passed the ABO and NCLE exams.

The Board reviewed her petition at their December 10, 2015 meeting and requested additional information regarding her High School diploma and her apprenticeship hours under the sponsorship of Dr. Perez. Ms. Ruiz has provided the requested documentation.

Following review and discussion, the Board took the following action:

Motion: by Mr. Girdler to deny the petition.

Second: by Mr. Wilford.

Vote: Motion did not carry. Mr. Girdler was in favor of the motion and all other board members were opposed.

Motion: by Mr. Calvo to grant the petition.

Second: by Ms. Slattery.

Vote: Motion carries with Mr. Girdler opposed.

Rachael Sarah Mayers, Rule 64B12-16.008(3), F.A.C.

Ms. Mayers was not present and was not represented by counsel. She was registered as an apprentice optician from July 13, 2006 through July 12, 2011. Ms. Mayers submitted an Apprenticeship Sponsor Form for 7,413.58 hours of training from 7/9/2006 to 10/2/2010 signed by Jennifer Plesher on September 25, 2014. The form was received in the board office on October 6, 2014.

Ms. Mayers is requesting a waiver/variance to the rule requirements for submitting the Apprenticeship Sponsor Forms within required timeframes.

Following review and discussion, the following action was taken by the Board:

Motion: by Mr. Girdler to deny the petition based on no substantial hardship shown.

Second: by Ms. Slattery.

Vote: Motion carried with Mr. Calvo opposed.

APPLICATION REVIEW

Vianny Martinez, Examination Applicant

Ms. Martinez was present and was not represented by counsel. She is requesting that the Board accept the apprenticeship program that she completed in Massachusetts. Ms. Martinez informed the Board that the registered apprenticeship training program she completed goes by Federal Regulations in Title 29 – Part 29 and Title 29 – Part 30. She was licensed as an optician in Massachusetts on April 30, 2014.

Following discussion, the following action was taken by the Board:

Motion: by Mr. Girdler to approve the application based on five years of practice in another state.

Second: by Mr. Calvo.

Vote: Motion carried with Ms. Slattery opposed.

CONTINUING EDUCATION

Focal Education, Apprentice Orientation Course

Kim Sigouin, Vice President of Focal Education, was present. Focal Education, LLC is an approved continuing education provider and has requested approval for an apprentice orientation course.

Mr. Wilford mentioned that his name was misspelled in the course materials. Ms. Sigouin advised that the error would be corrected.

Following review, the Board took the following action:

Motion: by Mr. Girdler to approve this course.
Second: by Ms. Stavros.
Vote: Unanimous.

NCSORB, CE Provider Applicant

Susan Larson, Manager of NCSORB, was present. The National Commission of State Opticianry Regulatory Boards (NCSORB) submitted an application for approval as a continuing education provider.

Following review, the Board took the following action:

Motion: by Mr. Williams to approve this application.
Second: by Mr. Wilford.
Vote: Unanimous.

TOPIC DISCUSSION

Providing Pupillary Distance (PD) Measurement to Clients

Following a discussion, the Board asked Mark Miller, Executive Director, Professional Opticians of Florida, for assistance. Mr. Miller discussed a possible forum for obtaining information from other opticians. Mark Miller and Kim Sigouin, Vice President, Focal Education, will solicit written responses from licensed opticians on the reason for releasing the PD measurement or the reason for not releasing the PD measurement.

Legislative Activity

Mr. Girdler provided information from the NC Board of Opticians and the General Assembly of NC for the Board's review.

Annual Renewal of Delegations

Motion: by Mr. Girdler to approve the annual renewal of delegations.
Second: by Ms. Slattery.
Vote: Unanimous.

LEGISLATION

HB 183 – Relating to Administrative Procedures

Provided for the Board's information.

HB 221 – Relating to Health Care Services

Provided for the Board's information.

HB 941 – Relating to Department of Health

This bill had clean-up language and made changes to programs within the Department of Health. It removes the requirement for completion of a two hour medical errors course for initial licensure. The medical errors course is still required for renewal. The bill expands the military license program to include spouses. It removed a section in 456.0635 which stated it did not apply to applicants enrolled in an educational/training program on or before July 1, 2009. These

changes will require the Board to amend their applications to remove the requirement for completion of a medical errors course for initial licensure and one of the history questions.

HB 981 – Relating to Administrative Procedures

Provided for the Board's information.

HB 7087 – Relating to Telehealth

Provided for the Board's information.

ANTI-TRUST TRAINING PRESENTATION

Mr. Dolan, Board Counsel, presented anti-trust training and referenced the Power Point previously provided to the board members.

REPORTS

Assistant Attorney General

Executive Director

Ms. Wenhold provided budget information for the Board's review and stated that she would be happy to answer any questions.

Ms. Wenhold provided introductory information on WebiViewer, a secure web application that will be used to review computer-based board meeting agendas. Board members may use their own device or be issued a Department of Health laptop. Board staff will work with members to transition from paper to this cloud based solution. All boards will be transitioned by the end of the fiscal year, June 30, 2016.

Board Members

FOR YOUR INFORMATION

National Opticians Month in Florida
Complaint Portal Press Release

ADJOURNMENT

Motion: by Mr. Wilford to adjourn.
Second: by Mr. Girdler.
Vote: Unanimous.

The meeting adjourned at 8:00 p.m.