

BOARD OF OPTICIANRY
GENERAL BUSINESS MEETING MINUTES
TELEPHONE CONFERENCE CALL
Thursday, July 19, 2012 beginning at 2:00 p.m.

CALL TO ORDER/ROLL CALL

The meeting was called to order at 2:00 p.m. by Mr. Calvo, Chairman. Those present for all or part of the meeting included the following:

Members present:

David Calvo, Chair
Barney Goodman, Vice-Chair
Antonio Feroce
Peggy Slattery
Irene Stavros, R.D.H.

Staff present:

Rachel Clark, Esq., Assistant Attorney General
Douglas Dolan, Esq., Assistant Attorney General
Sue Foster, Board Director
Robin McKenzie, Program Administrator
Sharon Carraway, Regulatory Specialist II
Court Reporter: For The Record: 850-222-5491.

REVIEW AND APPROVAL OF MINUTES

The minutes of the February 24, 2012 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Mr. Goodman to approve the minutes as presented.
Second: by Ms. Stavros.
Vote: unanimous.

APPLICATION REVIEW

Joaquin Barros, Apprentice Optician Applicant

Mr. Barros was present and was not represented by counsel. This application is before the Board due to affirmative responses to history questions on the application.

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

Motion: by Ms. Slattery to approve for the apprenticeship program and require an appearance prior to being certified eligible for the exam, with an update on probation prior to his appearance.
Second: by Ms. Stavros.
Vote: unanimous.

Marion Pryor, Examination Applicant

Ms. Pryor was present and was not represented by counsel. Her application is before the Board for review of her education. Ms. Pryor was licensed as an optician in Germany following her completion of opticianry school and passing a theory and practical exam.

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

Motion: by Ms. Slattery to accept her education and certify eligible for the exam.
Second: by Mr. Goodman.
Vote: unanimous.

PETITIONS FOR VARIANCE OR WAIVER OF RULE

Christine Price, Licensed Optician

Ms. Price was present and was not represented by counsel. She filed a petition for waiver of Rule 64B12-15.001, F.A.C., regarding the number of home study hours a licensed optician may take during the biennium.

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

Motion: by Ms. Slattery to deny the petition due to lack of evidence for hardship, no information from physician.

Second: by Ms. Stavros.

Vote: unanimous.

Wilfred Laroche, Apprentice Optician Applicant

Mr. Laroche was present and was not represented by counsel. He filed a petition for variance or waiver of Rule 64B12-16.003(4), F.A.C., regarding hours he worked in the Tennessee apprenticeship program.

Following review and discussion, Mr. Laroche stated that he will withdraw his petition and re-submit the petition to be heard at the November meeting.

RULES DISCUSSION

64B12-9.0015 and Amended Application for Licensure Examination

A letter was received from the Joint Administrative Procedures Committee (JAPC) outlining substantive problems with the proposed rule. Staff also provided an amended application with new questions added pursuant to statutory changes to Chapter 456.

Following discussion, the Board took the following action:

Motion: by Ms. Slattery to approve the amended application with changes discussed.

Second: by Ms. Stavros.

Vote: unanimous.

Motion: by Ms. Slattery that rule does not adversely affect small business.

Second: by Mr. Goodman.

Vote: unanimous.

64B12-15.001

A letter was received from the Joint Administrative Procedures Committee (JAPC) outlining substantive problems with the proposed rule.

Following discussion, the Board took the following action:

Motion: by Ms. Slattery to table discussion on this rule to the November meeting to allow staff to investigate Department changes in continuing education documentation and auditing.

Second: by Mr. Feroce.

Vote: unanimous.

64B12-16.003(4)(c)

This rule allows apprentices to attend continuing education classes from approved providers to count toward their apprenticeship hours. An apprentice may claim up to 100 hours over the length of their apprenticeship. Mark Miller, Executive Director of Professional Opticians of Florida, was asked how many of the hours can be home study courses. The consensus of the Board was that the intent was for the apprentices to attend classroom courses.

64B12-16.003(6)(h)

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

Motion: by Ms. Slattery to place this rule on the November meeting agenda to define the apprenticeship hours for contact lens training.

Second: by Mr. Feroce.

Vote: unanimous.

64B12-9.002-Amended Re-Exam Application

Motion: by Ms. Slattery to open Rule 64B12-9.002 and 64B12-16.003, F.A.C. for development.

Second: by Ms. Stavros.

Vote: unanimous.

Motion: by Ms. Slattery to approve the application amendments and amend the rule.

Second: by Ms. Stavros.

Vote: unanimous.

Motion: by Ms. Stavros that this will not have an adverse effect on small businesses and no statement of estimated costs is needed.

Second: by Ms. Slattery.

Vote: unanimous.

64B12-16.003-Amended Apprentice Application

Motion: by Ms. Slattery to approve the application amendments and amend the rule.

Second: by Ms. Stavros.

Vote: Unanimous

Motion: by Ms. Stavros that this will not have an adverse effect on small businesses and no statement of estimated costs is needed.

Second: by Ms. Slattery.

Vote: unanimous.

PREVENTION OF MEDICAL ERRORS COURSE

Reed Elsevier/Vision Council of America

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

Motion: by Ms. Slattery to approve this course.

Second: by Ms. Stavros.

Vote: unanimous.

OTHER BUSINESS

Process for Approval of Home Study Courses

Ms. Foster requested that the Board allow staff to review the process for streamlining the approval of home study courses. The process is to delegate to staff the approval of online courses with assistance of board counsel. Any courses that appear too basic or are substandard would be sent to a Committee of one board member for the intent to deny, or to request additional information or to obtain input from the board member. (One hundred online courses were sent to the board office from one of the providers.) Most other Boards now approve providers. The Board would then ratify courses.

Streamline concept was approved and board staff delegated authority to approve these courses. This will then be added to the delegation of duties list and the list will be provided to board for ratification at future meetings.

Ratification of Approved Home Study Courses

Motion: by Ms. Stavros to ratify

Second: by Ms. Slattery

Vote: unanimous.

REPORTS

Assistant Attorney General

Ms. Clark's report was given earlier in the meeting with the rule information and letters from the Joint Administrative Procedures Committee.

Executive Director

Budget information for the period ending December, 2011 and March 31, 2012 with expenditures and revenues was provided for the board member's review.

Board Members

November meeting:

Ms. Slattery requested that rules on board certification and contact lens fitting [over-refract] be added to the next agenda.

Mr. Goodman requested an update on use of technology by board members for future agendas such as iPads.

Mr. Miller asked that board discuss electronic prescriptions and whether it is acceptable to maintain prescriptions in an electronic format.

Mr. Miller also asked that the board discuss whether an optician can fill a prescription with VOID on it which occurs when the newly required counterfeit-proof prescriptions are copied.

Mr. Feroce stated that the Opticianry Establishment inspection forms needed updating and staff will check with the Department's Investigative Services unit on that and review new rule amendments.

Ms. Slattery reported that NCSORB is talking about a Spanish version of the national examination, possibly in a year.

INFORMATIONAL ONLY – NO ACTION TAKEN

CE Monitor Report

Prescription Drug Monitoring Program

HB 653 Health Care Fraud / Ch. 2012-64 Laws of Florida

Page 86 of Ch. 2012-184 Laws of Florida

SB 1506 Health Care

ADJOURNMENT

The meeting adjourned at 3:55 p.m.