

BOARD OF OPTICIANRY
GENERAL BUSINESS MEETING MINUTES
TELEPHONE CONFERENCE CALL

1-888-670-3525

Pass Code: 5805370981

March 21, 2014 at 9:00 a.m.

CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:05 a.m. on Friday, March 21 by Antonio Feroce, Vice-Chair. Those present for all or part of the meeting included the following:

Members present:

David Calvo, Chair
Antonio Feroce, Vice-Chair
Dale Shannon
Christopher Mone
John Girdler, III
Stanley Davis
Irene Stavros, R.D.H.

Others present:

Douglas Dolan, Board Counsel
Sue Foster, Board Director
Robin McKenzie, Program Administrator
Court Reporter: For The Record
850-222-5491

REVIEW AND APPROVAL OF MINUTES

The minutes of the November 8, 2013 general business meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Mr. Girdler to approve.
Second: by Mr. Shannon.
Vote: unanimous.

PETITION FOR VARIANCE OR WAIVER OF RULE

Michele Hudson, Rule 64B12-9.017, F.A.C.

Ms. Hudson was present and was not represented by counsel. She is requesting a variance and waiver to rule 64B12-9.017, F.A.C. Eligibility of Individuals Practicing in a State in Which Licensure is not required. She is requesting permission to take the licensure examination based on 16 years of experience as an optician in Maryland. She received her NCLE certification in 2011 and said she had been delayed due to the change in examination. Her current employer does not offer an apprenticeship and the nearest college is 2.5 hours away from her home.

Section 484.007(1)(d)3., Florida Statute, states that the individual must have actively practiced in another state for more than 5 years “immediately preceding” application and the rule defines “immediately preceding” as two years. Ms. Hudson moved to Florida in June 2010, however has been working in the opticianry field since that time.

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

Motion: by Mr. Girdler to deny due to length of time – over 2 years.
Second: by Mr. Mone.
Vote: unanimous.

Mr. David Calvo chaired the remainder of the meeting.

CONTINUING EDUCATION PROVIDER APPLICATION & COURSE

Silhouette Optical, LTD.

Mr. Jason Meeks was present and was not represented by counsel. He is appearing to answer any questions regarding his application for approval as a Board of Opticianry approved continuing education provider. He has submitted an elective home study course to obtain his providership.

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

Motion: by Mr. Shannon to approve.
Second: by Ms. Stavros.
Vote: unanimous.

CONTINUING EDUCATION MEDICAL ERRORS COURSE

Ophthalmic Educational Institute: Reduction of Medical Errors/Live Course

Mr. Joe Simmons was not present and was not represented by counsel. He has submitted a live course for approval as a course on prevention of medical errors.

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

Motion: by Ms. Stavros to approve.
Second: by Mr. Shannon.
Vote: unanimous.

TOPIC DISCUSSIONS

Board Members Sitting for the Licensure Examination

At the November 8, 2013 board meeting in Ft. Lauderdale, Mr. Stan Davis, board member requested approval to take the national examination. The National Commission of State Opticianry Regulatory Boards (NCSORB) officials present at the meeting stated that this would be at the Board's discretion and direction. The cost of the entire exam is \$325.

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

Motion: by Mr. Shannon to approve Mr. Davis' request to take the NCSORB exam then report back to the Board and have the Board cover the cost.
Second: by Mr. Feroce.
Vote: unanimous.

Use of Electronic Devices in CE Classes [64B12-15.003(4)(g)]

At the November 8, 2013 meeting, there was discussion regarding members of the audience usage of electronic devices during the meeting. The rule states that distractions must be

minimized and that may include the ringing of cell phones or other personal communication devices. It was discussed that electronic devices are used to take notes, view professional websites, look up CE@renewal with CE Broker, etc. as well as having the capability to play games.

Information was received from Anthony Record, LDO, regarding disruptive behavior during CE classroom education. He encourages usage of devices that allow students access to the internet and lists numerous reasons. He has attached his home study rules and his evaluation form for review.

It was requested that the Board review Rule 64B12-15.003(4)(g), F.A.C., regarding personal communication devices for clarification.

The Board determined that it is the provider's responsibility to minimize classroom disruption and current rule does not need to be changed. The Board did not recommend any further action.

RULES DISCUSSION

64B12-9.002, F.A.C. / Re-Examination Application

The Joint Administrative Procedures Committee staff attorney, Ms. Holladay, has requested a modification of Form DH-MQA 1190 – Re-Examination Application to remove the requirement for the applicant's place of birth since we do not have statutory authority. Also she requests that the public be advised that email addresses are public information. This change was made to the application and the Board needs to approve this change.

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

Motion: by Mr. Shannon to remove place of birth from the re-exam application and also add a disclaimer informing the public that email addresses are public information.

Second: by Ms. Stavros.

Vote: unanimous.

64B12-16.003, F.A.C. / Apprentice Optician Application

The Joint Administrative Procedures Committee staff attorney, Ms. Holladay, has requested a modification of Form DH-MQA 1180 – Apprentice Optician Application to remove the requirement for the applicant's place of birth since we do not have statutory authority. Also she requests that the public be advised that email addresses are public information. This change was made to the application and the Board needs to approve this change.

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

Motion: by Ms. Stavros to remove place of birth from the apprentice optician application and also add a disclaimer informing the public that email addresses are public information.

Second: by Mr. Girdler.

Vote: unanimous.

64B12-16.003, F.A.C. / Apprentice Training + 32 Hr Contact Lens Course

The Joint Administrative Procedures Committee staff attorney, Ms. Holladay has cited several

problems and concerns with this rule. One of the major issues on pg. 135 relates to “current and appropriate teaching models.” Several have suggested omitting this line.

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

Motion: by Mr. Shannon to strike the line “current and appropriate teaching models.”
Second: by Mr. Davis.
Vote: unanimous.

The Board reviewed the SERC Requirements line by line regarding this rule as follows:

Adverse Impact Determination: no impact

Motion: by Mr. Girdler no impact.
Second: by Ms. Stavros.
Vote: unanimous.

Non-Economic – no impact

Motion: by Ms. Stavros no impact.
Second: by Mr. Feroce.
Vote: unanimous.

Small business Determination: no impact

Motion: by Ms. Stavros no impact.
Second: by Mr. Girdler.
Vote: unanimous.

Small business Certificate: no impact

Motion: by Mr. Girdler no impact.
Second: by Ms. Stavros.
Vote: unanimous.

Regulatory Cost Increase Determination: no impact

Motion: by Mr. Shannon to ratify previous SERC completed on this rule.
Second: by Ms. Stavros.
Vote: unanimous.

OTHER BUSINESS

Ratification of Home Study Course

Motion: by Mr. Shannon to ratify home study courses that were approved by board members.
Second: by Ms. Stavros.
Vote: unanimous.

REPORTS

Assistant Attorney General

Mr. Dolan included the rules report for March 2014 for the Board member’s review.

Executive Director

Ms. Foster included budget information of expenditures by function for September 30, 2013 and for the period December 31, 2013 for the Board member's review.

Licenses expire December 31, 2014.

Board Members

Congratulations to Mr. Girdler who recently received the "above and beyond" award 2013, at a presentation in Orlando, for being the top Optical establishment in the U.S. and Canada. He manages the Sears Optical in the Governor's Square Mall in Tallahassee.

Mr. Mone requested that the Apprenticeship Program/ Rule Chapter 16 be included in the next agenda for discussion.

Board members requested that staff send members a schedule of CE classes along with the monitor form.

Mr. Shannon stated that he would like to serve as liaison to NCSORB and attend the annual meeting.

Mr. Mone asked for the number of apprentices currently enrolled in an apprenticeship program. Mr. Davis asked for a breakdown of passing rates: apprenticeship vs. college degree.

INFORMATIONAL ONLY – NO ACTION TAKEN

NCSORB Notes March 2014

ADJOURNMENT

The meeting was adjourned at 10:55 a.m.