

**BOARD OF OPTICIANRY**  
**GENERAL BUSINESS MEETING AGENDA**  
**TELEPHONE CONFERENCE CALL**  
**December 10, 2015 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, December 10, 2015 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:

Tom Barnhart, Assistant Attorney General, Board Counsel  
Sue Foster, Executive Director  
Robin McKenzie, Program Administrator  
Court Reporter: For the Record Court Reporting,  
Ms. Kay Fitchner, 850-222-5491

Others present: David Couch, POF

**REVIEW AND APPROVAL OF MINUTES**

The minutes of the September 17, 2015 meeting were reviewed and following review, the following action was taken by the Board:

Motion: by Ms. Stavros to approve minutes with change to name on page 4.

Second: by Mr. Girdler.

Vote: unanimous.

**PETITION 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 7/30/2008 through 7/29/2014. Ms. Ruiz submitted an Apprenticeship Sponsor Form for 2,931.50 hours completed between 7/31/09 and 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 between 12/1/10 and 7/29/14 which was received by the Board of Opticianry on April 8, 2015.

Ms. Ruiz is requesting a 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.

Following review and discussion, Ms. Ruiz waived the 90 days and the following action was taken by the Board:

Motion: by Mr. Girdler to request a letter from the High School to confirm her graduation date and an affidavit from Dr. Perez regarding the number of hours he directly supervised Ms. Ruiz in her role as an apprentice.

Second: by Ms. Slattery.

Vote: unanimous.

## **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.

It was discussed that perhaps she might check into a variance and waiver of the apprenticeship rule with verification of the number of hours taken in Massachusetts to see if there may be an equivalency. Following discussion, the following action was taken by the Board:

Motion: by Mr. Williams to deny the application because she does not meet the requirements in section 484.007, Florida Statutes, to be certified eligible for the examination.

Second: by Ms. Stavros.

Ms. Martinez requested to withdraw her application and apply at a later date.

Mr. Williams withdrew his motion.

Ms. Stavros withdrew her second.

## **RULES DISCUSSION**

### **64B12-8.005 Public Comment**

The Office of Fiscal Accountability and Regulatory Reform (OFARR) has recommended this rule for repeal. Following discussion, the following action was taken by the Board:

Motion: by Mr. Williams not to repeal this rule.

Second: by Mr. Girdler.

Vote: unanimous.

### **64B12-8.017 Final Orders-Time for Payment of Administrative Fines**

The Office of Fiscal Accountability and Regulatory Reform (OFARR) has recommended this rule for repeal. Following discussion, the following action was taken by the Board:

Motion: by Mr. Calvo to repeal this rule because this information is listed in the Final Order.

Second: by Mr. Williams.

Vote: unanimous.

### **SERC (Statement of Estimated Regulatory Costs)**

Motion: by Mr. Calvo that this will have no impact on small business and a SERC is not required.

Second: by Ms. Stavros.

Vote: unanimous.

### **64B12-9.0016 Demonstrating Knowledge of Laws and Rules for Licensure**

The Office of Fiscal Accountability and Regulatory Reform (OFARR) has recommended this rule for repeal. Following discussion, the following action was taken by the Board:

Motion: by Mr. Williams to not repeal this rule.

Second: by Mr. Girdler.

Vote: unanimous.

### **64B12-11.018 Unlicensed Activity Fee**

The Office of Fiscal Accountability and Regulatory Reform (OFARR) has recommended this rule for repeal. Following discussion, the following action was taken by the Board:

Motion: by Mr. Girdler to repeal this rule as this fee is listed in Ch. 456, F.S., and that this will have no impact on small business and a SERC is not required.

Second: by Mr. Calvo.

Vote: unanimous.

### **CONTINUING EDUCATION**

#### **POF: Reduction of Medical Errors**

This is a 2 hour home study course submitted by Professional Opticians of Florida for approval by the Board. Mr. Calvo noted that the website links listed on page 165 are dead and the websites have more recent information. Following discussion, the following action was taken by the Board:

Motion: by Mr. Girdler to approve the course on the condition that the links are updated.

Second: by Mr. Williams.

Vote: unanimous.

Board staff will notify the Professional Opticians of Florida regarding the website links and request that they review the websites for more recent information.

### **REPORTS**

#### **Assistant Attorney General**

Mr. Barnhart stated that action had been taken on the rules listed in the agenda and he had nothing further.

#### **Executive Director**

Ms. Foster stated that the budget information in the agenda was provided for the Board's information.

#### **Board Members**

Ms. Slattery discussed her communications with the National Academy of Opticianry (NAO) regarding their apprentice program. The NAO advised Ms. Slattery that they did not have books available, but would send them to the board office at a later date. The Board would like to review their program for possible approval as part of the Florida apprenticeship program.

Ms. Slattery requested an opinion from Mr. Barnhart regarding a licensed optician being required by their employer to provide the pupillary distance (PD) measurement to their client. Taking the PD is part of the practice of opticianry and this measurement is needed when the lenses/glasses are ordered. The PD has not been provided in the past. However, clients can now order their glasses through web-based optical stores and the PD is required to complete the order. If an optician gives a client their PD measurement, there is no guarantee that the glasses will be returned so the optician can verify that the measurements are correct. Would a licensed optician be liable if they provide a client with their PD measurement? Mr. Barnhart requested that an email be sent and he will review.

Mr. Calvo asked if there are any cases for the Board. Ms. McKenzie responded that she had talked to the prosecutor and there are currently no cases. A probable cause panel meeting will be scheduled for the first of the year.

**FOR YOUR INFORMATION**

Opticianry-Creating a Plan for the Future: Prepared by: Michael A. Campion, Ph.D., Campion Consulting Services

Sen. Schumer Calls for Changes in Eyeglass Rules to Consumers

Statistics for the Board of Opticianry

FTC Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants

**ADJOURNMENT**

The meeting was adjourned at 7:25 p.m.