

**BOARD OF OPTICIANRY
GENERAL BUSINESS MEETING MINUTES**

April 25, 2017

8:00 AM EST

**Capital Circle Office Complex
4042 Bald Cypress Way Room 301
Tallahassee, FL 32399**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 8:20 AM EST on Tuesday, April 25, 2017 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
Margaret Slattery
Richard Williams

Members Absent:

Irene Stavros, R.D.H.
Paul Wilford

Staff present:

Tom Barnhart, Assistant Attorney General, Board Counsel
Jennifer Wenhold, Board Executive Director
Michael Dean, Regulatory Supervisor
Peter Delia, Prosecuting Attorney
Court Reporter: Premier Reporting (850) 894-0828

II. REVIEW AND APPROVAL OF MINUTES

The minutes of the January 30, 2017 general business meetings were reviewed and the following action was taken by the Board:

Motion: by Mr. Girdler to approve the minutes as presented.

Second: by Mr. Calvo.

Vote: Unanimous

III. DISCIPLINARY PROCEEDINGS

A. INFORMAL HEARING - ALMA GUEVARA

Item tabled for future meeting.

B. VOLUNTARY RELINQUISHMENT - ELIZABETH FERNANDEZ

Ms. Fernandez was not present and was not represented by counsel.

Mr. Delia orally amended the Voluntary Relinquishment for the record to correct the listing of Ms. Fernandez' license from Optometrist license to Optician license, and summarized the case for the board. An administrative complaint filed January 13, 2017 alleged violation of Section 484.014(1)(q), Florida Statutes.

A motion for Final Order accepting voluntary relinquishment was presented to the Board.

After discussion, the following action was taken:

Motion: by Ms. Slattery to accept the Voluntary Relinquishment.

Second: by Mr. Girdler.

Vote: Unanimous.

C. PROSECUTION REPORT

Mr. Delia provided the board members with the prosecution report. There are currently three cases on the caseload. Two cases are before the board; one case is pending probable cause panel meeting. There are no cases greater than one year old. Mr. Delia requested the board make a motion to authorize moving forward with prosecuting the cases.

After discussion, the following action was taken:

Motion: by Ms. Slattery to authorize moving forward with prosecuting the cases.

Second: by Mr. Calvo.

Vote: Unanimous.

IV. Petition for Waiver of Rule - Lisette Cabrera

Ms. Cabrera submitted a petition for waiver of Rule 64B12-16.004 Termination of Apprenticeship. Ms. Cabrera's sponsor submitted the termination of sponsorship form more than thirty days after the termination date.

After discussion, the following action was taken:

Motion: by Mr. Girdler to approve the waiver on the condition that she provide copies of her apprentice logs and submits amended Sponsorship Termination Forms with hours accrued under each sponsor broken down by sponsor rather than duplicated; to be submitted within 120 days.

Second: by Ms. Slattery.

Vote: Unanimous

V. APPLICATION REVIEW

A. Yitzy Martinez-Fernandez, Application for Opticianry Examination

Ms. Martinez-Fernandez was not present and was not represented by counsel. Yitzy Martinez-Fernandez's application came before the board to determine if her foreign education is equivalent pursuant section 484.007(d) F.S.

After discussion, the following action was taken:

Motion: by Ms. Slattery to approve Ms. Martinez-Fernandez' education as equivalent.

Second: by Mr. Calvo.

Vote: Unanimous.

B. Carlos Serrano Garcia, Application for Opticianry Examination

Mr. Serrano Garcia was not present and was not represented by counsel. Carlos Serrano Garcia's application came before the board to determine if his foreign education is equivalent pursuant section 484.007(d) F.S.

After discussion, the following action was taken:

Motion: by Mr. Williams to deny Mr. Serrano Garcia's education as equivalent.

Second: by Mr. Girdler.

Vote: 3/2 Ms. Slattery and Mr. Calvo opposed.

C. Continuing Education Home Study Courses for Review

The Following continuing education home study courses were presented to the board for approval pursuant rule 64B12-15.008 F.A.C.

i. National Academy of Opticianry

1. Basic Soft Lens Fitting

After discussion, the following action was taken:

Motion: by Ms. Slattery to Approve.

Second: by Mr. Williams.

Vote: Unanimous.

2. AIDS - HIV

After discussion, the following action was taken:

Motion: by Ms. Slattery to Deny due to course data being outdated, and course not having enough content for one (1) hour of credit.

Second: by Mr. Williams.

Vote: Unanimous.

D. RATIFICATION LIST FOR PREVIOUSLY APPROVED HOME STUDY COURSES

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

Motion: by Ms. Slattery to approve the list of courses as presented.

Second: by Mr. Williams.

Vote: Unanimous.

VI. RULES

A. 64B12-15.008 – COURSES WITHOUT CLASSROOM INSTRUCTION

Mr. Barnhart presented the draft language of the changes extending board approval of home study continuing education courses from two (2) to four (4) years.

Mr. Calvo discussed replacing the reference of “videocassette courses” to “digital media courses”, and to subsequently change the reference of rule 15.001(7) to 15.001(5) as subsection seven no longer exists.

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

Motion: by Mr. Girdler to approve the revisions discussed.

Second: by Ms. Slattery.

Vote: Unanimous.

The board considered the economic impact and determined that a Statement of Estimated Regulatory Cost was not necessary and the rule will not need legislative ratification.

Motion: by Mr. Girdler that there is not an economic impact.

Second: by Mr. Calvo

Vote: Unanimous

B. 64B12 – 8.023 NOTICE OF NON COMPLIANCE

Mr. Barnhart noted that there are currently two rules cited as minor violations, and explained to the board that the Legislature has asked all boards to determine if there are any additional rules that could be added which would provide that the first enforcement action would be a notice of non-compliance and not a fine or penalty.

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

Motion: by Mr. Girdler to approve the revisions discussed.

Second: by Ms. Slattery.

Vote: Unanimous.

C. 64B12-8.020 – DISCIPLINARY GUIDELINES

Mr. Barnhart presented a letter from the Joint Administrative Procedures Committee noting corrections needed to the rule related to laws implemented and rule making authority. Mr. Barnhart also noted that the first offense category of the disciplinary guidelines could be amended to make a notice of non-compliance the first enforcement action for disciplinary actions.

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

Motion: by Mr. Girdler to accept the changes noted by Mr. Barnhart.

Second: by Ms. Slattery.

Vote: Unanimous.

D. 64B12-15.003 – STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION

Mr. Barnhart presented a letter from the Joint Administrative Procedures Committee noting corrections needed to the rule related to laws implemented and rule making authority. Mr. Barnhart stated that the corrections noted would be able to be made as administrative changes and would not require board motion.

Mr. Mark Miller of Professional Opticians of Florida asked the board to consider revising Rule 64B12-15.001 - Continuing Education for License Renewal to adjust the maximum number of hours allowed from courses without classroom instruction for Opticians initially licensed in the first year of the biennium from 2.5 hours to 3 hours, as there are no courses available for a half hour of CE credit, putting an undue hardship on licensees.

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

Motion: by Mr. Girdler to open Rule 64B12-15.001 for development.

Second: by Mr. Calvo.

Vote: Unanimous.

VII. REPORTS

A. Board Counsel

i. February Rules Report

ii. March Rules Report

iii. April Rules Report

B. EXECUTIVE DIRECTOR

i. Financial

Budget information was provided for the board member's review.

Ms. Wenhold informed the members of recent staffing changes in the board office.

C. BOARD CHAIR/VICE CHAIR

Mr. Shannon reminded the members to complete the Long-Range Planning Survey closing Friday April 28, 2017.

Mr. Shannon provided special recognition to Mr. David Calvo and presented him with a plaque recognizing his service to this board.

D. BOARD MEMBERS

i. ABO-NCLE & NCSORB Practical Examinations – Richard Williams

Mr. Williams presented information on his research of both the ABO-NCLE & NCSORB Practical Examinations and the interactive tutorials that are provided to examination candidates for both exams. Mr. Shannon requested that each board member complete both exam tutorials before the next in person meeting and prepare commentary on each.

VIII. NEW BUSINESS

A. ELECTIONS OF OFFICERS

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

Motion: by Mr. Williams to retain the same officers.

Second: by Mr. Calvo.

Vote: Unanimous.

IX. OLD BUSINESS

A. NCSORB EXAMINATION RETAKE STATISTICS

Pursuant Board Request at the January 30 General Board Meeting, Wade Delk, Executive Director of NCSORB presented on examination retake pass/fail statistics for the years 2012 – 2016.

B. NCSORB UPDATE

Pursuant Board Request at the January 30 General Board Meeting, Wade Delk, Executive Director of NCSORB presented on the organization's goals and the direction of the examination. Mr. Shannon requested that NCSORB provide a copy of the slide show presentation on the examination tutorial by the next in person meeting.

X. TOPICS FOR DISCUSSION

Mr. Jim Morris, President of ABO-NCLE presented further information on the ABO-NCLE Examinations and the examination development process and future job task analysis including information on the development of a "Super Exam" which allows applicants to take both the basic and practical levels of the examination in the same sitting.

Mr. Morris will forward the board office information on the Model Mobility Act; a state licensure compact that can be customized as appropriate to fit existing laws and regulations in the state, to increase portability of Opticianry licensure in the United States.

Mr. Shannon discussed the Apprentice Optician Program and methods of enhancing the apprentice education process with utilization of educational and continuing education materials.

Mr. Shannon proposed opening the apprentice rules to develop a method of allowing apprentice opticians to take courses from board approved continuing education providers and be credited at a one-to-one ratio towards their apprenticeship hours.

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

Motion: by Mr. Williams to open Rule 64B12-16.003 for development.

Second: by Ms. Slattery.

Vote: Unanimous.

XI. FOR YOUR INFORMATION

There was no additional information to be presented to the board.

XII. ADJOURNMENT

After no further business, the meeting adjourned at 11:31 AM EST.

Motion: by Ms. Slattery to Adjourn.

Second: by Mr. Williams.

Vote: Unanimous.