

**BOARD OF OPTICIANRY
GENERAL BUSINESS MEETING MINUTES
TELEPHONE CONFERENCE CALL
1-888-670-3525
Pass Code: 4552635641
January 9, 2018
9:00 AM EST**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:00 a.m. EST on Monday, January 9, 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
Irene Stavros, R.D.H.
Margaret Slattery
Richard Williams
Paul Wilford

Staff present:

Tom Barnhart, Assistant Attorney General, Board Counsel
Jennifer Wenhold, Board Executive Director
Michael Dean, Regulatory Supervisor
Rose Garrison, Prosecuting Attorney
Court Reporter: For the Record (850) 222-5491

II. REVIEW AND APPROVAL OF MINUTES

The minutes of the April 25, 2017 and September 19, 2017 general business meetings were reviewed and Ms. Stavros noted that she was absent at the April 25th meeting and was listed as the member who seconded the approval of the January 30th, 2017 minutes. After discussion, the following action was taken by the Board:

Motion: by Mr. Girdler to approve both with noted correction to April 25th, 2017 minutes.
Second: by Ms. Stavros
Vote: Unanimous

III. DISCIPLINARY PROCEEDINGS

A. INFORMAL HEARING ALMA GUEVARA

Ms. Guevara was not present and was not represented by counsel. This was a hearing in the matter of taking disciplinary action against the licensee regarding alleged violation of Section 484.014(1)(q), Florida Statutes. Rose Garrison, Prosecuting Attorney for the department reviewed the case information with the board members. After discussion, the following action was taken:

Motion: by Ms. Slattery to find that the respondent was properly served the administrative complaint pack and requested an informal hearing.
Second: by Ms. Stavros
Vote: Unanimous.

Motion: by Ms. Slattery to adopt the findings of fact as set forth in the Administrative Complaint.
Second: by Ms. Stavros
Vote: Unanimous.

Motion: by Ms. Slattery to adopt the materials in this case and any addendum materials into evidence in this proceeding.
Second: by Ms. Stavros
Vote: Unanimous

Motion: by Ms. Slattery adopt the conclusions of law as set forth in the Administrative Complaint and find that this constitutes a violation of the practice act.
Second: by Ms. Stavros
Vote: Unanimous.

The Department's recommendation is suspension of licensure until respondent is under contract with PRN and is determined safe to practice. The board assessed a fine of \$500 pursuant to disciplinary guidelines.

Motion: by Mr. Girdler to accept the Department's recommendation with the additional fine.
Second: by Mr. Williams.
Vote: Unanimous.

A motion to assess costs in the amount of \$1889.53 was presented to the Board. Following discussion, the Board took the following action.

Motion: by Ms. Slattery to approve the motion to assess costs.
Second: by Mr. Girdler.
Vote: Unanimous.

B. PROSECUTION SERVICES REPORT

Ms. Rose Garrison reviewed the prosecutor's report and advised the board that as of November 28, 2017 the Prosecution Services Unit had six open disciplinary cases.

- 3 Cases under legal review
- 0 Cases awaiting probable cause determination
- 1 Case where probable cause has been found
- 2 Cases awaiting final action
- 1 Case older than one year (1 on 1/9/18 Board Agenda)

Motion: by Ms. Stavros to allow the Department to continue the prosecution of cases older than one year.
Second: by Mr. Girdler
Vote: Unanimous.

IV. PETITION FOR VARIANCE OR WAIVER OF RULE

A. Jasmine Cox, Apprentice Optician – Rule 64B12-16.004

Ms. Jasmine Cox was not present and was not represented by counsel. Ms. Jasmine Cox submitted a petition for waiver of Rule 64B12-16.004 Termination of Apprenticeship. Ms. Cox'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 deny petition for variance or waiver of Rule 64B12-16.004.

Second: by Mr. Williams

Vote: Unanimous

V. APPLICATION REVIEW

A. Juan Carlos Moreno, Application for Opticianry by Examination

Mr. Juan Carlos Moreno was present and was not represented by counsel. Mr. Moreno's application came before the board to determine if his education obtained in another country is equivalent pursuant section 484.007(d) F.S.

A continuance to the next board meeting was requested by the Applicant and Mr. Shannon approved the request. The applicant waived their 90-day requirement.

B. Katherina del Carmen Rangel-Ramos, Application for Opticianry by Examination

Ms. Katherina Rangel-Ramos was present and was not represented by counsel. Ms. Rangel-Ramos' application came before the board to determine if her education obtained in another country is equivalent pursuant section 484.007(d) F.S.

A continuance to the next board meeting was requested by the Applicant and Mr. Shannon approved the request. The applicant waived their 90-day requirement.

C. CE 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. TOPOPTICIAN.COM

1. 20-598851 - Contact Lens Patient Selection

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

Motion: by Ms. Slattery to deny due to course being too short.

Second: by Ms. Stavros.

Vote: Unanimous

ii. NATIONAL ACADEMY OF OPTICIANRY

1. 20-632434 - Anatomy and Physiology of the Eye

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

Motion: by Mr. Girdler to Approve.

Second: by Ms. Stavros.

Vote: Unanimous.

iii. RATIFICATION LIST FOR PREVIOUSLY APPROVED HOME STUDY COURSES

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

Motion: by Ms. Slattery to ratify the previously approved home study courses.

Second: by Ms. Stavros.

Vote: Unanimous.

VI. RULES

A. 64B12-8.020 – Disciplinary Guidelines

During the April 25, 2017 Board of Opticianry meeting, the Board voted to make corrections to the rule related to laws implemented and rulemaking authority, as well as amendments 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 revisions as presented.

Second: by Mr. Williams.

Vote: Unanimous.

Motion: by Mr. Girdler that 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.

Second: by Mr. Williams.

Vote: Unanimous.

Motion: by Mr. Girdler to determine that this rule is considered a minor violation.

Second: by

Vote: Unanimous.

B. 64B12-15.001 – Continuing Education for License Renewal

During the April 25, 2017 Board of Opticianry meeting, the Board voted to open the Rule for revision 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 accept the revisions as presented.

Second: by Ms. Stavros.

Vote: Unanimous.

Motion: by Mr. Girdler that 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.

Second: by Ms. Stavros.

Vote: Unanimous.

Motion: by Mr. Wilford to determine that this rule is not considered a minor violation.

Second: by Ms. Stavros.

Vote: Unanimous.

C. 64B12-16.003 – Apprenticeship Requirements and Training Program

During the April 25, 2017 Board of Opticianry meeting the Board voted to open the Rule for revision to adjust the maximum number of hours of continuing education credit apprentice opticians may count towards their apprentice hours from 100 Hours to an unlimited amount.

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

Motion: by Mr. Girdler to accept the revisions as presented.

Second: by Ms. Slattery.

Vote: Unanimous.

Motion: by Mr. Girdler that 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.

Second: by Ms. Stavros.

Vote: Unanimous.

Motion: by Mr. Girdler to determine that this rule is not considered a minor violation.

Second: by Mr. Williams.

Vote: Unanimous.

D. 64B12-9.0015 – Application for Examination and Licensure

The Department requested that all boards open their application rule for development to facilitate the implementation of the Department Standardized Application.

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

Motion: by Ms. Stavros to open Rule 64B12-9.0015 for development.

Second: by Ms. Slattery.

Vote: Unanimous.

VII. REPORTS

A. BOARD COUNSEL

i. Annual Regulatory Plan

Mr. Barnhart provided the 2017-2018 Annual Regulatory Plan for review and approval.

Motion: by Mr. Girdler to approve the Annual Regulatory Plan.

Second: by Ms. Stavros.

Vote: Unanimous.

ii. Rules Reports

1. May 2017

2. June 2017

3. July 2017

4. December 2017

B. EXECUTIVE DIRECTOR

i. Fiscal Reports

Ms. Wenhold provided financial reports included in the Medical Quality Assurance annual report for FY16-17, which include FY16-17 report of revenues, expenditures and cash balance by profession; projected six-year cash balance; and Expenditure by Function report with

correspondence from Mendy Simmons, Senior Health Budget Analyst, for the Board's review.

Ms. Wenhold also provided a two-year cash analysis with correspondence from Mendy Simmons, Senior Health Budget Analyst, for the Board's review.

Additional discussion took place regarding the adequacy of the fees for licensure. The Board requested at their next meeting to have proposed fee scenarios for them to consider that would address their projected deficit.

ii. Legislative

Ms. Wenhold discussed 2018 legislation. SB 280 is a bill filed on telehealth creating Section 456.4501, F.S.; defining terms, establishing the standard of care for telehealth providers, authorizing telehealth providers to use telehealth to perform patient evaluations as well as the incorporation of additional provisions in Chapter 456, Florida Statutes, which will apply to all of the boards regulated.

C. BOARD CHAIR/VICE CHAIR

Board Chair requested a discussion at a future board meeting concerning a possible legislative proposal to address the lack of definition for a prescription in s. 484.002, F.S.

The board will also be discussing the examination at the next in-person board meeting.

D. BOARD MEMBERS

Board members had no additional reports or topics to present for discussion.

VIII. NEW BUSINESS

A. License Ratification Lists

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

Motion: by Ms. Stavros to approve.

Second: by Mr. Wilford.

Vote: Unanimous.

IX. OLD BUSINESS

There was no old business to be discussed by the board.

X. TOPICS FOR DISCUSSION

There were no additional topics for discussion.

XI. FOR YOUR INFORMATION

A. Telehealth Advisory Council Report

B. NCSORB Examination Statistics

XII. ADJOURNMENT

After no further business, the meeting adjourned at 11:10 AM EST.

Motion: by Mr. Williams to Adjourn.

Second: by Ms. Slattery

Vote: Unanimous.