

**BOARD OF OPTICIANRY**  
**GENERAL BUSINESS MEETING**  
**Bonaventure Resort & Spa**  
**250 Racquet Club Road**  
**Weston, FL 33326**  
**November 2, 2018 at 9:00 a.m. ET**

**I. CALL TO ORDER**

The meeting was called to order on Friday, November 2, 2018 at 9:04 a.m. ET by Mr. Girdler.

**ROLL CALL**

Those present for all or part of the meeting included the following:

**Members present:**

John B. Girdler, Vice-Chair  
Paul Wilford  
Margaret Slattery  
Irene Stavros

**Staff present:**

Timothy Frizzell, Esq., Board Counsel  
Jennifer Wenhold, Executive Director  
Abigail Chapman, Regulatory Supervisor  
Court Reporter: Verbatim Support Services  
(800) 427-3183

**Members not present:**

Byron D. Shannon, Chair – Excused Absence  
Richard Williams – Excused Absence

**II. DISCIPLINARY PROCEEDINGS**

**A. Informal Hearing**

- i. **DOH v. Ben M. Parker, L.D.O, Case No.: 2017-01511**  
**(PCP – Stavros, Perez, Calvo)**

This item was removed from the agenda due to lack of quorum.

- ii. **DOH v. Mary K. Fonner, D.O., Case No.: 2017-06595**  
**(PCP – Stavros, Perez, Calvo)**

This item was removed from the agenda due to lack of quorum.

- iii. **DOH v. Mary K. Fonner, D.O., Case No.: 2017-06422**  
**(PCP – Stavros, Perez, Calvo)**

This item was removed from the agenda due to lack of quorum.

**B. Settlement Agreement**

- i. **DOH v. Rosa M. Lapace, L.D.O., Case No.: 2017-15868**  
**(PCP – Stavros, Perez, Calvo)**

This item was removed from the agenda per notification from Respondent's counsel that

settlement agreement is no longer acceptable.

**III. PROSECUTION REPORT**

This item was removed from the agenda.

**IV. APPLICATION REVIEW**

**A. Katherina Rangel-Ramos, Application for Opticianry Examination**

Ms. Rangel-Ramos was not present and was not represented by counsel. Katherina D. Rangel-Ramos' application appeared before the Board on the agenda for January 9, 2018 to determine if her education from another country is equivalent to requirements pursuant to s.484.007(d), Florida Statutes. During the meeting, the Board requested additional supporting documentation evidencing her practice out of state. The applicant requested a continuance to allow time to submit additional supporting materials to demonstrate proof of practice to the Board and waived her 90-day requirement which was approved by the Board.

The applicant submitted the requested proof of practice documentation and is appearing before the Board for approval of eligibility to take the practical examination required for licensure as an optician.

After discussion, the Board took the following action:

Motion: by Ms. Slattery to approve the application.

Second: by Ms. Stavros.

Vote: unanimous.

**B. Continuing Education Home Study Course Applications**

**i. QUANTUM OPTICAL, INC.**

**a. 20-669546 – *Eyesight and Mindsight***

Mr. Michael Pesca and/or a representative of Quantum Optical was not present. The home-study continuing education course application for CE Broker Tracking number 20-669546 was reviewed by Ms. Slattery. On August 25, 2018, Ms. Slattery determined that further review and discussion was required by the full Board prior to action on the application as the course as presented would not be considered a technical contact lens course and was seeking approval as a technical contact lens course.

After discussion, the Board took the following action:

Motion: by to Ms. Slattery deny the application as it did not meet the minimum requirements pursuant to Rule 64B12-15.003, Florida Administrative Code.

Second: by Mr. Wilford.

Vote: unanimous.

**b. 20-669548 – *About Eyelids***

Mr. Michael Pesca and/or a representative of Quantum Optical was not present. The home-study continuing education course application for CE Broker Tracking number 20-669548 was

reviewed by Ms. Slattery. On August 25, 2018, Ms. Slattery determined that further review and discussion was required by the full Board prior to action on the application as the course as presented would not be considered a technical contact lens course and was seeking approval as a technical contact lens course.

After discussion, the Board took the following action:

Motion: by to Ms. Slattery deny the application as it did not meet the minimum requirements pursuant to Rule 64B12-15.003, Florida Administrative Code.  
Second: by Ms. Stavros.  
Vote: unanimous.

**c. 20-669542 – Contact Lenses, The Pre-corneal Tear Layer and Ocular Surface Disease**

Mr. Michael Pesca and/or a representative of Quantum Optical was not present. The home-study continuing education course application for CE Broker Tracking number 20-669542 was reviewed by Ms. Slattery. On August 25, 2018, Ms. Slattery determined that further review and discussion was required by the full Board prior to action on the application as the course as presented was confusing and hard to follow.

After discussion, the Board took the following action:

Motion: by to Ms. Slattery deny the application as it did not meet the minimum requirements pursuant to Rule 64B12-15.003, Florida Administrative Code.  
Second: by Ms. Stavros.  
Vote: unanimous.

**d. 20-669538 – Best Practices for a Staff Meeting**

Mr. Michael Pesca and/or a representative of Quantum Optical was not present. The home-study continuing education course application for CE Broker Tracking number 20-669538 was reviewed by Mr. Girdler. On September 10, 2018, Mr. Girdler determined that further review and discussion was required by the full Board prior to action on the application as the course as presented did not meet the minimum length requirements of instruction as set forth in Rule 64B12-15.003, Florida Administrative Code.

After discussion, the Board took the following action:

Motion: by to Ms. Slattery deny the application as it did not meet the minimum requirements pursuant to Rule 64B12-15.003, Florida Administrative Code.  
Second: by Ms. Stavros.  
Vote: unanimous.

**ii. PROFESSIONAL OPTICIANS OF FLORIDA**

**a. 20-634049 – Soft Lens Fitting 101**

Ms. Dee Pace, Executive Director, was present to represent Professional Opticians of Florida. The home-study continuing education course application for CE Broker Tracking number 20-634049 was reviewed by the Board Vice-Chair, Mr. Girdler. On October 22, 2018, Mr. Girdler determined that further review and discussion was required by the full Board prior to action on

the application as the course as presented did not meet the minimum length requirements of a Florida laws and rules course as set forth in Rule 64B12-15.003, Florida Administrative Code.

After discussion, the Board took the following action:

Motion: by Mr. Wilford deny the application as it did not meet the minimum requirements pursuant to Rule 64B12-15.003, Florida Administrative Code.

Second: by Ms. Stavros.

Vote: unanimous.

### **iii. RATIFICATION LIST – APPROVED HOME STUDY COURSES**

The list of previously approved home-study courses by CE Committee was placed on the agenda for ratification by the Board.

After discussion, the Board took the following action:

Motion: by Ms. Slattery to approve the ratification of approved home-study course applications as listed.

Second: by Ms. Stavros.

Vote: unanimous.

## **V. RULE DISCUSSION**

### **A. 64B12-9.0015, F.A.C., Application for Examination and Licensure**

Mr. Frizzell provided a proposed rule amendment followed by the corresponding amended application for the Board's consideration.

Ms. Wenhold provided a summary of the Bureau of Health Care Practitioner Regulation's Joint Committee to review and standardize the health history section of licensure applications to reduce barriers to licensure in Florida.

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

Motion: by Ms. Slattery to approve the proposed amendments.

Second: by Ms. Stavros.

Vote: unanimous.

### **SERC: Statement of Estimated Regulatory Costs**

Motion: by Mr. Wilford that this proposed rule amendments has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of implementation of the Rule.

Second: by Ms. Stavros.

Vote: unanimous.

Mr. Frizzell explained the importance and purpose of the State Statement of Estimated Regulatory Costs questions presented to the Board.

Motion: by Ms. Slattery that the proposed rule amendments would not cause a net increase in

regulatory costs in excess of one-million dollars (\$1,000,000.00) within five years after implementation of the final implementation of the Rule.

Second: by Mr. Wilford.

Vote: unanimous.

Motion: by Ms. Slattery that the proposed rule amendments would not constitute a minor violation.

Second: by Mr. Wilford.

Vote: unanimous.

**B. 64B12-16.003, F.A.C., Apprenticeship Requirements and Training Program**

Mr. Frizzell provided a proposed rule amendment followed by the corresponding amended application for the Board's consideration. Additionally, rule amendments proposed by Mr. Girdler, Vice-Chair, were presented for review and discussion by the Board.

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

Motion: by Ms. Slattery to approve the proposed amendments.

Second: by Mr. Wilford.

Vote: unanimous.

**SERC: Statement of Estimated Regulatory Costs**

Motion: by Ms. Slattery that this proposed rule amendments has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of implementation of the Rule.

Second: by Ms. Stavros.

Vote: unanimous.

Motion: by Ms. Slattery that the proposed rule amendments would not cause a net increase in regulatory costs in excess of one-million dollars (\$1,000,000.00) within five years after implementation of the final implementation of the Rule.

Second: by Ms. Stavros.

Vote: unanimous.

Motion: by Mr. Wilford that the proposed rule amendments would not constitute a minor violation.

Second: by Ms. Slattery.

Vote: unanimous.

**C. 64B12-16.004, F.A.C., Termination of Apprenticeship**

Mr. Frizzell provided rule amendments proposed by Mr. Girdler, Vice-Chair, for review and discussion by the Board.

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

Motion: by Ms. Stavros to approve the proposed amendments.

Second: by Mr. Wilford.

Vote: unanimous.

**SERC: Statement of Estimated Regulatory Costs**

Motion: by Ms. Stavros that this proposed rule amendments has no impact on small businesses regarding regulatory costs and no impact over \$200K in the aggregate in Florida within one year of implementation of the Rule.

Second: by Mr. Wilford.

Vote: unanimous.

Motion: by Ms. Slattery that the proposed rule amendments would not cause a net increase in regulatory costs in excess of one-million dollars (\$1,000,000.00) within five years after implementation of the final implementation of the Rule.

Second: by Mr. Wilford.

Vote: unanimous.

Motion: by Ms. Stavros that the proposed rule amendments would not constitute a minor violation.

Second: by Mr. Wilford.

Vote: unanimous.

**VI. REPORTS**

**A. Jennifer Wenhold, Board Executive Director**

**i. Financial Reports**

Ms. Wenhold provided budget information for period ending June 30, 2018 for the Board's review.

**ii. MQA Strategic Plan**

Ms. Wenhold provided the Division of Medical Quality Assurance (MQA) Strategic Plan 2016-2020 for the Board's review.

**iii. Joint Health History Workgroup**

Ms. Wenhold presented this item during Rule discussion for the Board.

**B. Timothy Frizzell, Esq., Board Counsel**

**i. Rules Report – September & October 2018**

Mr. Frizzell, Esq., provided a monthly Rules report for September and October 2018 for the Board's review and discussion.

**ii. Annual Regulatory Plan 2018-2019**

Mr. Frizzell, Esq., provided the Annual Regulatory Plan for period 2018 to 2019 for the Board's review and ratification.

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

Motion: by Mr. Wilford to ratify the 2018-2019 Annual Regulatory Plan.  
Second: by Ms. Stavros.  
Vote: unanimous.

### **C. Chair Report**

Mr. Girdler, Vice-Chair, presented the examination data for the National Optician's Practical Examination for the Board's review and discussion.

Mr. David Couch was present and addressed the Board on behalf of Professional Opticians of Florida (POF). Mr. Couch provided letters to the Board from members of the public regarding the examination required for licensure. Ms. Liliana Mejia-Rodriguez, with Miami-Dade College, and Ms. Nina McKie, Program Director, Broward College, addressed the Board at this time.

Mr. Jim Morris with the American Board of Opticians (ABO) presented information on the ABO practical examination to the Board.

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

Motion: by Ms. Stavros to require the Department to investigate an alternative and/or additional examination required for licensure.  
Second: by Ms. Slattery.  
Vote: unanimous.

### **D. Budget Liaison**

Mr. Girdler, Vice-Chair and the Board's budget liaison, provided a summary of the budget projections meeting and recommendation of scenario #4 for the Board's review and discussion. This scenario includes an increase to the fees as set forth in the rules promulgated by the Board. The proposed fee amendments were also presented to the Board for consideration.

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

Motion: by Mr. Wilford to accept the fee changes as proposed.  
Second: by Ms. Stavros.  
Vote: 3/1, Ms. Slattery dissenting.

The motion passed by majority vote.

Members of the public addressed the Board at this time. Ms. Wenhold provided additional information on the Department's annual fiscal review process.

### **E. Board Members**

Ms. Wenhold and Mr. Girdler presented Ms. Slattery's letter of resignation for the Board's review as well as a recognition plaque to Ms. Slattery for her exemplary services to the Board of

Opticianry.

**VII. PRESENTATION**

**A. Unlicensed Activity (ULA) Presentation – Sidronio Casas**

Mr. Sidronio Casas provided a presentation to the Board on the Department of Health's current efforts to combat unlicensed activity in the State of Florida.

**VIII. WORKSHOP TOPICS FOR DISCUSSION**

**A. Licensure Requirements for Non-Board Certified Opticians**

Mr. Wally Lovejoy with Lovejoy Eyecare Consulting, LLC, submitted a written request that the Board hold a workshop regarding the requirements for an applicant to become an optician in the State of Florida. Specifically, he requested to discuss the requirements for licensing for an optician who does not fill, fit, adapt, or dispense contact lenses and is not a board certified optician. Mr. Lovejoy was not present.

**B. ABO-NCLE Practical Examination**

Mr. Wally Lovejoy with Lovejoy Eyecare Consulting, LLC, Mr. Jim Morris with the American Board of Opticians (ABO), and Mr. Jerry Campbell with the Professional Opticians of Florida (POF), submitted written requests for the Board to hold a workshop for discussion of the inclusion of the ABO Practical Examination as an option to the State of Florida's licensure requirements.

Mr. Lovejoy was not present. Mr. Morris was present and addressed the Board during the Chair report presented to discuss the required examination for licensure. Additionally, Mr. Couch was present and addressed the Board on behalf of POF during the Chair report presented to discuss the required examination for licensure.

**IX. FOR YOUR INFORMATION**

**A. Spotlight on ULA**

Ms. Wenhold presented the Spring 2018 issue of *Spotlight on ULA* which provides the most current news available on efforts to combat unlicensed activities to protect the public of the State of Florida.

**B. 2018 Apprentice Welcome Packet**

Ms. Chapman presented the 2018 Apprentice Welcome Packet which is sent out to all new apprentice opticians upon registration by Board staff. This packet includes the necessary sponsorship forms and governing laws and rules regarding the apprenticeship program in order to better inform and prepare the registered individual for his/her apprenticeship.

**X. NEW BUSINESS**

At this time, Ms. Slattery addressed the Board and requested that the Department grant an extension which allows an additional six months for licensure renewal due to the devastation of

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Board of Opticianry

November 2, 2018 General Business Meeting Minutes

Page 8 of 11



Hurricane Michael. This request extends the renewal deadline to June 30, 2019.

After discussion, the Board took the following action:

Motion: by Ms. Slattery that the Board is in favor of extending the renewal deadline and required fee from December 31, 2018 to June 30, 2019 for licensees affected by Hurricane Michael.

Second: by Mr. Wilford.

Vote: unanimous.

Mr. Frizzell clarified for the record that this is not an affirmative vote.

Ms. Wenhold presented a report of the increase in customer contacts regarding the policy of Walmart Vision Centers for licensure in Florida. Mr. Girdler, supported by Board Counsel, established that it is not within the scope of the Board to make any rulings in favor or against what a private corporation implements in policy. It is not a matter of licensure that the Board will or should make action.

### **A. Licensure Ratification Lists**

#### **i. Apprentice Opticians**

The list of previously approved apprentice optician licenses was placed on the agenda for ratification by the Board.

After discussion, the Board took the following action:

Motion: by Ms. Stavros to approve the ratification of apprentice optician licenses as listed.

Second: by Ms. Slattery.

Vote: unanimous.

#### **ii. Opticians**

The list of previously approved optician licenses was placed on the agenda for ratification by the Board.

After discussion, the Board took the following action:

Motion: by Ms. Slattery to approve the ratification of optician licenses as listed.

Second: by Ms. Stavros.

Vote: unanimous.

### **B. 2019 Quarterly Meeting Dates**

The following 2019 quarterly meeting dates were presented to the Board for approval:

- January 25, 2019
- April 26, 2019
- July 26, 2019
- October 25, 2019

After discussion, the Board took the following action:

Motion: by Mr. Wilford to approve the proposed meeting dates as listed.  
Second: by Ms. Stavros.  
Vote: unanimous.

### **C. Annual Delegations**

The 2018-2019 Annual Delegations of the Board were presented to the Board for review and discussion.

After discussion, the Board took the following action:

Motion: by Ms. Slattery to approve the ratification of the annual delegations as proposed.  
Second: by Ms. Stavros.  
Vote: unanimous.

### **D. Election of Officers**

The Board discussed the election of officers for the 2019 calendar year. Mr. Girdler read a letter from Mr. Shannon which stated that Mr. Shannon did not want to be considered for election as Chair or Vice-Chair.

After discussion, the Board took the following action:

Motion: by Ms. Slattery to elect Mr. Girdler as Board Chair.  
Second: by Mr. Wilford.  
Vote: unanimous.

Motion: by Ms. Stavros to elect Mr. Wilford as Board Vice-Chair.  
Second: by Mr. Girdler.  
Vote: unanimous.

Motion: by Ms. Slattery to elect Mr. Girdler as Budget Liaison for the Board.  
Second: by Mr. Wilford.  
Vote: unanimous.

## **XI. OLD BUSINESS**

### **A. July 24, 2018 General Business Meeting Minutes**

The minutes of the July 24, 2018 general business meeting were reviewed and following review, the Board took the following action:

Motion: by Mr. Wilford to approve the minutes as presented.  
Second: by Ms. Slattery.  
Vote: unanimous.

## **XII. ADJOURNMENT**

There being no further discussion, the Board took the following action:

Motion: by Ms. Slattery to adjourn the meeting at 12:48 p.m. ET.  
Second: by Stavros.

Vote: unanimous.