



# FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING DRAFT MINUTES

April 24, 2020 @ 9:00 a.m.

Telephone Conference Call

Dial-in #: 1 (888) 585-9008

Participation Code: 744-469-610

## DRAFT MINUTES

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### CALL TO ORDER

Roll Call

### Members Present:

John B. Girdler, Chair

Paul Wilford, Vice-Chair

Richard Williams

### Members Not Present:

Irene Stavros, RDH

### Staff Present:

Janet Hartman, Executive Director

Eric Pottschmidt, Program Operations Administrator

Timothy Frizzell, Assistant Attorney General

Rose Garrison, Esq., Assistant General Counsel

### Court Reporter Present:

For the Record

### REVIEW AND APPROVAL OF MINUTES – November 15, 2019

**Motion:** by Richard Williams to approve the November 15, 2019 minutes.

**Second:** by Paul Wilford

**Vote:** Passed Unanimously



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**APPLICATION REQUIRING REVIEW (TS: 4:15 – 21:25 Minutes)**

Wendi Adams – Apprentice Optician – File #5990

Wendi Adams was present and did not have legal representation. Wendi Adams introduced herself and reviewed her work status and job duties with the Board.

Paul Wilford inquired what Wendi Adams scope of work is and asked what portion of her job duties would be concentrated on working opticianry.

Paul Wilford made a recommendation that Wendi Adams find an opticianry sponsor or a doctor who is not seeing patients who can train her.

Paul Wilford made a motion to deny Wendi Adams application.

John Girdler spoke to the points made by Paul Wilford and inquired with Wendi Adams how much of her time is spent doing opticianry and the work of an optician. Wendi Adams responded with over half her time is spent doing opticianry work. John Girdler suggested that Wendi Adams may be doing more work associated with a Certified Optometric Assistant (COA), rather than an Optician, and recommended Wendi Adams consider taking the NOA Career Progression Program provided by the National Academy of Opticianry. John Girdler stated that he would like Wendi Adams to research what opticianry is and then research the NOA Career Progression Program. Once complete, John Girdler would like Wendi Adams to return to the Board with a better idea of what opticianry does and a plan of obtaining an optician education in order to move forward to become a licensed optician.

Paul Wilford also suggested the on-line training program at Hillsborough Community College.

Paul Wilford withdrew his previous motion to deny Wendi Adams application.

After discussion, the Board took the following action:

**Motion:** by Richard Williams to require Wendi Adams to appear at one of the next two meetings.

**Second:** by Paul Wilford

**Vote:** Passed Unanimously

Timothy Frizzell inquired about Wendi Adams criminal history on the agenda. The Board reviewed her history and believes her criminal history is not at issue going forward.



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## PROSECUTOR'S REPORT

TOTAL Complaint Inventory: 8

Number of complaints where probable cause has been found: 4

Other: 2

Number of Complaints Older Than One Year, By Year Case Opened: 2

**Motion:** by Richard Williams to allow PSU to continue to prosecute 1 year and older cases.

**Second:** by Paul Wilford

**Vote:** Passed Unanimously

## OPTICAL SEMINARS LETTER (TS: 23:15 – 29:45 Minutes)

Anthony Record is present and introduced himself. John Girdler read letter into record and discussed that the letter was reviewed by board staff and legal counsel, and it was determined that there was no emergency reason to convene a meeting prior to the regularly scheduled general board meeting held on April 24, 2020.

## REPORTS

### **Chair's Report – John B. Girdler, III (TS: 29:45 – 35:45 Minutes)**

John Girdler reviewed discussion held during January meeting regarding Optical Establishments with topics referencing rules and inspections.

John Girdler discussed the COVID-19 crisis relative to the Profession of Opticianry and the Board of Opticianry, and the continuing education program.

**Vice Chair's Report – Paul Wilford** – nothing to report.

### **Executive Director's Report – Janet Hartman (TS: 36:00 – 1:01:20 Minutes)**

**Paper Applications** - Janet Hartman provided update on paper applications and referenced that the on-line application update is designed to match the new paper application. Janet Hartman also referenced a few legislative bills that were filed that address student loan defaults. Subsequently, applications will be required to go through another review and approval process. Additionally, review of health history questions continue.

**NCSORB Basic Examination – Psychometrician Evaluation Report** – Tabled to next meeting.

**ABO/NCLE and Prometric Update** – (TS: 40:00 Minutes) Janet Hartman reviewed update related to COVID-19 examination status and wanted to ensure the Board was aware that Prometric has designated ABO/NCLE as essential personnel, and therefore are able to test if



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the states are allowing for essential personnel testing. Additionally, Prometric has also applied the potential for candidates to take a remote proctored examination.

John Girdler inquired about any delay in testing and what the level of cancellation is from applicants. Mr. Morris responded that his data showed 32 applicants were displaced due to the reduction of the number of chairs available for testing and elaborated on the rescheduling efforts.

John Girdler inquired how many virtual exams have been administered by ABO/NCLE. Mr. Morris responded back with zero. However, Prometric has administered over 10,000. Prometric provides the artificial intelligence that ABO/NCLE will be using as of May 1, 2020.

Paul Wilford inquired has there been any change in results from in-person testing vs. remote proctoring. Mr. Morris responded that the remote proctoring process appears to have a flat-line or lower pass rate and reviewed the security measures of the remote proctoring process.

Smarty Professional Development – Provider #50-22941 - Order to Show Cause – Mrs. Caroline Miller has formally withdrawn her request to become a Provider.

#### 2021 Proposed Meeting Dates

After discussion, the Board took the following action:

**Motion:** by Richard Williams to approve 2021 Proposed Dates.

**Second:** by Paul Wilford

**Vote:** Passed Unanimously

Janet Hartman acknowledged the great work that Julia Knight and Chloe Winter are doing under current teleworking conditions.

#### **Board Counsel Report – Timothy Frizzell (TS: 1:01:20 – 2:46:50 Minutes)**

Optician Apprentice Application for Registration – 64B12-16.003, F.A.C.

**Motion:** by Richard Williams to approve application as written and incorporate the updated language.

**Second:** by Paul Wilford

**Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business?

**Motion:** by Richard Williams votes “NO”

**Second:** by John Girdler

**Vote:** Passed Unanimously



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Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

**Motion:** by Richard Williams votes "NO"  
**Second:** by Paul Wilford  
**Vote:** Passed Unanimously

Should a violation of this rule or any part of this rule be designated as a minor violation?

**Motion:** by Paul Wilford votes "NO"  
**Second:** by Richard Williams  
**Vote:** Passed Unanimously

Telehealth Disciplinary Guidelines – 64B12-8.020, F.A.C.

**Motion:** by Paul Wilford to approve the rule as written and incorporate the updated language.  
**Second:** by Richard Williams  
**Vote:** Passed Unanimously

Will the proposed rule amendments have adverse impact on small business?

**Motion:** by Paul Wilford votes "NO"  
**Second:** by Richard Williams  
**Vote:** Passed Unanimously

Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after implementation?

**Motion:** by Richard Williams votes "NO"  
**Second:** by Paul Wilford  
**Vote:** Passed Unanimously

Should a violation of this rule or any part of this rule be designated as a minor violation?

**Motion:** by Paul Wilford votes "NO"  
**Second:** by Richard Williams  
**Vote:** Passed Unanimously

Proposed Rules Discussion - Continuing Education Focus. (TS: 1:16:45 – 1:53:00 Minutes)

John Girdler opened discussion with comments that offered an option to allow completion of continuing education requirements through use of on-line venues during the COVID-19 crisis.

Paul Wilford responded with his opinion to maintain current continuing education requirements until more data is known regarding the current status of live credits received by licensee's, and



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other options can be considered in the event the COVID-19 crisis continues to be a factor in satisfying continuing education requirements.

Richard Williams responded with his opinion that a decision may be premature at this point and suggested to post-pone discussion until the next meeting.

Timothy Frizzell addressed a timing issue and recommended setting an earlier, special meeting, sooner rather than later, in the event the Board needs to process a rule change that could take 3-4 months.

John Girdler continued discussing his opinion referencing the benefits of on-line continuing education programs. John Girdler agreed to and requested to follow-through with setting a special meeting to continue this review in an official workshop.

Janet Hartman and Timothy Frizzell will work on gathering alternative options to on-line continuing education programs that are being used by other boards. These options may require establishing guidelines for such venues as live webinars and will need to be reviewed against class-room requirements currently in opticianry rule.

Public Comments: **(TS: 1:54:20 – 2:45:45 Minutes)**

Steve Geller – Attorney for Professional Opticians of Florida. **(TS: 1:54:20 Minutes)**  
Laurie Pierce – Opticianry Instructor - Hillsborough Community College **(TS: 2:12:15 Minutes)**  
Anthony Record – Optical Seminars - **(TS: 2:17:30 Minutes)**  
Natalie Brien – Optometrist in Canada - **(TS: 2:23:55 Minutes)**  
David Wood – Continuing Education for Dispensing Opticians (CEDO) **(TS: 2:34:00 Minutes)**  
Amber Muffin – Out-of-State Applicant **(TS: 2:37:35 Minutes)**  
Charles Bagley – Licensed Optician **(TS: 2:38:20 Minutes)**  
Cory Sigland – Focal Education **(TS: 2:40:20 Minutes)**  
Wes Stuart – Licensed Optician **(TS: 2:43:25 Minutes)**  
Natalie Brien - **(TS: 2:45:15 Minutes)**

Rules Report – Timothy Frizzell reviewed the report.

**RATIFICATIONS (10/30/2019 thru 4/13/2020)**

Licenses Issued

**Motion:** by Richard Williams to accept the ratification list for Optician 2001

**Second:** by Paul Wilford

**Passed:** Unanimously

**Motion:** by Richard Williams to accept the ratification list for Apprentice Optician 2002

**Second:** by Paul Wilford

**Passed:** Unanimously



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*CE Broker Courses Reviewed*

**Motion:** by Richard Williams to accept the ratification list of courses approved.

**Second:** by Paul Wilford

**Passed:** Unanimously

**NEXT MEETING DATE** – Teleconference - July 24, 2020 @ 9:00 a.m. EST

**OLD BUSINESS/NEW BUSINESS** – None to report.

**PUBLIC COMMENTS** – None to report.

**ADJOURNMENT**

**Motion:** by Richard Williams to adjourn @ 11:52 a.m.

**Second:** by Paul Wilford

**Passed:** Unanimously