



FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

June 30, 2020 @ 5:30 p.m.

Telephone Conference Call

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

Participation Code: 744-469-610

DRAFT MINUTES

The meeting was brought to order at 6:30 P.M. EST and roll call was conducted by Janet Hartman.

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

Court Reporter:

For the Record
850-224-0728

REVIEW AND APPROVAL OF MINUTES – April 24, 2020

Motion: by Richard Williams to approve April 24, 2020

Second: by Paul Wilford

Vote: Passed Unanimously

PROSECUTOR'S REPORT

There are currently nine open disciplinary cases in the PSU Detailed Inventory.

- Under Legal Review: 4
- Cases with probable cause recommendation: 1



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• Probable cause found:	3
• Cases pending before DOAH:	0
• Cases agendaed for Board:	1
• Cases Older Than One Year:	4

Currently there are a total of nine active cases in the Department's Opticianry inventory. Of those cases, four are year and older cases and three of those cases have had a finding of probable cause. As always, the Department's prosecutors are working diligently to timely resolve all outstanding cases, and we are very close to doing so.

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

Second: by Paul Wilford.

Vote: Passed Unanimously

APPLICATION REQUIRING REVIEW

Wendi Adams – Apprentice Optician – File #5990 – Order to Appear

Wendi Adams was not present and did not have legal representation.

Moved to next Board meeting due to personal complications and through prior communication with the Board Office, has suggested she may be withdrawing her application for later consideration.

MARITZA SILIO CORRESPONDENCE (TS – 1:04:00 Minutes)

Maritza Adams was not present for presentation of her letter. Timothy Frizzell provided summary of letter and concluded that her issue may have been resolved with the passing of the emergency rule in the previous meeting. Program Operations Administrator Eric Pottschmidt will contact Mrs. Silio to update her on rule changes.

REPORTS

Chair's Report – John B. Girdler – Nothing to report.

Vice Chair's Report – Paul Wilford – Nothing to report.

Executive Director's Report – Janet Hartman **(TS – 1:05:45 Minutes)**

National Commission of State Opticianry Regulatory Board's Examinations – Psychometrician Evaluation Report

Alex Bosque presented the findings of the report.



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Alex Bosque was asked to review the written examinations developed by National Commission of State Opticianry Regulatory Board (NCSROB). The report looked at how the exam was developed, the length of time the exams were used, if its being used by any state boards or associations, and conducted two job task analysis (In 2012 and in 2018). A third job task analysis was conducted to determine examination format and content to make sure it is consistent with the findings of their job task analysis and that the exams have a valid reliability measure. It also looked at how the exam is administered and the security perimeters, and ensured it provided adequately per acceptable standards. The overall conclusion is that they have a valid, reliable examination.

Wade Delk joined the discussion. John Girdler asked if the practical examination in Florida will have any substantive changes. Wade Delk answered, no.

Wade Delk opened the floor to the Board members for questions. John Girdler asked Wade Delk to add pass rates to the report.

John Girdler would like to ask for a vote to accept the report at the next board meeting.

Timothy Frizzell will create appropriate rule language so the Board may move forward upon review at the next board meeting.

Jim Morris joined the meeting to provide American Board of Opticianry (ABO) and National Contact Lens Examiners (NCLE) updates. **(TS – 1:14:00 Minutes)**

Paper Application Update (TS – 1:20:10 Minutes)

Janet Hartman reviewed Health History Questions and Student Loan Default Questions.

DH-MQA 1065, 6/2020 - Optician Application for Examination
DH-MQA 1180, 6/2020 - Apprentice Application for Registration

After discussion, the following action was taken:

Motion: by Richard Williams to approve all applications as written.

Second: by Paul Wilford

Vote: Passed Unanimously

Board Counsel's Report – Timothy Frizzell

Rule 64B12-16.003 – Apprentice Application

Rule 64B12- 9.0015 - Optician Application for Examination

After discussion, the following action was taken:



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Motion: by Paul Wilford to approve the rule language as written for both applications.

Second: by Richard Williams

Vote: Passed Unanimously

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

John Girdler stated "NO"

Paul Wilford stated "NO"

Richard Williams stated "NO"

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?

John Girdler stated "NO"

Paul Wilford stated "NO"

Richard Williams stated "NO"

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

John Girdler stated "NO"

Paul Wilford stated "NO"

Richard Williams stated "NO"

Rule Development - (TS – 1:27:45 Minutes)

Timothy Frizzell discusses proposed rule changes as a result of a letter received from the Joint Administrative Procedures Committee (JAPC), housekeeping changes made and recommended by the Chair, and items directly related to the COVID-19 situation and distance learning, and makes recommendations to the Board of what proposed rule changes to pass.

Janet Hartman referenced letter from Brewton Plante, P.A.

John Girdler opened the floor for discussion.

Public Comments (TS – 1:35:00 Minutes)

Anthony Record presented his comments.

Laurie Pierce presented her comments.

Glenn with Professional Opticians of Florida presented his comments.

Vince Catonni from Jacksonville presented his comments.

After discussion, the Board decided to postpone a vote on the current proposed rule language changes and convene a future meeting to clarify and better define the proposed rule language changes.

Rules Report – no discussion.



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Annual Regulatory Report

Motion: by Richard William to allow the Chair to work with board counsel and sign-off on the Annual Regulatory Plan to be presented at the next board meeting after October for ratification.

Second: by Paul Wilford

Vote: Passed Unanimously

RATIFICATIONS

Licenses Issued

Motion: by Richard Williams to accept the ratification list for 2001, 2002, and the CE Broker approved courses.

Second: by Paul Wilford

Passed: Unanimously

NEXT MEETING DATE – TBD – October 23, 2020 Meeting Cancelled at the Westin Fort Lauderdale Beach Resort due to COVID-19. Will look to convene another meeting in the Fall in an alternate location further north.

PUBLIC COMMENTS (TS – 1:49:45 Minutes)

Glenn with Professional Opticians of Florida asked if a test may be added to live courses already submitted and approved, or do the courses have to be resubmitted in their entirety? Board Counsel responded that the tests would be required to be submitted for the CE Committee to review.

Laurie Pierce presented her comments and asked for clarification of the test requirement question presented by Glenn from Professional Opticians of Florida (POF). Board Counsel responded that all materials would need to be resubmitted.

Vince Catonni from Jacksonville presented his comments.

John Girdler requested that the Board re-read all the proposed language changes prior to the next meeting.

ADJOURNMENT

Motion: by Richard Williams to adjourn the meeting.

Second: by Paul Wilford

Passed: Unanimously