

# **FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING**

## **Minutes**

**November 18, 2020 at 5:30 P.M. EST**



**John B. Girdler III, Chair**

**Janet E. Hartman, Executive Director**



Florida Board of Opticianry  
General Board Meeting  
November 18, 2020

---

**Call To Order @ 5:30 p.m. ET**

**Roll call conducted by Janet Hartman**

**Members Present:**

John B. Girdler, Chair  
Paul Wilford, Vice-Chair  
Irene Stavros, RDH  
Richard Williams

**Staff Present:**

Janet Hartman, Executive Director  
Eric Pottschmidt, Program Operations Administrator  
Timothy Frizzell, Assistant Attorney General  
Zachary Bell, Assistant General Counsel  
Kimberly Marshall, Assistant General Counsel

**Court Reporter:**

For the Record  
850-224-0728

**REVIEW AND APPROVAL OF MINUTES**

Motion: by Irene Stavros to approve draft minutes for:

- June 30, 2020 GBM
- June 30, 2020 ER Meeting
- August 3, 2020 GBM.

Second: by Richard Williams

Vote: Passed Unanimously

**DISCIPLINE**

VR-01 James A. Matthews, III., Apprentice Optician - Case Number 2019-04481

Mr. Matthews was not present and was not represented by counsel.

Discussion: Mr. Matthews is voluntarily relinquishing his license in lieu of further discipline.

After discussion, the following action was taken:

Motion: by Mr. Williams to accept Voluntary Relinquishment.

Second: by Mr. Wilford

Vote: Passed Unanimously



## **PROSECUTOR'S REPORT**

There are currently 10 open disciplinary cases in the PSU Detailed Inventory.

- Under Legal Review: 3
- Cases with probable cause recommendation: 3
- Probable cause found: 4
- Cases pending before DOAH: 1
- Cases agendaed for Board: 1
- Cases Older Than One Year: 6

Motion: by Mr. Williams to allow PSU to continue to prosecute 1 year and older cases.  
Second: by Ms. Stavros to allow PSU to continue to prosecute 1 year and older cases.  
Vote: Passed Unanimously

## **REQUEST FOR EARLY TERMINATION OF PROBATION**

Minina McKie - DO 4049 Case- 2018-13101

Minina McKie was not present and did not have legal representation.

Discussion: Completed the requirements of probation and is requesting early termination.

After discussion, the following action was taken:

Motion: by Mr. Williams to approve/deny request for early termination of probation.

Second: by Mr. 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.

Discussion: Was required to appear before the Board. This is the second appearance.

After discussion, the following action was taken:

Motion: by Mr. Williams to deny application.

Second: by Ms. Stavros

Vote: Passed Unanimously



Florida Board of Opticianry  
General Board Meeting  
November 18, 2020

---

## REPORTS

### Chair's Report – John B. Girdler, III

#### NCSORB Basic Exam

Discussion: Mr. Delk submitted a letter of concern of the national exam and the scoring of the exam. Mr. Delk states that NCSORB currently reports passing rates by section (domain) of the exam and the retakes of each section or should the exam passing rates be reported as a whole.

#### Chair's Statement of Concern – (T.S. – 52:35 Minutes)

Mr. Girdler raised his continued concern from those who have stated that certain optical establishments are stating that they do not need licensed opticians on the premises and that their activity of opticianry was covered under the presence of their doctors. He noted that he was unable to find in the laws or rules that allows a doctor on the premises and cover any opticianry taking place. Mr. Girdler continued to quote from Florida Statutes relative to his concerns.

#### Continuing Education

No discussion.

#### MQA Annual Reports and Projections

No discussion.

#### 2021 Delegations

Discussion: No changes to the 2021 delegations from 2020.

After discussion, the following action was taken:

**Motion:** by Ms. Stavros to approve 2021 delegations.

**Second:** by Mr. Williams

**Vote:** Passed Unanimously

### Vice Chair's Report – Paul Wilford

Discussion: Nothing to report.

### Executive Director's Report – Janet Hartman

#### Financial Report

Discussion: Review of financial report.

#### General Notice

Notice of a phone scam that has reached Florida. Ms. Hartman wanted to let everyone know do not give anyone over the phone money to renew the license. The Department of Health does not call anyone asking for money to renew a license.

#### New State Car Rental Agreement – Avis

No discussion.

#### 2021 Meeting Dates

The Board tabled the in-person meeting approval to the next Board meeting in January.



Florida Board of Opticianry  
General Board Meeting  
November 18, 2020

---

## Board Counsel's Report – Timothy Frizzell

### 64B12-9.001, F.A.C. - Examination for Licensure

Discussion: A proposed change to the rule to accept the NCSORB Basic Exam.

After discussion, the following action was taken:

**Motion:** by Ms. Stavros to approve proposed Rule 64B12-9.001, F.A.C. as written.  
**Second:** by Mr. Williams  
**Vote:** Passed Unanimously

### SERC Questions

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

**Motion:** by Mr. Williams that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.  
**Second:** by Ms. Stavros  
**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 Mr. Wilford that the proposed rule amendments would cause no impact over \$200,000 in the aggregate in Florida within one year of these rules being filed.  
**Second:** by Mr. Williams  
**Vote:** Passed Unanimously

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

**Motion:** by Ms. Stavros that no part of this rule or a violation of this rule should be designated as a minor violation  
**Second:** by Mr. Williams  
**Vote:** Passed Unanimously.

Would a Sunset provision be applicable to this Rule?

No vote was needed since Board agreed that it did not need a Sunset provision.

### 64B12-8.020, F.A.C. - Disciplinary Guidelines & 64B12-8.024, F.A.C. - Out-of-State Telehealth Discipline

The rules were brought before the Board after being returned from JAPC with no recommended changes.

After discussion, the following action was taken:



Florida Board of Opticianry  
General Board Meeting  
November 18, 2020

---

**Motion:** by Mr. Williams to approve proposed Rule 64B12-8.020, F.A.C. & 64B12-8.024, F.A.C. as written.  
**Second:** by Ms. Stavros  
**Vote:** Passed Unanimously

### SERC Questions

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

**Motion:** by Mr. Williams that a Statement of Estimated Regulatory Costs is not required as the proposed rule amendment has no impact on small business.  
**Second:** by Ms. Stavros  
**Vote:** Passed Unanimously

Comprehensive Rule Review  
Discussion: No discussion.

ADA Case – Doe v. Ky Bar Association  
Discussion: Information for the Board on a federal case.

Law360 SmileDirect  
Discussion: For the Board, information on anti-trust issues.

Annual Regulatory Plan  
Discussion: A vote to approve the proposed regulatory plan as written.

**Motion:** by Mr. Williams to approve the regulatory plan.  
**Second:** by Ms. Stavros  
**Vote:** Passed Unanimously

Rules Report  
Discussion: No discussion.

### RATIFICATIONS

#### Licenses Issued

**Motion:** by Mr. Wilford to accept the ratification list for 2001  
**Second:** by Ms. Stavros  
**Passed:** Unanimously

**Motion:** by Ms. Stavros to accept the ratification list for 2002  
**Second:** by Mr. Williams  
**Passed:** Unanimously

#### CE Broker Courses Reviewed

No vote was motioned.



Florida Board of Opticianry  
General Board Meeting  
November 18, 2020

---

## **CE COURSES REQUIRING BOARD REVIEW**

### *CEDO, Inc. – Course #20-706479 - Anisometropia in the 21st Century*

After discussion, the following action was taken:

**Motion:** by Ms. Stavros to approve course.  
**Second:** by Mr. Williams  
**Vote:** Passed Unanimously

### *CEDO, Inc. – Course #20-716031 - Can Nutrition Reverse Diabetes & its Causation of Eye Disease?*

After discussion, the following action was taken:

**Motion:** by Ms. Stavros to approve course.  
**Second:** by Mr. Williams  
**Vote:** Passed Unanimously

### *Florida Optometric Association – Course # 20-779946 – Creating Your Practice of Distinction*

After discussion, the following action was taken:

**Motion:** by Mr. Wilford to deny course.  
**Second:** by Mr. Girdler  
**Vote:** Passed Unanimously

### *Focal Education, LLC. – Course #20-790716 - Lens Manufacturing, Past, Present and Future*

After discussion, the following action was taken:

**Motion:** by Mr. Williams to approve course.  
**Second:** by Ms. Stavros  
**Vote:** Passed Unanimously

### *Focal Education, LLC. – Course #20-787204 – Modern Optical Laboratory Production*

After discussion, the following action was taken:

**Motion:** by Mr. Girdler to approve course.  
**Second:** by Ms. Stavros  
**Vote:** Passed Unanimously



Florida Board of Opticianry  
General Board Meeting  
November 18, 2020

---

Quantum Optical, Inc. – Course #20-790260 – Field Guide to Freeform

After discussion, the following action was taken:

**Motion:** by Mr. Wilford to approve course.  
**Second:** by Mr. Williams  
**Vote:** Passed Unanimously

**ELECTIONS**

**Motion:** by Mr. Williams to keep the officers as they are currently.  
**Second:** by Ms. Stavros  
**Vote:** Passes with a 3:1 vote with Mr. Wilford voting no.

**NEXT MEETING DATE –** January 15, 2021 – GoToMeeting

**OLD BUSINESS/NEW BUSINESS**

No old/new business to discuss.

**PUBLIC COMMENTS**

No public comment.

**ADJOURNMENT @ 7:28 p.m. ET**