

FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

DRAFT MINUTES

January 15, 2021 at 12:15 P.M. EST



John B. Girdler III, Chair

Janet E. Hartman, Executive Director



Florida Board of Opticianry
General Board Meeting
January 15, 2021

The meeting was called to order at 12:15 P.M. EST and roll call was conducted by Janet Hartman.

Members Present:

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

No Members Were Not Present.

Staff Present:

Janet Hartman, Executive Director
Eric Pottschmidt, Program Operations Administrator
Timothy Frizzell, Assistant Attorney General
Rose Garrison, Esq., Assistant General Counsel
Kimberly Marshall, Assistant General Counsel
Andrew Pietrylo, Assistant General Counsel

Court Reporter:

For the Record
850-224-0728

REVIEW AND APPROVAL OF MINUTES – November 18, 2020

John Girdler requested to add comments from a discussion point during the previous meeting referencing optical establishment concerns.

Motion: by Richard Williams to approve November 18, 2020 minutes.
Second: by Irene Stavros
Vote: Passed Unanimously

DISCIPLINE – (TS – 00:03:00 Minutes)

*David A. Bressette, L.D.O. - DOAH Case NO.: 20-3419PL; DOH Case NO.: 2017-21540
Petitioner's Response To Respondent's Exceptions To The Recommended Order.*

David Bressette was not present and was represented by Douglas D. Marks, Esq.

Rose Garrison, Esq., presented the case.
Douglas D. Marks, Esq. responded with Respondent's exceptions.

Board counsel requested that the Board members confirm that they have reviewed the entire record on this case and were prepared to proceed with full understanding of the case.

John Girdler replied in the affirmative.



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Paul Wilford replied in the affirmative.
Irene Stavros was recused.
Richard Williams replied in the affirmative.

EXCEPTIONS TO FINDINGS OF FACT

Exception # 1, Paragraph 16 was presented.

After discussion, the following action was taken:

Motion: by Paul Wilford to deny Exception # 1.
Second: by Richard Williams
Vote: Passed Unanimously

Exception # 2, Paragraph 17 was presented.

After discussion, the following action was taken:

Motion: by Paul Wilford to deny Exception # 2.
Second: by Richard Williams
Vote: Passed Unanimously

Exception # 3, Paragraph 18 was presented.

After discussion, the following action was taken:

Motion: by Richard Williams to deny Exception # 3.
Second: by Paul Wilford
Vote: Passed Unanimously

Exception # 4, Paragraph 20 was presented.

After discussion, the following action was taken:

Motion: by Richard Williams to deny Exception # 4.
Second: by Paul Wilford
Vote: Passed Unanimously

EXCEPTIONS TO CONCLUSIONS OF LAW

Exception # 1, Paragraphs 34-35 was presented.

After discussion, the following action was taken:

Motion: by Paul Wilford to deny Exception # 1, Paragraphs 34-35.
Second: by Richard Williams
Vote: Passed Unanimously



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FINALIZE AND ADOPTION OF FINDINGS OF FACT – (TS – 00:39:25 Minutes)

After discussion, the following action was taken:

Motion: by Richard Williams to adopt Administrative Law Judge’s Findings of Fact in the Recommended Order.
Second: by Paul Wilford
Vote: Passed Unanimously

ADOPTION OF CONCLUSIONS OF LAW

After discussion, the following action was taken:

Motion: by Richard Williams to adopt Administrative Law Judge’s Conclusions of Law in the Recommended Order.
Second: by Paul Wilford
Vote: Passed Unanimously

After further discussion, the following action was taken:

Motion: by Richard Williams to accept recommendation of revocation of Respondents licensure and accept the exceptions.
Second: by Paul Wilford
Vote: Passed Unanimously

After further discussion, the review of the cost motion was presented for \$27,902.76. However, it was recommended that a vote could be tabled to bifurcate the issue of costs and to hear the Petitioner’s Motion to Assess Costs and Respondent’s Objection to Motion to Assess Costs at the next board meeting.

Motion: by Richard Williams to bifurcate the issue of costs and to hear the Petitioner’s Motion to Assess Costs and Respondent’s Objection to Motion to Assess Costs at the next board meeting.
Second: by Paul Wilford
Vote: Passed Unanimously



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PROSECUTOR'S REPORT

Presented by Kimberly Marshall, Assistant General Counsel with an introduction of Andrew J. Pietrylo, Assistant General Counsel.

Case Inventory:

Total Cases open/active in PSU:	10
Cases in Emergency Action Unit:	0
Cases under Legal Review:	1
Cases with probable cause recommendation:	5
Total Cases where PC has been found:	3
Cases in holding status:	0
Cases pending before DOAH:	0
Cases in intake status:	0
Cases agendaed for Board:	1
Cases on Appeal:	0
Total Number of Cases Older than One Year (Does not include cases on current Board agenda):	6

The Department requested that the Board authorize the continued prosecution of the year and older cases.

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

Second: by Paul Wilford.

Vote: Passed Unanimously

REPORTS - (TS – 01:03:15 Minutes)

Chair's Report – John B. Girdler, III

John Girdler reviewed comments from the opticians who are inquiring if there will be an extension of the current on-line continuing education structure into the new biennium.

Vice Chair's Report – Paul Wilford – No Report



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Executive Director's Report – Janet Hartman

Financial Report – No discussion

2021 Meeting Dates – Janet Hartman noted that the Governor has extended the ability to hear disciplinary cases via virtual venues. Next meeting date is May 14, 2021 via GoToMeeting.

Proposed moving in-person meeting from Nov 19, 2021 in Ft. Lauderdale to a summer location and date.

John Girdler suggested contacting continuing education Providers who are having conferences and look at other possible locations. Janet Hartman agreed to research alternative locations that can be co-located to ensure the public meetings where there might be large populations of opticians.

Janet Hartman discussed comments recently received concerning COVID vaccinations and providing resources for information related to COVID-19.

Janet Hartman also reviewed comments received concerning completion of continuing education by the non-classroom format. Mrs. Hartman reminded the board that the rule was extended when the Governor extended the renewal cycle ending March 31, 2021. Subsequently, the rule was extended only for this renewal period. If opticians continuing education requirements were completed prior to March 31, 2021, then any subsequent continuing education credits earned would apply towards the new biennium ending December 31, 2022 under the normal rule requirements.

Board Counsel's Report – Timothy Frizzell

Tim Frizzell reviewed letter correspondence from JAPC.

Rules Report – No discussion

RATIFICATIONS

Licenses Issued

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

Second: by Irene Stavros

Passed: Unanimously

Motion: by Irene Stavros to accept the ratification list for 2002

Second: by Richard Williams

Passed: Unanimously



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CE Broker Courses Reviewed

Motion: by Irene Stavros to accept the ratification list of CE courses

Second: by Richard Williams

Passed: Unanimously

NEXT MEETING DATE – May 14, 2021 – GoToMeeting

OLD BUSINESS/NEW BUSINESS – No old/new business.

PUBLIC COMMENTS - No public comments.

ADJOURNMENT @ 1:37 p.m.

Motion: by Richard Williams to adjourn the meeting.

Second: by Irene Stavros

Passed: Unanimously