

FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

August 27, 2021 at 9:00 A.M. EST



Paul Wilford, Acting Chair

Janet E. Hartman, Executive Director

I. CALL TO ORDER (TS 00:00:10)

The meeting was called to order on Friday, August 27, 2021 at 9:00 A.M. EST by Paul Wilford, Acting Chair.

A. Roll Call

Roll call was conducted by Janet Hartman, Executive Director. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Paul Wilford, Acting Chair
Irene Stavros, RHD
Richard Williams
Jeffrey Taylor, ABO Master Optician

STAFF PRESENT:

Janet Hartman, Executive Director
Eric Pottschmidt, Program Operations
Administrator

BOARD COUNSEL:

Ronald 'Tom' Jones, Assistant Attorney
General

DEPARTMENT OF HEALTH COUNSEL:

Zachary Bell, Assistant General Counsel
Andrew Pietrylo, Assistant General Counsel

II. REVIEW & APPROVAL OF MINUTES – May 26, 2021 (TS 01:15)

Motion: by Irene Stavros to approve the May 26, 2021 minutes.
Second: by Richard Williams.
Vote: Passed unanimously.

III. DISCIPLINE (TS 00:01:50)

David A. Bressette, L.D.O – Recommended Order, DOAH Case Number: 20-3419PL, DOH Case Number: 2017-21540
(PCP: Stavros & Calvo)

After discussion, the following action was taken:

Motion: by Jeffery Taylor to withdraw the case due to the licensee is deceased.
Second: by Richard Williams.
Vote: Passed unanimously.

Stanley T. Davis, L.D.O. – Informal Hearing, DOH Case Number: 2020-03550
(PCP: Stavros & Calvo)

Zachary Bell presented the case against Stanley Davis. Mr. Bell cited that Mr. Davis violated Section 484.014(1)(r), Florida Statutes (2019) and Section 456.072(1)(h), Florida Statutes based on the revocation of their North Carolina license.

Mr. Bell asks the Board to accept that the respondent was properly served, is not contesting the case and elected this informal hearing.

Motion: by Richard Williams to accept that the respondent was properly served, is not contesting the case and elected this informal hearing.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

Mr. Bell asked that the Board adopt the findings of fact as set forth in the administrative complaint.

Motion: by Richard Williams to adopt the finding of fact as set forth in the administrative complaint.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

Mr. Bell asked the Board to adopt the materials in the case and any agenda materials into the proceeding.

Motion: by Richard Williams to adopt the materials in the case and any agenda materials into the proceeding.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

Mr. asked the Board to adopt the conclusions of law as set forth in the administrative complaint and find that the case constitutes a violation of the Practice Act.

Motion: by Richard Williams to adopt the conclusions of law as set forth in the administrative complaint and found that the case constitutes a violation of the Practice Act.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

Mr. Bell addressed the penalty recommended by the Department of:

- Reprimand;
- Administrative fine of \$500.00;
- Continuing education in the area of ethics;
- Reimbursement of Department costs.

After discussion, the following action was taken:

Motion: by Richard Williams to impose the fine of \$500.00, CEs in the area of ethics, reimbursement of Department costs, and probation until December 31, 2024.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

After further discussion and clarification, the following action was taken:

Motion: by Richard Williams to open the floor to reconsideration of the previous vote.
Second: by Jeffery Taylor.
Vote: Pass unanimously.

After discussion, the following action was taken:

Motion: by Richard Williams to impose a reprimand, fine of \$500.00, continuing education in ethics for two biennium renewal cycles in addition to the 20-hour CE renewal requirements, and reimbursement of Department costs.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

IV. PROSECUTOR'S REPORT (TS 00:32: 56)

Case Inventory	
Total Cases open/active in PSU:	4
Cases in Emergency Action Unit:	0
Cases under Legal Review:	0
Cases with probable cause recommendation:	2
Total Cases where PC has been found:	2
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):	2

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

Motion: by Richard Williams to allow PSU to continue to prosecute one year and older cases.
Second: by Jeffery Taylor.
Vote: Passed unanimously.

Motion: by Irene Stavros to accept the Prosecutor's Report as presented.
Second: by Richard Williams.
Vote: Passed unanimously.

V. REPORTS (TS 00:35:05)

A. *Acting Chair's Report – Paul Wilford*
No report.

B. *Executive Director's Report – Janet Hartman*

Financial Report

Mrs. Hartman reviews the March 2021 Financial Report. The report is attached at the end of the document.

Legislative Update

Mrs. Hartman informed the Board that the upcoming legislative session will start convening early this year in September.

Mrs. Hartman provided an update from the 2021 legislative session and new laws that effect the profession. A summary and full text of all the bills that passed can be found on the [Florida Board of Opticianry's](#) website.

C. *Board Counsel's Report – Ronald 'Tom' Jones*

House Bill No. 241 & Senate Bill No. 1934 – Committee Substitute

Mr. Jones discussed the impact of the new Florida Statutes and how it affects the upcoming rules changes about to be presented for the Board to review and vote on.

Chapter 64B12-8.020, F.A.C. Disciplinary Guidelines

Mr. Jones presented the proposed changes to Chapter 64B12-8.020, F.A.C. Disciplinary Guidelines for their review and vote.

After discussion, the following action was taken:

Motion: by Irene Stavros to accept the changes to the disciplinary guidelines as presented.

Second: by Jeffery Taylor.

Vote: Passed unanimously.

SERC Questions

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

Motion: by Irene Stavros answered in the negative to all four questions.

Second: by Jeffery Taylor.

Vote: Passed unanimously.

Chapter 64B12-15.004, F.A.C. Provider Approval and Renewal

Mr. Jones presented the changes to the rule as advised by Joint Administrative Procedures Committee for review and vote by the Board.

After discussion, the following action was taken:

Motion: by Richard Williams to approve the language as presented.

Second: by Irene Stavros.

Vote: Passed unanimously.

SERC Questions

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

Motion: by Irene Stavros answered in the negative to all four questions.

Second: by Jeffery Taylor.

Vote: Passed unanimously.

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

Mr. Jones presented the proposed changes and mark-ups of the rule along with the changes to the form already established.

After discussion, the following action was taken:

Motion: by Jeffery Taylor to approve the proposed language and form.

Second: by Irene Stavros.
Vote: Passed unanimously.

SERC Questions

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

Motion: by Jeffery Taylor answered in the negative to all four questions.

Second: by Richard Williams.

Vote: Passed unanimously.

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

Mr. Jones presented the proposed changes to the rule and the accompanying changes to the form.

After discussion, the following action was taken:

Motion: by Jeffery Taylor to accept the changes as presented.

Second: by Irene Stavros.

Vote: Passed unanimously.

SERC Questions

- Will the proposed rule amendments have adverse impact on small business?
- 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?
- Should a violation of this rule or any part of this rule be designated as a minor violation?
- Would a Sunset provision be applicable to this Rule?

Motion: by Jeffery Taylor answered in the negative to all four questions.

Second: by Richard Williams.

Vote: Passed unanimously.

Annual Regulatory Plan

Mr. Jones presented to the Board and upcoming important dates that pertained to the Annual Regulatory Plan.

After discussion, the following action was taken:

Motion: by Jeffery Taylor to approve the Annual Regulatory Plan as written.

Second: by Richard Williams.

Vote: Passed unanimously.

Rules Report

Mr. Jones presented the current Rules Report to the Board.

VI. RATIFICATIONS (TS 01:02:20)

A. Licenses

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

Second: by Irene Stavros.

Vote: Passed Unanimously.

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

Second: by Irene Stavros.

Vote: Passed unanimously.

B. CE Broker Courses

Motion: by Jeffery Taylor to accept the ratification list of CE courses.

Second: by Richard Williams.

Vote: Passed unanimously.

VII. CE BROKER COURSES REQUIRING REVIEW (TS 01:06:00)

National Academy of Opticianry - #20-864316 – Basic Math Review

Motion: by Richard Williams to approve the course.

Second: by Irene Stavros.

Vote: Passed unanimously

Vision Source - #20-875462 – You've Got this! Managing Retina Cases in an Optometric Practice & #20-875470 – Technology for Efficiency and Profitability

Motion: by Jeffery Taylor to accept the both courses.

Second: by Richard Williams.

Vote: Passed unanimously

VIII. NEXT SCHEDULED MEETING DATE – November 19, 2021

IX. OLD/NEW BUSINESS

No Report.

X. PUBLIC COMMENTS (TS 01:15:00)

Mrs. Hartman read a comment that was requested to be read into the record from Professional Opticians of Florida (POF) regarding case 2020-03550 and Stanly Davis.

XI. ADJOURNMENT

The meeting was adjourned at 10:15 A.M. EST

Motion: by Richard Williams to adjourn.

Second: by Irene Stavros.

Vote: Passed unanimously.