

FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

November 5, 2021 at 8:30 A.M. ET

DRAFT MINUTES

Guy Harvey Resort

860 A1A Beach Boulevard

St. Augustine Beach, FL 32080

(904) 471-2555



Paul Wilford, Acting Chair

Janet E. Hartman, Executive Director



Florida Board of Opticianry
General Board Meeting
November 5, 2021

CALL TO ORDER

The meeting was called to order on Wednesday, November 5, at 8:30 AM ET by Paul Wilford, Acting Chair.

Roll call was conducted by Mrs. Janet Hartman, Executive Director

Members Present:

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

Staff Present:

Janet Hartman, Executive Director
Eric Pottschmidt, Program Operations Administrator
Ronald "Tom" Jones, Assistant Attorney General
Christina Shideler, Assistant General Counsel

REVIEW AND APPROVAL OF MINUTES – August 27, 2021

Richard Williams noted clerical error on page three. Corrected on ratified minutes.

Motion: by Richard Williams to approve the meeting minutes.

Second: by Irene Stavros

Vote: Passed Unanimously.

DISCIPLINE – INFORMAL HEARING (TS – 02:20 Minutes)

Venante Etienne, L.D.O. - DOH Case Number: 2019-17462

Christine Shideler, Assistant General Counsel, presented case.

PCP – Irene Stavros and David Calvo – Irene Stavros is recused.

Venante Etienne, L.D.O. was not present and did not have legal representation.

The Department presented the following motions for the Boards consideration and requested a vote on the following:

1. To find that the Respondent was properly served and requested this informal hearing;
2. To adopt the findings of fact, and adopt the conclusions of law as set forth in the administrative complaint;



Florida Board of Opticianry
General Board Meeting
November 5, 2021

3. To find that it constitutes a violation of the practice act;
4. To adopt the materials in this case and any addendum materials into evidence in this proceeding.

Motion: by Richard Williams to approve to the motions as presented.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

After further discussion, the following disciplinary action was presented for the Boards consideration and requested a vote on the following:

1. To reprimand the Respondents license;
2. To impose a fine of \$500 payable within 1 year;
3. To complete 3 hours of continuing education in Ethics within 90 days.

After discussion the Board took the following action:

Motion: by Richard Williams to approve to the disciplinary action as discussed.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

After further discussion, the following disciplinary action was presented for the Boards consideration and requested a vote on the following:

1. To pay costs in the amount of \$1,611.80;

After discussion the Board took the following action:

Motion: by Richard Williams to approve costs.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

PROSECUTOR'S REPORT – Christina Shideler

<u>Case Status</u>	<u>Report</u> Date 4/22/21	<u>Report</u> Date 8/13/2021	<u>Report</u> Date 10/21/2021
Total cases open/active in Prosecution Services:	4	4	3
Cases in Emergency Action Unit:	0	0	0



Florida Board of Opticianry
General Board Meeting
November 5, 2021

Cases under legal review:	2	0	0
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	0	2	2
Cases where probable cause has been found:	2	2	1
Cases where DOAH has been requested:	1	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	0	1	1
Cases on appeal:	0	0	0
Cases older than one year: *	2	2	1

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

Motion: by Jeffrey Taylor to allow PSU to continue to prosecute 1 year and older cases.
Second: by Richard Williams
Vote: Passed Unanimously

REPORTS (TS – 19:35 Minutes)

Acting Chair's Report – Paul Wilford

Mr. Wilford noted that there has been a noticeable increase in the number and improved quality of continuing education courses submitted through the continuing education committee.

Executive Director's Report – Janet Hartman

Mrs. Hartman noted that the board office is in receipt of a continuing education related complaint, and per the Boards Delegation of Authority at the Chairs authority and approval, an audit is being conducted to review for possible non-compliance of standards.

Legislative Update

Mrs. Hartman noted that at current in pre-committee season, there are no bills directly related to the Opticianry profession. The 2022 Legislative Session begins in January.



Florida Board of Opticianry
General Board Meeting
November 5, 2021

2022 Delegation of Authority

After discussion the Board voted on the following:

Motion: by Irene Stavros to approve 2022 Delegation of Authority.

Second: by Jeffrey Taylor

Vote: Passed Unanimously.

Financial Report

Mrs. Hartman noted that unlicensed activity numbers remain high.

FYI

Mrs. Hartman commented from a previous announcement of her promotion to Bureau Chief. She also commented on the departure of the current processor, Mrs. Julia Knight, and announced Ms. Chloe Winter as the new Board of Opticianry processor.

Board Counsel's Report – Ronald "Tom" Jones - (TS – 23:50 Minutes)

Optician Initial Licensure Form, DH-MQA-5070 and Rule 64B12-9.0015, F.A.C. Application for Examination and Licensure

After discussion, the following action was taken:

Motion: by Richard Williams to approve proposed Optician Initial Licensure Form, DH-MQA-5070 and Rule 64B12-9.0015, F.A.C. Application for Examination and Licensure, as written.

Second: by Irene Stavros

Vote: Passed Unanimously

SERC Questions

1. Will the proposed rule amendments have adverse impact on small business?
2. 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?
3. Should a violation of this rule or any part of this rule be designated as a minor violation?
4. Would a Sunset provision be applicable to this Rule?

Motion: by Richard Williams to respond in the negative for all four SERC questions.

Second: by Irene Stavros

Vote: Passed Unanimously.



Florida Board of Opticianry
General Board Meeting
November 5, 2021

Apprenticeship Sponsor Form, DH-MQA-1063

After discussion, the following action was taken:

Motion: by Irene Stavros to approve proposed Apprenticeship Sponsor Form, DH-MQA-1063 as written.
Second: by Jeffrey Taylor
Vote: Passed Unanimously

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

After discussion, the following action was taken:

Motion: by Irene Stavros to approve proposed Rule 64B12-16.004, F.A.C. as written.
Second: by Jeffrey Taylor
Vote: Passed Unanimously

SERC Questions

5. Will the proposed rule amendments have adverse impact on small business?
6. 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?
7. Should a violation of this rule or any part of this rule be designated as a minor violation?
8. Would a Sunset provision be applicable to this Rule?

Motion: by Richard Williams to respond in the negative for all four SERC questions.
Second: by Irene Stavros
Vote: Passed Unanimously.

Rules Report – As reported.

RATIFICATIONS

Licenses Issued

Motion: by Richard Williams to accept the ratification list for 2001 and 2002
Second: by Jeffrey Taylor
Vote: Passed Unanimously

CE Broker Courses Reviewed

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



Florida Board of Opticianry
General Board Meeting
November 5, 2021

Vote: Passed Unanimously

ELECTIONS

Motion(s):

- by Richard Williams to accept nomination of Paul Wilford as Chairperson of the Board.
- by Irene Stavros to accept nomination of Richard Williams as Chairperson of the Board. (Richard Williams declined nomination.)
- by Irene Stavros to accept nomination of Jeffrey Taylor as Chairperson of the Board.

Janet Hartman conducted roll-call vote:

- Paul Wilford for Chair
 - Paul Wilford, Richard Williams, and Jeffrey Taylor acknowledged a “Yea” vote.
- Jeffrey Taylor for Chair
 - Irene Stavros acknowledged a “Yea” vote.

By a vote of three (3) “Yea” votes, Mr. Paul Wilford was voted in as Board Chair.

Motion:

- by Irene Stavros to accept nomination of Jeffrey Taylor as Vice-Chairperson of the Board.

All in Favor Vote: Passed Unanimously

NEXT SCHEDULED MEETING DATE – January 21, 2022 – GoToMeeting

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

PUBLIC COMMENTS – No public comments.

ADJOURNMENT @ 9:10 A.M.

Motion: by Richard Williams to adjourn.

All in Favor Vote: Passed Unanimously.