

FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

January 21, 2022 at 2:00 P.M. ET

DRAFT MINUTES

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Paul Wilford, Chair

Kimberly Marshall, Executive Director



Florida Board of Opticianry
General Board Meeting
January 21, 2022

CALL TO ORDER

The meeting was called to order on Friday, January 21 at 2:00 PM ET by Paul Wilford, Chair.
Roll call was conducted by Kimberly Marshall, Executive Director.

Members Present:

Paul Wilford, Chair
Jeffrey Taylor, Vice-Chair
Richard Williams

Members Not Present:

Yvonne Schloss – Excused absence
Irene Stavros, RDH- Excused absence

Staff Present:

Kimberly Marshall, Executive Director
Eric Pottschmidt, Program Operations Administrator
Ronald “Tom” Jones, Assistant Attorney General
Christina Shideler, Assistant General Counsel
Lakeidra Fields Regulatory Specialist III

WELCOME NEW BOARD MEMBER – Yvonne Schloss

The board members welcomed Ms. Schloss in her absence.

WELCOME AND APPROVAL OF NEW EXECUTIVE DIRECTOR – Kimberly Marshall

Motion: by Richard Williams to approve new Executive Director, Kimberly Marshall.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

REVIEW AND APPROVAL OF MINUTES – November 5, 2021

Motion: by Jeffrey Taylor to approve the meeting minutes.
Second: by Richard Williams
Vote: Passed Unanimously.



PROSECUTOR’S REPORT – Kimberly Marshall, Executive Director presented.

<u>Case Status</u>	<u>Report</u> Date 8/13/2021	<u>Report</u> Date 10/21/2021	<u>Report</u> Date 1/6/2022
Total cases open/active in Prosecution Services:	4	3	0
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	0	0	0
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	2	2	0
Cases where probable cause has been found:	2	1	0
Cases where DOAH has been requested:	0	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	1	1	0
Cases on appeal:	0	0	0
Cases older than one year: *	2	1	0

PETITION FOR VARIANCE OR WAIVER (TS – 00:04:06 Minutes)

Barry Herscovitch – Rule 64B12-15.001(2), F.A.C.

Barry Herscovitch was present and presented his petition for variance or waiver.

Barry Herscovitch asked the Board if they made a decision yet on his petition. Paul Wilford asked Mr. Herscovitch to present his petition and present any questions he may have. Barry Herscovitch inquired why he had to go into a live class during COVID times. Jeffrey Taylor noted he was unconvinced of Barry Herscovitch’s argument sighting recent course he attended that were well populated, and that in-person courses were not much different than seeing patients on a daily basis. Barry Herscovitch inquired why he is being forced to be in a classroom setting during COVID pandemic. Paul Wilford responded that he should practice CDC guidelines and safety precautions. Richard Williams stated he is 75 years old and has had no problem safely attending in-person courses.



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After further discussion the Board took the following action:

Motion: by Richard Williams to deny the PVW.
Second: by Jeffrey Taylor
Vote: Passed Unanimously.

REPORTS

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

Executive Director's Report – Kimberly Marshall Legislative Update

Legislative Session began last week. However, at current, there are no pending bills being heard that directly relate to the profession of Opticianry. There is a pending bill for military personnel leaving the military enabling a pathway to licensure or certification for various professions.

Financial Report - Nothing to report.

Board Counsel's Report – Ronald "Tom" Jones (TS – 00:16:15 Minutes)

Rule 64B12-9.0016 F.A.C. Demonstrating Knowledge of Laws and Rules for Licensure.

As a result of an inquiry received by the board office, a proposed modification to the rule was presented to the Board that modified and clarified the interactive element of the rule.

Board discussion revolved around amending the language to require the initial laws and rules course be an in-classroom course only, and not to include web-based or live phone chat.

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny proposed Rule 64B12-9.0016, F.A.C. as written.
Second: by Richard Williams
Vote: Passed Unanimously

Board requested the rule be amended to reflect an in-classroom requirement only, and to present new language at the next board meeting.

Rules Report

Discussion: Rule 64B12-9.0015 is still in the promulgation process and will be effective by the next meeting.



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RATIFICATIONS

Licenses Issued

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

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

CE COURSES REQUIRING REVIEW

SECO International

MedPRO360: Coding and Billing - Course # 20-871327

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny the course.
Second: by Richard Williams
Vote: Passed Unanimously

MedPRO360: Coding and Billing Boot Camp - Course # 20-871331

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny the course.
Second: by Richard Williams
Vote: Passed Unanimously

MedPRO360: Communication Skills to Improve Your Practice - Course # 20-871291

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny the course.
Second: by Richard Williams
Vote: Passed Unanimously

Ocular History Taking - Course # 20-869985

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny the course.
Second: by Richard Williams
Vote: Passed Unanimously



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Scribe Boot Camp - Course # 20-870001

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny the course.
Second: by Richard Williams
Vote: Passed Unanimously

The Tech's Role in the Management of Ocular Emergencies - Course # 20-869993

After discussion, the following action was taken:

Motion: by Jeffrey Taylor to deny the course.
Second: by Richard Williams
Vote: Passed Unanimously

NEXT SCHEDULED MEETING DATE – April 29, 2022 @ 2:00 P.M. – GoToMeeting

OLD BUSINESS/NEW BUSINESS

Discussion: Richard Williams made a comment about not receiving his travel reimbursement from the previous meetings in the last few years.

PUBLIC COMMENTS - No public comments.

ADJOURNMENT @ 2:36 PM

Motion: by Richard Williams to adjourn the meeting.
Second: by Jeffery Taylor
Vote: Passed Unanimously