

FLORIDA BOARD OF OPTICIANRY GENERAL BOARD MEETING

DRAFT MINUTES

October 4, 2022, at 5:00 P.M. EST

GoToMeeting

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By Telephone

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Access Code: 832-436-685



Paul Wilford, Chair
Jeffrey Taylor, ABOM, Vice-Chair
Ashleigh Irving, Executive Director



I. CALL TO ORDER

The meeting was called to order on October 4, 2022, at 5:04 PM ET by Paul Wilford, Chair.

Roll call was conducted by Ashleigh Irving, Executive Director.

Members Present:

Paul Wilford, Chair
Jeffrey Taylor, Vice-Chair
Yvonne Schloss
Irene Stavros, RDH
Richard Williams

Board Counsel

Ronald "Tom" Jones, Assistant Attorney
General

Court Reporter

For The Record - 850-222-5491

Staff Present:

Ashleigh Irving, Executive Director
Eric Pottschmidt, Program Operations
Administrator

Note: Representation from the Florida Department of Health Office of the General Counsel was not present.

Opening Remarks were read by Ashleigh Irving, Executive Director.

II. REVIEW AND APPROVAL OF MINUTES – August 12, 2022

Motion: by Mr. Williams to approve the meeting minutes.
Second: by Mr. Taylor.
Vote: passed unanimously.

III. APPLICATION REVIEWS

A. Optician

Chad Burns – HAS OFFICIALLY WITHDRAWN HIS APPLICATION

(TS 00:05:44 Minutes) Mr. Wilford acknowledged that Mr. Burns' application has been withdrawn, and requested that if the Board permitted, they would move on to the next item on the agenda.

B. Apprentice Optician

Roxanna Negron Dujarric

(TS 00:06:07 Minutes) Roxanna Negron Dujarric was present and did not have legal representation present. Ms. Negron Dujarric was before the Board for review of affirmative answers to the Health History questions A and B in the application. A written self-explanation and Psychiatric Services Letter were included in the agenda materials for review. Ms. Negron Dujarric provided an opening statement before the Board.

(TS 00:08:37 Minutes) Ms. Stavros noted that according to the Psychiatric Services Letter, the applicant is in full remission.



After discussion the Board took the following action:

Motion: by Ms. Stavros to approve the application.
Second: by Mr. Taylor.
Vote: passed unanimously.

IV. PETITIONS FOR VARIANCE OR WAIVER

A. Marcel Milstein – 64B12-15.001(2), F.A.C.

(TS 00:09:48 Minutes) Marcel Milstein was not initially present and did not have legal representation present. Ms. Milstein was before the Board for review of petition for variance or waiver from Rule 64B12-15.001(2), F.A.C, by requesting that the remainder of her continuing education hours for this Biennium ending December 31st, 2022, be allowed to be completed outside of the classroom.

(TS 00:11:00 Minutes) Mr. Pottschmidt confirmed that Ms. Milstein has already taken excess of the allotted number of “anytime” or online hours permitted for renewal. He added that Ms. Milstein’s petition was to be able to complete the remaining hours which are two technical practice hours and five elective hours online due to her explanation included in her petition which Mr. Pottschmidt added was very detailed in outlining the reasons for this petition.

(TS 00:16:15 Minutes) Mr. Taylor noted his confounding issues having to do with Ms. Milstein not residing in or practicing in the state of Florida. Mr. Wilford then inquired when Ms. Milstein last practiced in Florida. It was at this time that Ms. Milstein joined the virtual meeting. Ms. Milstein then clarified that she has never practiced in the state of Florida and proceeded to explain her personal circumstances.

(TS 00:25:47 Minutes) Mr. Wilford inquired to Ms. Irving on what CEs would then be required if the petition were not to be approved and if the license goes into delinquent status, how that would affect the course of action of the license. Ms. Irving responded that if Ms. Milstein does not meet the CE requirements prior to the deadline, the license would go into delinquent status the following day. Ms. Irving further stated that from that day forward Ms. Milstein would have up to two renewal periods to complete the required CE credits as well as an additional late fee. Mr. Wilford inquired if it would be possible as a Board to waive the delinquent fee, to which Ms. Irving responded that she believed it would be possible if the Board were to vote to waive the renewal fee due to the hardship.

(TS 00:30:55 Minutes) Following additional discussion, Mr. Anthony Record of Optical Seminars, Inc. joined the conversation, noting that the purpose of Ms. Milstein’s petition was specifically to request a variance of 64B12-15.001(2), F.A.C., based on Section 120.542(2), F.S., due to demonstrating a significant substantial hardship.

(TS 00:35:45 Minutes) After discussion, the Board took the following action:

Motion: by Ms. Stavros to approve the petition for variance or waiver.
Second: by Mr. Wilford.
Vote: passed unanimously.



V. PROSECUTOR’S REPORT

Case Status	Report Date 4/14/2022	Report Date 7/12/2022	Report Date 9/26/22
Total cases open/active in Prosecution Services:	1	1	3
Cases in Emergency Action Unit:	0	0	0
Cases under legal review:	1	1	2
Cases awaiting supplemental investigation/expert opinion:	0	0	0
Cases with PCP recommendation:	0	0	1
Cases where probable cause has been found:	0	0	0
Cases where DOAH has been requested:	0	0	0
Cases pending before DOAH:	0	0	0
Cases on Board meeting agendas:	0	0	0
Cases on appeal:	0	0	0
Cases older than one year: *	0	0	0

* Does not include cases already agendaed for final action by the Board.

(TS 00:36:52 Minutes) Ms. Irving presented the Prosecutor’s Report for review. The Department requested that the Board authorize the continued prosecution of the year and older cases.

- Motion:** by Mr. Williams to allow PSU to continue to prosecute 1 year and older cases.
- Second:** by Mr. Taylor.
- Vote:** passed unanimously.

VI. REPORTS

A. Chair’s Report

Nothing to report.

B. Executive Director’s Report

i. Board Chair/Vice Chair Long-Range Planning Meeting

(TS 00:38:08 Minutes) Ms. Irving stated that the Board Chair/Vice Chair Long-Range Planning Meeting would be held on January 13th, 2023, in Tallahassee, Florida at the AC Marriott Hotel. Ms. Irving also noted that there was an election scheduled on the agenda for the end of this meeting, and that the Board Chair and Vice Chair would be invited to Tallahassee where all Chairs and Vice Chairs would be present for all 22 professions. Ms. Irving added that there would be representation present from the Attorney General’s Office, the Prosecution Services Unit, the Office of General Counsel, and HCPR, and that new initiatives and goals of the Department would be discussed during this meeting.

ii. Financial Report

(TS 00:39:48 Minutes) Ms. Irving presented the financial report for review in the agenda materials, adding that the Board is currently in good standing. She stated that she intends to schedule a meeting with the Division’s accountant and the Chair for the Budget Committee to sit down and discuss the financial report presented at each meeting.



C. Board Counsel Report

i. Rule 64B12-16.004, F.A.C. – Form DH-MQA 1063 Apprentices Sponsor Form

(TS 00:40:44 Minutes) Mr. Jones presented the proposed changes to the Florida Board of Opticianry Apprenticeship Sponsor form. He added that the Rule 64B12-16.004, F.A.C., Termination of Apprenticeship, would need to be modified as well if the proposed revisions to the form were to be approved. Mr. Jones further noted that included in the materials were the proposed modifications to the rule.

After discussion, the following action was taken:

Motion: by Mr. Williams to approve the proposed language as written as well as the proposed modifications to the Florida Board of Opticianry Apprenticeship Sponsor form.

Second: by Mr. 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 Mr. Wilford to vote in the negative for all SERC Questions.

Second: by Mr. Taylor.

Vote: passed unanimously.

VII. OTHER BUSINESS

A. 2023 Delegation of Authority

(TS 00:44:25 Minutes) Ms. Irving presented the proposed Delegation of Authority for 2023. Mr. Pottschmidt noted that the proposed 2023 Delegation of Authority was the same as the one from the previous year.

After discussion, the following action was taken:

Motion: by Mr. Taylor to approve the 2023 Delegation of Authority.

Second: by Mr. Williams.

Vote: Passed Unanimously



B. Ratifications

Licenses Issued

(TS 00:44:25 Minutes) Ms. Irving presented the MQA Reports showing opticianry licenses issued in the state of Florida between August 4, 2022, and September 26, 2022. Ms. Irving stated there have been 27 optician licenses issued beginning with license number 7808 and ending with license number 7834, and 44 apprentice optician licenses issued beginning with license number 9507 and ending with license number 9550.

Motion: by Mr. Williams to accept the ratification list for 2001 and 2002.

Second: by Ms. Stavros.

Vote: passed unanimously.

Approved Continuing Education Courses

Motion: by Ms. Stavros to accept the ratification list for 2001 and 2002.

Second: by Mr. Taylor.

Vote: passed unanimously.

C. CE Broker Courses Requiring Board Review

Reed Elsevier/Vision Council of America – Course 20-928959

(TS 00:48:35 Minutes) Mr. Pottschmidt stated that the information provided by the CE Committee requested that the Board review the course for relevance. Mr. Wilford added that he believed the CE Committee was questioning the course's relevance to opticianry as it seemed to refer mostly to telehealth services. Mr. Pottschmidt clarified that the course was set as an elective rather than technical course.

After discussion, the following action was taken:

Motion: by Mr. Taylor to approve CE Broker Course # 20-893633

Second: by Mr. Williams.

Vote: passed unanimously.

Costco Wholesale – Course 20-924363

(TS 00:52:35 Minutes) Mr. Pottschmidt stated that the information provided by the CE Committee requested that the Board review the course in order to determine which renewal hours category the credit would be applicable to.

After discussion, the following action was taken:

Motion: by Ms. Stavros to approve CE Broker Course # 20-893633 contingent on only one hour being awarded for completion of the course.

Second: by Mr. Taylor.

Vote: passed unanimously.



D. Elections

(TS 00:57:50 Minutes)

Motion: by Mr. Taylor to accept nomination of Mr. Paul Wilford as Chairperson of the Board.

Second: by Mr. Williams.

Vote: passed unanimously.

Motion: by Mr. Wilford to accept nomination of Mr. Jeffrey Taylor as Vice-Chairperson of the Board.

Second: by Mr. Williams.

Vote: passed unanimously.

(TS 00:59:24 Minutes) Mr. Wilford then opened the floor for comment by Mr. Williams. Mr. Williams stated that due to health problems, he retired in the beginning of the previous year, further noting that his renewal was supposed to take place about four years ago but has not taken place due to his own and his wife's health issues. Mr. Williams shared that he will be submitting his resignation for December 31st, 2022, as he will not be renewing his license. Mr. Williams added that he has been honored to serve on the Board and that he has been active in the opticianry field for over 60 years. Mr. Wilford and fellow Board members expressed their fond appreciation for Mr. Williams' service.

VIII. PUBLIC COMMENTS

No public comment was made.

IX. NEXT MEETING DATE – December 2, 2022, at 2:00 P.M. – Teams Virtual Platform

X. ADJOURNMENT @ 6:07 PM ET