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FLORIDA | Board of Optometry

DRAFT MINUTES

May 13, 2016

Teleconference

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399-3257



Stuart Kaplan, O.D.
Chair

Tamara Maule, O.D.
Vice-Chair

Anthony Spivey, DBA
Executive Director

1 **General Board Business started: 9:01 a.m.**

2
3 I. The meeting was called to order by Dr. Kaplan, Chair. Those present for all or part of the meeting included the following:

4
5 **MEMBERS PRESENT:**

6 Stuart Kaplan, O.D., Chair
7 Tamara Maule, O.D., Vice Chair
8 Christopher King, O.D.
9 Stephen Kepley, O.D.
10 Carl Spear, O.D.
11 John Griffin, J.D.

5 **STAFF PRESENT:**

6 Anthony Spivey, DBA, Executive Director
7 Gail Curry, Program Operations Administrator
8 Savada Knight, Regulatory Supervisor/Consultant

12
13 **BOARD COUNSEL:**

14 Diane Guillemette, Assistant Attorney General
15 Office of Attorney General

16
17 **COURT REPORTER:**

18 For the Record
19 (850) 222-5491

20
21 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline.*
22 *AUDIO from this meeting can be found online: <http://floridasoptometry.gov/>*

23
24 **Section I concluded: 9:05 a.m.**

25 **Section II began: 9:05 a.m.**

26
27 **II. MINUTES:**

28
29 **a. February 26, 2016 – Orlando**

30
31 **CORRECTIONS:**

32 Dr. Maule - Page 2 Dr.Underhill should be changed to Dr. Kaplan
33 Page 3 line 52. **CK, SK ep** needs to be deleted.

34
35 **Action:** Motion to approve the minutes [with the noted corrections] was made by Dr. Spear.
36 Seconded by Dr. Kepley.
37 Vote: 6 in favor / 0 opposed; motion carried

38
39
40 **Section II concluded: 9:08 a.m.**

41 **Section III began: 9:08 a.m.**

42
43 **III. PETITIONS:**

44
45 **a. Variance/Waiver:**

46
47 **i. Akram Masood, O.D.**

48 Petitioner was not represented by counsel.

49
50 Dr. Masood submitted a Petition for Variance/Waiver from Rule 64B13-4.001(2), F.A.C., which was filed on April
51 1, 2016. The petition requested that the board allow Dr. Masood to apply without taking Part III of the NBEO exam.
52 The petition specifically notes that he has already fulfilled that requirement in the past.

53
54 **Discussion:** Dr. Masood has only taken Part III one time and didn't get the required 75%. He hasn't showed any
55 proof of hardship. Dr. Masood should take Part III of the exam. The petition should be denied.

56
57 **Action:** Motion to deny the Petition for Variance/Waiver was made by Dr. King.
58 Seconded by Dr. Maule.

1 Vote: 6 in favor / 0 opposed; motion carried

2
3 **ii. Austin Lifferth, O.D.**

4 Petitioner was not represented by counsel.

5
6 Dr. Lifferth submitted a Petition for Variance/Waiver from Rule 64B13-4.001, F.A.C., which was filed on July 23,
7 2015. Another one was filed on September 10, 2015. Both of these petitions were denied. Board office received an
8 email on April 12, 2016 requesting a waiver from the 7-year examination requirement. It has been more than 7 years
9 since Dr. Lifferth has taken and passed parts I-III of the NBEO examination. He cannot retake any parts of the
10 examination due to his “direct and current involvement” with NBEO examination preparation. In lieu of re-taking
11 parts I-III of the examination, Dr. Lifferth has taken and passed the Advance Competency in Medical Optometry
12 (ACMO) examination offered by NBEO. The passing score for the ACMO and previous passing scores for parts I-
13 III of the national examination were presented to the board for review.

14
15 **Discussion:**

16
17 **Action:** Motion to deny Waiver 7 year requirement of part I and III was made by Dr. King.
18 Seconded by John Griffin.

19 Vote: 6 in favor / 0 opposed; motion carried

20
21 **iii. Timothy B. Hamilton, O.D.**

22 Petitioner was not represented by counsel.

23
24 Dr. Hamilton is asking to have a waiver of rules 64B13-11.004 and 64B13-4.001 in order to have his license
25 reinstated. He did not understand the terminology of Delinquent status. He thought he had placed it on inactive
26 status. He didn't understand that after a license had been delinquent for 7 years the license then goes to null & void
27 status. He would like the examination requirements waived in order to receive his license back.

28
29 **Discussion:** Dr. Hamilton has not applied to the State of Florida at this time. Therefore, no decision can be made
30 until an application has been submitted. Once Dr. Hamilton has submitted an application and has been notified that
31 he is not eligible he can then file for a waiver. Mr. Griffin asked Dr. Hamilton if he would like to withdraw his
32 Petition application. He said “yes”.

33
34
35 **Action:** No action taken. Dr. Hamilton withdrew his Petition.

36
37
38 **Section III concluded: 10:19 a.m.**

39 **Section IV began: 10:19 a.m.**

40
41 **IV. APPLICATIONS**

42
43 **a. Continuing Education Courses**

- 44
45 **i. National Glaucoma Society: “My Favorite Cases”**
46 Course #20-519119

47
48 Janet Swartz is seeking approval of the above mentioned Continuing Education course. This is a webinar course.

49
50 **Discussion:** There was some concern over the validity of the attendee being who they say they are. Janet Swartz
51 made the point that even in a live seminar you have people that are not engaged but they get credit. She also stated
52 that there is a certain amount of trust involved. Ms. Swartz said they receive great feedback from their webinar. John
53 Griffin asked to do an addendum to adequately verify attendance.
54 All Webinar courses will need to go through the CE Chair for approval.

55
56 **Action:** Motion to approve course application was made by Dr. Maule.
57 Seconded by Dr. King.

58 Vote: 6 in favor / 0 opposed; motion carried

- 1
2 ii. Topical CE: “Florida Jurisprudence”
3 Course #20-521075q

4
5 **Action:** Motion to approve course application was made by Dr. Maule.
6 Seconded by Dr. King.
7 Vote: 6 in favor / 0 opposed; motion carried
8

9 **ROLL CALL**

10
11 **Section IV concluded: 10:48 p.m.**
12 **Section V began: 10:48 a.m.**
13

14
15 **V. RATIFICATION LIST:**

16
17 **a. Licensure: 0**

18
19 **i. Optometrist**

20
21 **Action:** Motion was made by Dr. Spear.
22 Seconded by Dr. King.
23 Vote: 6 in favor / 0 opposed; motion carried
24

25 **ii. Optometry Faculty Certificate**

26
27 **Action:** Motion was made by Dr. Spear.
28 Seconded by Dr. King.
29 Vote: 6 in favor / 0 opposed; motion carried
30

31 **b. Continuing Education: 0**

32
33 **i. CE Providers and Courses Approved by Committee**

34
35 **Action:** Motion to approve was made by Dr. Spear.
36 Seconded by Dr. King.
37 Vote: 6 in favor / 0 opposed; motion carried
38

39 **ii. CE Providers and Courses Approved by Board Staff**

40
41 **Action:** Motion to approve CE Providers and Courses Approved by Board Staff was made by Dr. Maule.
42 Seconded by Dr. Kepley.
43 Vote: 6 in favor / 0 opposed; motion carried
44

45 **Section V concluded: 10:51 a.m.**

46 **Section VI began: 10:52 a.m.**
47

48 **VI. PROSECUTION REPORT: No report**

49
50 **Section VI concluded: 10:52 a.m.**

51 **Section VII began: 10:52 a.m.**
52

53 **VII. CHAIR/VICE CHAIR REPORT: No report**

54
55 **a. Future Agenda Items**
56

57 **Section VI concluded: 10:52 a.m.**

58 **Section VII began: 10:52 a.m.**

1
2 **VIII. EXECUTIVE DIRECTOR’S REPORT:**
3

4 **a. iViewer**

5 Dr. Spivey talked about automating the agendas. IViewer will be the system being used for this process. He gave a brief
6 description of the program. He will get the roll out schedule sent to the Board.
7

8 **Section VIII concluded: 10:52 a.m.**

9 **Section IX began: 10:53 a.m.**
10

11 **IX. BOARD COUNSEL REPORT: Diane Gillemette**

12 **a. Rules Status Report –**

13 HB491 has been signed by the Governor. Effective July 1, 2016.
14 456.0635 and 893, certain types of convictions will disqualify you from licensure for 5, 10 or 15 years. There is an
15 Exception that allows you be licensed if you started education prior to 2009. This exception has been removed.
16
17

18 **b. Review of Application**

19 Page 1-Disciplinary and Criminal History section was added but not noted.
20 Page 3- leave in the Foreign Education.
21 Page 7-Question number 5 was added but not noted.
22 Page 9-Combine questions 11 with question 18.
23

24 **Action:** Motion to approve Application changes and delete HB491 was made by Dr. King.
25 Seconded by Dr. Maule.
26 Vote: 6 in favor / 0 opposed; motion carried
27

28 **c. Rule 64B13-4.004(3)**

29 Rule should be amended to delete Medical Error requirements. HB491
30

31 **Action:** Motion to approve Application changes and delete HB491 was made by Dr. Kepley.
32 Seconded by Dr. King.
33 Vote: 6 in favor / 0 opposed; motion carried
34

35 **SERC Question**

36 Will the proposed Rule amendment have an adverse impact on the small business or will the proposed amendment be
37 likely to directly or indirectly increase regulatory cost to any intraday including Government in excess of \$200,000 in the
38 argent In Florida within 1 year of after the implementation of the rule.
39

40 **Action:** Motion to say no was made by Dr. King
41 Seconded by Dr.Kaplan .
42 Vote: 6 in favor / 0 opposed; motion carried
43
44

45 **Section IX concluded: 10:53 a.m.**

46 **Section X began: 11:25 a.m.**
47

48 **X. COMMITTEE REPORTS:**

49 **a. Budget – : No report**

50 **b. Continuing Education – Dr. Maule:** Already addressed

51 **c. Complaints, Investigations, and Enforcement – Dr. Kaplan:** No report

52 **d. Disciplinary Compliance:** No report

53 **e. Examination – Dr. King:** Pass rate was at 85% for 1 attempt. 92% from multiple attempts.
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2 **f. FOA – Dr. Kaplan:** Dr. Spear will be at FOA and make the presentation.
3
4 **g. Healthiest Weight – Dr. King:** Meeting in September
5
6 **h. Legislative – Dr. Kepley:** No report
7
8 **i. Probable Cause – Dr. Spear**
9
10 Stats: had 17 cases, 7 dismissed, 10 moving forward.
11
12 **j. Rules – Dr. Kaplan:** Rule reduction by 15 %. Working on this.
13
14 **k. Unlicensed Activity – Dr. Kaplan:** No report
15

16 **Section X concluded: 11:25 a.m.**

17 **Section XI began: 11:25 a.m.**

18
19 **XI. OLD BUSINESS:** None
20

21 **Section XI concluded: 11:41 a.m.**

22 **Section XII began: 11:41 a.m.**

23
24 **XII. NEW BUSINESS:** None
25

26 **Section XII concluded: 11:41 a.m.**

27 **Section XIII began: 11:42.m.**
28
29

30 **XIII. NEXT MEETING DATE**

- 31
32 **a. August 19, 2016 at 9:00**
33

34 **Section XIII concluded: 11:43 a.m.**

35 **Section XV began: 11:43 a.m.**
36

37 **XIV. ADJOURNMENT**

38 **Action:** Motion to adjourn was made by Dr. King.

39 Seconded by Dr. Kepley.

40 Vote: 6 in favor / 0 opposed; motion carried
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44 **The meeting was adjourned at 11:44 p.m.**