

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

FLORIDA | Board of Optometry

MEETING MINUTES

August 19, 2016

**Gaylord Palms Resort & Convention Center
6000 W. Osecola Parkway
Kissimmee, Florida 34746**

Stuart Kaplan, O.D.

Chair

Tamara Maule, O.D.

Vice-Chair

Anthony B. Spivey, D.B.A.

Executive Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

I. CALL TO ORDER

The board meeting was called to order at 9:00am.

MEMBERS PRESENT:

- Stuart Kaplan, O.D., Chair
- Tamara Maule, O.D., Vice-Chair
- Stephen Kepley, O.D.
- Christopher King, O.D., F.A.A.O. Carl Spear, O.D.
- John Griffin

STAFF PRESENT:

- Anthony Spivey, D.B.A., Executive Director
- Karen Miller, Administrative Assistant
- Cheryl Roberts, Prosecuting Attorney

BOARD COUNSEL:

- Diane Guillimette, Assistant Attorney General

II. FINAL ORDER ACTION

Settlement agreements

Terry Goodman, O.D. Case number 2015-06527. Dr. Spear was recused from participating and voting in the discussion as he was a participant in the probable cause finding. Dr. Goodman was not present nor was he represented by counsel. Prosecuting attorney presented the discussion of the settlement agreement to the board. After reviewing the information the board accepted the settlement agreement. Motioned by Dr. King and seconded by Dr. Kepley. Motion passes unanimously.

Jack Mazlin, O.D., Case number 2015-12084. Dr. Spear was recused from participating and voting in the discussion as he was a participant in the probable cause finding. Dr. Mazlin was required to attend the meeting but was not provided notice of attending the meeting. The board tabled the hearing of the settlement agreement until the October 14, 2016 meeting.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

VII. PROSECUTION REPORT

Ms. Roberts provided the caseload status to the board for review. Ms. Roberts ask for the board’s authorization to continue prosecution of cases [14] older than one year. The board approved the continued prosecution of these cases. Motioned to continue prosecution made by Dr. Kepley and seconded by Dr. Maule. Motion passes unanimously.

III. Minutes – Draft Minutes from May 13, 2016 meeting

Dr. King noted that page 3 line 17 needed to have further discussion in the minutes to reflect his comments regarding Parts I and III of the examination. Staff noted that additional discussion would be placed in the comments of the minutes. Mr. Griffin noted that lines 6 through 16 needed further clarification on the subject to note that Dr. Lifferth alleges he could not take the examinations because of his position with NBEO. Additionally, Dr. King noted two typographical errors needed to be deleted; on page 4 line seven [*is line seventeen*] has a zero that needs be struck after the word licensure, and on line 31 after continuing education. Dr. King motioned to approve the minutes with the noted corrections and Mr. Griffin seconded it. Motion passes.

IV. PETITIONS

TIMOTHY HAMILTON, O.D.

Dr. Hamilton’s license was null and void because he was not aware of the status of his license until after the fact. He previously petitioned the board with a variance and waiver of the seven-year rule for re-instatement of his license but once the license is null, there is no further action required by the department; an individual must apply as a new applicant. After presenting his case to the board at this meeting, and review of the submitted information, the board decided to waive the seven-year requirement because Dr. Hamilton previously had a Florida license and required him to do the following before granting him a new license:

- 1. Take part IV of the Florida Licensure exam.
- 2. Show proof 18 hours of Transcript Quality courses within one year
- 3. Show proof of 2 hours of medical errors prevention courses
- 4. Show proof of 2 hours of jurisprudence

Motioned by Dr. Spear and seconded by Dr. Maule. Motion passes unanimously.

Cassandra Young, O.D.

Dr. Young was not present and not represented by counsel. Dr. Young presented a petition for variance and waiver of Rule 64B13-4.001, F.A.C. After review of the information presented by Dr. Young, the board voted to deny the petition because she has not shown a hardship in the view of the board members. Motion by Dr. Spear to deny because she has not demonstrated a substantial hardship in the board’s view. Dr. Kepley seconded the motion. Motion passes unanimously.

1 Tammy Whittman, O.D.
2 Dr. Whittman was present but not represented by counsel. Dr. Whittman was previously denied her
3 petition for variance and waiver. She appealed the decision of the board and filed the appeal with the
4 Division of Administrative Hearings (DOAH) instead of the board. The board was advised by board
5 counsel to either grant the approval or not file the petition with DOAH. After discussion of the subject,
6 Dr. Maule motioned to approve tolling in order to present the information to DOAH. Dr. King seconded
7 it and the motion passed unanimously.

8
9 Nicole Yontz, O.D.
10 Dr. Yontz was present and represented by counsel Mienda Kiam, who presented a petition for variance
11 and waiver of Rule 64B13-4.001, F.A.C. After discussion of the request by private counsel and the board,
12 Dr. King motioned to deny the request because there is no perceived unfairness by the board to Dr.
13 Yontz, and Dr. Yontz has not presented a substantial hardship in the view of the board. Dr. Kepley
14 seconded the motion. Motion passes unanimously.

15
16 **XII. DECLARATORY STATEMENT – Nova Southeastern University**
17 Counsel for the declaratory statement is Jamie Gulman and she presented the request to the board. The
18 declaratory statement is for the screening of school children and adults at health fairs. The Nova
19 Southeastern is seeking to find if their screening falls under Rule 64B13-3.007, F.A.C. After further
20 discussion Dr. Spear motioned to affirm positively to the declaratory statement as presented, Dr. Maule
21 seconded the motion. Motion passes unanimously.

22
23 **V. CONTINUING EDUCATION**
24 Continuing education course presented by Reed Elsevier/Vision Council of America: (Cataract
25 Comanagement) Course #20-556276 was presented for retroactive approval of Transcript Quality (TQ).
26 The course was presented after it was taught but must be presented for review before teaching the
27 course. After review and discussion of the information, Dr. Maule motioned for denial because the
28 course was presented for approval retroactively after the offering of the course. Dr. Spear seconded it.
29 Motion passes unanimously.

30
31 Continuing education course presented by Charles Gremillion “Weird Retina” Course #20-521241. After
32 review and discussion of the information, Dr. King motioned to approve the course for TQ, Dr. Spear
33 seconded the motion. Motion passes unanimously.

34
35 Continuing education course Richard Palmer “The History of Medical Benefits of Beer” Course #20-
36 556556 was motioned by Dr. Kepley for denial and seconded by Dr. King because the course has nothing
37 to do with treating the eye. Motion passes unanimously.

38
39 **VI. RATIFICATION LIST**
40 Licensure – motion to ratify by Dr. Maule, seconded by Dr. King, motion passes unanimously.
41 Faculty list – motion to ratify by Dr. Spear, seconded by Dr. Maule, motion passes unanimously.

42
43 **VIII. CHAIR/VICE CHAIR REPORT**
44 Nothing to report

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

IX. EXECUTIVE DIRECTOR’S REPORT

Dr. Spivey reminded the board of the chair/vice chair meeting and the healthiest weight meeting in September. Additionally, Dr. Spivey informed the financial disclosure statement requirement deadline was nearing. All members noted they had completed their filing status.

X. BOARD COUNSEL REPORT

Board counsel asked that Dr. Kaplan have delegated authority to sign the annual regulatory plan when complete. Dr. Spear motion to approve the delegation and Dr. Maule seconded the motion. Motion passes unanimously.

Ms. Guillemete provided a rules report to the board for review to include having the board approve the changes to the application presented by JAPC. Motion to approve made by Dr. King, seconded by Dr. Maule. Dr. Kaplan discussed with the board Rule 64B13-3.003 Patient Records. The discussion revolved around rather the time-period for keeping records should be changed. After discussion with the board, it was decided not to change the rule at this time.

As part of the board counsel report the discussion of the drug Xiidra (liftegrast ophthalmic solution 5%) for dry eye was presented by Dr. Reed for approval to add the drug to the formulary. Dr. Spear recused himself from discussion because of a financial conflict. After discussion of the information the board voted to approve adding the drug to the formulary but with the stipulation that no Florida optometrist can prescribe the drug until the rule has passed. The board requested a notice be posted on the website notifying licensed optometrists of this information. Dr. Kepley motioned to pass the request to add Xiidra [5%] to the formulary and Dr Maule seconded it. Motion passes.

XI. COMMITTEE REPORTS

- a. Budget – Dr. Kepley – no report
- b. Continuing Education – Dr. Maule – report provided earlier in meeting.
- c. Complaints, Investigation, and Enforcement Liaison – Dr. Kaplan – no report
- d. Disciplinary Compliance – Dr. Kaplan – no report
- e. Examination – Dr. King – Dr. King mention that Dr. Sue Terry is not receiving rule changes relative rule examination changes. Ms. Guillemete’s para-legal will start sending the notifications to Dr. Terry.
- f. FOA – Dr. Kaplan – no report
- g. Healthiest Weight – Dr. King - no report
- h. Legislative – Dr. Kaplan – Dr. mentioned the telemedicine was approved by the legislature
- i. Probable Cause - Dr. Spear – there is renewed activity in prosecuting cases
- j. Probationary – Dr. Kaplan – no report
- k. Rules – Dr. Kaplan - no report
- l. Unlicensed Activity – Dr. Kaplan – no report

XIII. OLD BUSINESS -none

XIV. NEW BUSINESS - none

1
2
3
4
5
6
7
8
9

XV. NEXT MEETING DATE – OCT 14, 2016 – Orlando

XVI. ADJOURNMENT – Meeting adjourned at 1:48PM