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**FLORIDA | Board of Optometry**

DRAFT MINUTES  
August 21, 2017

Teleconference  
Department of Health  
4042 Bald Cypress Way  
Tallahassee, FL 32399-3257



Stuart Kaplan, O.D.  
**Chair**

Carl Spear, O.D.  
**Vice-Chair**

Anthony Spivey, DBA  
**Executive Director**

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46 The Florida Board of Optometry held a meeting on Monday, August 21, 2017, commencing at  
47 12:02 p.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way,  
48 Tallahassee, Florida, at meet me number (888) 670-3525, participant code **7342425515**, to which  
49 all persons were invited to attend. Participants in this public meeting were made aware that these  
50 proceedings were recorded and that an audio file of the meeting will be posted to the board's  
51 website.

52 AGENDA

53  
54 **General Board Business started: 12:02 p.m.**  
55

56  
57 **I. CALL TO ORDER (Roll Call):**  
58

59 **Board Members Present:**

60 Stuart Kaplan, O.D., Chair  
61 Carl Spear, O.D., Vice-Chair  
62 Stephen Kepley, O.D.  
63 Christopher King, O.D., F.A.A.O.  
64 Tamara Maule, O.D. (excused absence)  
65 John Griffin, J.D.  
66 Lucille Turner, J.D.  
67

68 **Board Staff Present:**

69 Anthony Spivey, DBA, Executive Director  
70 Gail Curry, Program Operations Administrator  
71 Brandi May, Regulatory Supervisor  
72 Kelly Woodard, Regulatory Specialist II  
73 Alisha Mughal, Regulatory Specialist II  
74 Nicole Wiley, Regulatory Specialist II  
75

76 **Board Counsel:**

77 Lawrence Harris, Assistant Attorney General  
78 Cassandra Fullove, Paralegal  
79

80 **Other Attendees:**

81 Dr. David Loshin, Nova Southeastern  
82 Leonard Carson, FOA General Counsel  
83 Virginia Dailey, Attorney for Nova Southeastern  
84

85 **Court Reporter:**

86 For the Record  
87 (850) 222-5491  
88  
89  
90  
91

92 Section II began: 12:04 p.m.  
93  
94

95 **II. RULES**  
96

97 **A. Language Considered at the August 7, 2017 meeting**  
98

99 i. Board Counsel Suggestions  
100

101 ii. NSU Proposed Language  
102

103 Nova Southeastern objects to the proposed language. Ms. Dailey said Nova  
104 Southeastern will be seeking a petition for variance before the board for the  
105 upcoming 2018 graduating class.  
106

107 iii. Harris/NSU Consensus Language  
108

109 **B. Board Counsel Revised Proposed Language**  
110

111 **i. 64B13-4.001**  
112

113 Mr. Harris stated he had tried to mirror the 2013 language used for the state practical  
114 exam. Each skill will be assigned equal relative weights.  
115

116 Discussion ensued.  
117

118 **Action:** The motion was to amend 64B13-4.001 and 64B13-4.004 using the language in  
119 Section B of the agenda which was titled Revised Proposed Language but with two  
120 modifications. One was to remove the percentages and simply state that the skills will be  
121 equally weighted in 64B13-4.002(1)(d) 2. The other modification was to replace a section  
122 of 64B13-4.004(2) using paragraph 5 of agenda item C which was labeled FOA Proposed  
123 Amendments made by Ms. Turner. Second by Dr. King.  
124

125 **Discussion:** The Florida practical exam is going to be the following parts:  
126 Biomicroscopy, Binocular Indirect Ophthalmoscopy, Dilated Biomicroscopy and  
127 Non-contact fundus lens exam. This exam will be a separate entity for the board's grading  
128 purposes. The passing score will be 75%. The NBEO will not determine the passing score.  
129 Essentially, there will be two exams to take place at the same time. The NBEO's current  
130 passing score is 70%. Mr. Harris stated the board has the right to determine their practical  
131 exam's scores.  
132

133 **Vote:** 6 yeas / 0 opposed. Motion carried.  
134

135 Mr. Harris discussed the SERC Rule to the board. Would the proposed language have an  
136 adverse impact on small business or be likely to increase regulatory costs in excess of  
137 \$200,000 to any entity including the government within 1-year of implementation?  
138

139 **Action:** Motion the proposed language would not have any impact made by Dr. Spear.  
140 Second by Dr. Kepley.

141 **Vote:** 6 yeas/ 0 opposed. Motion carried.

142  
143 Will the proposed language increase costs to any entity including the government in  
144 excess of \$1,000,000.00 dollars within five years of the date of implementation of the last  
145 provision of this rule.

146  
147 **Action:** Motion this will not increase costs in excess of one-million dollars within five  
148 years of the date of implementation made by Dr. Kepley. Second by Ms. Turner.

149  
150 **Vote:** 6 yeas / 0 opposed. Motion carried.

151  
152 Mr. Harris asked does a violation of the rule or any part thereof could be designated as a  
153 minor violation for which a notice of non-compliance could be issue?

154  
155 **Action:** Motion this does not constitute a minor violation made by Mr. Griffin. Second by  
156 Dr. Kepley.

157  
158 **Vote:** 6 yeas / 0 opposed. Motion carried.

159  
160 **C. Carson/FOA Suggested Revisions**

161  
162 **D. Application for Licensure**

163  
164 No changes will be made how applications are currently processed within the board office  
165 until this new rule takes effect. The current process will stay in place requiring all four  
166 parts of the examination to be passed after the application is made. Once the new rule goes  
167 into place, Part I will no longer be required for the application. Instead, it would be a  
168 condition of being a graduate of an approved college of optometry. Prometric being the  
169 testing vendor on the current application is incorrect and will be deleted. Mr. Griffin  
170 made some suggested language changes in the application.

171  
172 **Action:** Motion to approve the changes put forth in the application made by Ms. Turner.  
173 Second by Dr. King.

174  
175 **Vote:** 6 yeas / 0 opposed. Motion carried.

176  
177 Would the language being changed in the application create an adverse impact on small  
178 business or increase costs to any entity including the government in excess of  
179 \$200,000 dollars within 1-year of implementation?

180  
181 **Action:** Motion this will not increase costs made by Mr. Griffin. Second by Ms. Turner.

182  
183 **Vote:** 6 yeas / opposed. Motion carried.

184  
185 Would the amended language in the revised application increase regulatory costs in excess

186 of \$1,000,000 dollars within 5 years of the last portion of the form to be implemented?

187  
188 **Action:** Motion the amended language would not increase regulatory costs made by Dr.  
189 Spear. Second by Ms. Turner.

190  
191 **Vote:** 6 yeas / 0 opposed. Motion carried.

192  
193 Should a violation of any part of this rule be designated as a minor violation that could be  
194 resolved through an issuance of a notice of non-compliance?

195  
196 **Action:** Motion this does not constitute a minor violation made by Dr. Kepley. Second by  
197 Mr. Turner.

198  
199 **Vote:** 6 yeas / 0 opposed. Motion carried.

200  
201 **III. ADJOURNMENT**

202  
203 **Meeting adjourned at 12:58 p.m.**

204