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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

Tamara Maule, 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 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:** Motion to accept the proposed amendments with the changes to paragraph 5 and
119 to the weighted percentages of 64B13-4.001 as described made by Ms. Turner. Second by
120 Dr. King.
121

122 **Vote:** 6 yeas / 0 opposed. Motion carried.
123

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

131 **Action:** Motion to approve the language in the two rules 64B13-4.001 and 64B13.4004
132 made by Dr. Kaplan.
133

134 **Vote:** 6 yeas / 0 opposed. Motion carried.
135

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

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

Vote: 6 yeas/ 0 opposed. Motion carried.

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

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

Vote: 6 yeas / 0 opposed. Motion carried.

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

Action: Motion this does not constitute a violation made by Mr. Griffin. Second by Dr. Kepley.

Vote: 6 yeas / 0 opposed. Motion carried.

C. Carson/FOA Suggested Revisions

D. Application for Licensure

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

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

Vote: 6 yeas / 0 opposed. Motion carried.

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

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

Vote: 6 yeas / opposed. Motion carried.

186 Would the amended language in the revised application increase regulatory costs in excess
187 of \$1,000,000 dollars within 5 years of the last portion of the form to be implemented?
188

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

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

193
194 Should a violation of any part of this rule be designated as a minor violation that could be
195 resolved through an issuance of a notice of non-compliance?
196

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

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

201
202 **III. ADJOURNMENT**

203 **Meeting adjourned at 12:58 p.m.**
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205