

FLORIDA | Board of Optometry

MINUTES
September 11, 2014

Telephone Conference Call



Timothy Underhill, OD
Chair

Stuart Kaplan, OD
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

1 **General Board Business started: 12:32 p.m.**

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

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5 **MEMBERS PRESENT:**

6 Timothy Underhill, OD Chair
7 Stuart Kaplan, OD, Vice Chair
8 Terrance Naberhaus, OD
9 Tamara Maule, OD
10 Rosa McNaughton, JD, MS

11 **STAFF PRESENT:**

Adrienne Rodgers, BSN, JD, Executive Director
Jose Montalvan, Regulatory Supervisor/Consultant

12 **MEMBERS EXCUSED:**

13 Christopher King, OD

14 **BOARD COUNSEL:**

15 Lawrence Harris, Assistant Attorney General
16 Office of Attorney General

17 **COURT REPORTER:**

18 For the Record
19 (850) 222-5491

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

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26 **I. PETITION FOR DECLARATORY STATEMENT**

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28 **1. Final order of petition for declaratory statement**

- 29 a. Kimberly Reed, O.D., F.A.A.O-Section 463.002(7), Florida Statutes.
30 Dr. Reed was not present or not represented by counsel.
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34 The Petitioner's Petition for Declaratory Statement regarding the use of ProKera was presented to the Board on July 23,
35 2014 and Board members requested to have a telephonic board meeting for the purpose of reviewing the final order
36 prior to filing.

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38 Motion that a final order on petition for declaratory statement, with modifications to the opening paragraph as
39 recommended by Ms. McNaughton and to paragraph 6 as recommended by Dr. Kaplan, be issued by the Board
40 approving the use of ProKera since the petition does meet section 120.465(2), F.S., is not surgery, and does not violate
41 section 463.014(4), F.S. made by was made by Dr. Kaplan seconded by Dr. Maule.
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43 Vote: 5 yeas / 0 opposed; motion carried
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46 The meeting was adjourned at 12:48 p.m.