

FLORIDA | Board of Optometry

MINUTES
December 9, 2014

Telephone Conference Call



Timothy Underhill, OD
Chair

Stuart Kaplan, OD
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

1 **General Board Business started: 12:33 p.m.**
2

3 I. The meeting was called to order by Dr. Underhill, Chair. Those present for all or part of the meeting included the following:
4

5 **MEMBERS PRESENT:**

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

STAFF PRESENT:

Adrienne Rodgers, BSN, JD, Executive Director
Keri Meany, Regulatory Specialist II

11
12 **BOARD COUNSEL:**

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

16 **COURT REPORTER:**

17 For the Record
18 (850) 222-5491
19

20 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
21 *this meeting can be found online: <http://floridasoptometry.gov/>*
22
23

24 **II. PETITION FOR VARIANCE/WAIVER**

25
26 **1. JMI – Review of 9 Optometry Continuing Education courses; Rule 64B13-5.002(3)(c), F.A.C.**

27 Regina Combs and Dr. Paul Karpeke were present on behalf of the Petitioner.
28

29 Ms. Combs stated she was given incorrect information by CE Broker regarding how to apply for transcript quality
30 (“TQ”) credit for the courses. She was told to submit the application in the usual way. However, she did not use the term
31 “transcript quality” or “TQ” when describing the courses to CE Broker; instead she called the courses “CEE”, which is
32 the term used when filing for approval with the national association but not used in Florida. JMI is the CE Broker
33 provider for the courses.
34

35 The Board asked Ms. Guillemette about the legal requirements for granting a Petition for Variance/Waiver and Ms.
36 Guillemette stated the requirements of the statute. The Board discussed whether grounds existed to grant the petition and
37 determined that the application did not designate TQ hours, the attendees still had time to complete TQ courses before
38 renewal, and the petitioner did not advertise the courses as “TQ” only as “CEE.”
39

40 Motion to deny the Petition for Variance/Waiver based on Petitioner’s failure to demonstrate compliance with the rule,
41 and failure to demonstrate that the purpose of the underlying statute has been achieved by other means and application of
42 a rule would create a substantial hardship or would violate principles of fairness.
43

44 Vote: 6 yeas / 0 opposed; motion carried

45 **2. Nikolaos Zagorianos: Rule 64B13-4.001(2), F.A.C.**

46 Petitioner was present and was not represented by counsel.
47

48 Ms. Guillemette stated she did not find the application met the standards required in statute. The Board asked the
49 Petitioner if the matter had been resolved with the NBE, to which he replied it had and he did not receive a passing
50 grade.
51

52 Motion to deny the Petition was made based on the Petition not meeting statutory requirements.

53 Vote: 6 yeas / 0 opposed; motion carried
54

55 **General Business concluded at 12:55 p.m.**

56 **The meeting was adjourned at 12:55 p.m.**
57