

1 The Florida Board of Optometry held a meeting on Monday, August 7, 2017, commencing at 12:00 p.m.
2 This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida, at
3 meet me number (888) 670-3525, participant code **7342425515**, to which all persons were invited to
4 attend. Participants in this public meeting were aware that these proceedings were being recorded and that
5 an audio file of the meeting will be posted to the board's website.

6 **AGENDA**

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8 **I. CALL TO ORDER (Roll Call):**

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10 **Board Members Present:**

11 Stuart Kaplan, O.D., Chair
12 Carl Spear, O.D., Vice-Chair
13 Stephen Kepley, O.D.
14 Christopher King, O.D., F.A.A.O.
15 Tamara Maule, O.D.
16 John Griffin, J.D.
17 Lucille Turner, J.D.

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19 **Board Staff Present:**

20 Anthony Spivey, DBA, Executive Director
21 Gail Curry, Program Operations Administrator
22 Brandi May, Regulatory Supervisor
23 Nicole Wiley, Regulatory Specialist II
24 Alisha Mughal, Regulatory Specialist II
25 Kelly Woodard, Regulatory Specialist II
26 Keri Meany, Regulatory Specialist II

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28 **Board Counsel:**

29 Lawrence Harris, Assistant Attorney General

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31 **Other Attendees:**

32 Dr. David Loshin, Nova Southeastern
33 Dr. Peterson, Optometric Association
34 Leonard Carson, FOA General Counsel
35 Virginia Dailey, Attorney for Nova Southeastern
36 Angela Gonzalez, Attorney for Nova Southeaster

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38 **Court Reporter:**

39 For the Record
40 (850) 222-5491

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42 **II. RULES**

43 **A. Board Counsel Suggested Amendments**

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45 **i. 64B13-4.001**

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47 Mr. Harris discussed the proposed changes in the sample application with the revisions being
48 proposed by the board. Mr. Harris spoke about the possibilities of changing the way the exam was
49 administered. Mr. Harris discussed different theories about a future Florida practical exam.

50 Mr. Carson was concerned the board did not have the authority to set a score for a Florida
51 practical exam. Mr. Harris reiterated the more the future exam was in line with the statute,
52 the less likely for a rule challenge. Dr. Kepley was concerned about Section II regarding the
53 NBEO determining a passing score. Ms. Dailey, attorney for Nova Southeastern gave comments.
54 The board would like all parts of the exam passed by applicants to avoid future petitions for
55 variance. The current dilemma is trying to require already being graduated from an approved
56 school before being able to take the exam. Mr. Harris stated that a state exam is not feasible due
57 to cost and time prohibitions. Ms. Dailey agreed with Mr. Harris and Mr. Carson but pointed
58 out it does not help the current students. Ms. Dailey requested the board provide some type of
59 exemption for current students. The concern about exam exemptions is the possibility of
60 consequences of going against the statute and the way it is currently written. Ultimately, the route
61 to achieve this will be thru legislative means. The legislature will not be an option until next year.
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63 **Action:** Motion made to get further clarification on 4.001 but we are in general agreement to the
64 proposed revisions made by Dr. King. Second by Dr. Kepley.

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66 **ii. 64B13-4.004**
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68 Dr. Spivey requested the board's advice for processing any current applications. It was agreed not
69 to pursue 4.004 until 4.001 had been resolved.
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71 **Action:** Motion not to open up to discussion 4.004 until 4.001 has been resolved made by Dr.
72 King. Second by Dr. Kepley.
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74 Dr. King did reiterate that the board did decide to move forward to eliminate Part I of the
75 examination as part of the current requirements. Proof of passing Part I of the exam is proof of
76 graduating from an approved school.
77

78 **Action:** Motion for further revision and clarification for the consensus version of 4.004 to include
79 references to Part I and the schools but not include the portions that address examination before
80 graduation specifically made by Dr. King. Second by Ms. Turner.
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82 **Vote:** 6 yeas / 0 opposed. Motion carried.
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84 The next meeting will be scheduled for April 21, 2017.
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86 The board office is currently processing applications as instructed by the board to require all parts
87 of the examination be passed after making application with the state.
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89 **B. Proposed Language from NSU**
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91 **i. 64B13-4**
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93 **C. Board Counsel and NSU Consensus Rule Amendment Language**
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95 **i. 64B13-4**
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97 **III. APPLICATION FOR LICENSURE AS CERTIFIED OPTOMETRIST**
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99 **A. Board Counsel/Staff Suggested Amendments**

100 B. NSU Proposed Revisions

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102 **IV. ADJOURNMENT**

103 **Action:** Motion to adjourn made by Ms. Turner. Second by Dr. King.

104 Adjourned at 1:41 p.m.

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