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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