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FLORIDA | Board of Optometry
Probable Cause Panel

Minutes
August 2, 2018

Conference Call
Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399



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Katie Spear, OD, **Chairperson**
Gail Curry, **Program Operations Administrator**
Kelly Woodard, **Regulatory Supervisor**

29 Conference Call started at 9:00 a.m.

30 This meeting was called to order by Dr. Katie Spear. Those present for the meeting
31 include all of the following:

32 **Members present:**

33 Katie Spear, OD
34 Timothy Underhill, OD
35

Staff Present:

Kelly Woodard, Regulatory Supervisor

36 **Board Counsel:**

37 Lawrence Harris, Assistant Attorney General
38 Office of Attorney General
39

40 **Prosecution Counsel:**

41 Rose Garrison, Assistant General Counsel
42 Kimberly Marshall, Assistant General Counsel
43

44 **Court Reporter:**

45 For the Record
46 (850) 222-5491
47

48 *Please note the minutes reflect the actual order agenda items were discussed and may*
49 *differ from the agenda outline. AUDIO from this meeting can be found online:*

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51 <http://floridasoptometry.gov/meeting-information/past-meetings/>
52

53 Reconsiderations started at 9:03 a.m.
54

55 **R-01 Brenda Wainwright, OD**
56

57 Dr. Wainwright was present on the call and was represented by legal representation.
58 Ms. Rose Garrison presented case number 2013-16927. An Administrative complaint
59 was filed alleging that the respondent failed to perform dilation on a patient during a
60 comprehensive eye examination. Upon the department's investigation, it was
61 determined that the Respondent was not in violation due to having performed dilation on
62 the patient on initial visit within the past 3 years. Dr. Underhill discussed his concerns
63 with Dr. Wainwright. The department requested that the case be dismissed.
64

65 **Board action:** Motion to dismiss the case against Brenda Wainwright made by Dr.
66 Underhill. Second made by Dr. Spear.
67

68 Vote: 2 yeas / 0 opposed; motion carried.
69
70

71 **R-02 Albert Evans, OD**
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73 Dr. Evans was not present on the call, nor was represented by legal representation.

74 Ms. Kimberly Marshall presented case number 2012-15585. An Administrative
75 complaint was filed alleging false advertisement in which probable cause was found
76 (Count 1). Upon the department's investigation, it was determined that Dr. Evans was
77 also in violation of multiple statutes including insurance billing for services not rendered
78 (Count 2).

79
80 **Board action:** Motion to find probable cause on the Count 2 and direct the filing of an
81 amended administrative complaint against Albert Evans made by Dr. Underhill. Second
82 made by Dr. Spear.

83
84 Vote: 2 yeas / 0 opposed; motion carried.

85
86 Reconsiderations concluded at 9:30 a.m.

87
88 The public portion of the meeting was adjourned at 9:30 a.m.