

FLORIDA | Board of Optometry

OFFICIAL MINUTES

April 3, 2020

Department of Health
4042 Bald Cypress Way
Tallahassee, Florida, 32399



Stuart Kaplan, O.D., *Chair*
Stephen Kepley, O.D., *Vice-Chair*
Anthony Spivey, DBA, *Executive Director*

The Florida Board of Optometry will hold a meeting on Friday, April 3, 2020, commencing at 9:00 a.m., or shortly thereafter. This meeting will be held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida at meet me number (888) 585-9008, participant code 136-103-141, to which all persons are invited to attend. Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

AGENDA

Section I began: 9:00 a.m.

I. CALL TO ORDER (Roll Call):

Stuart Kaplan, O.D., Chair
Stephen Kepley, O.D., Vice Chair
Katie Spear, O.D.
David Rouse, O.D.,
John Griffin, J.D.
Denise Burns-Legros, O.D.
Mary L. Atkins

Board Staff Present:

Dr. Anthony Spivey, DBA, Executive Director
Gail Curry, Program Operations Administrator
Kelly Woodard, Regulatory Supervisor
Alisha Mughal, Regulatory Specialist
Keri Kilgore, Regulatory Specialist

Board Counsel:

Deborah Loucks, Assistant Attorney General

Court Reporter:

For the Record
850-222-5491

Section II began: 9:01 a.m.

II. APPROVAL OF MINUTES:

i. January 17, 2020

Mr. Griffin requested corrections to the meeting minutes (Line 48, Lines 145-146, Lines 332-341. At the direction of Dr. Kaplan, consideration of approval of the minutes was postponed.

Section III began: 9:03 a.m.

40 **III. PROSECUTION REPORT:**

- 41
42 i. Prosecution Report (Year Old Report)
43 ii. Prosecution Report
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45 **Action:** Motion to continue prosecuting cases older than one year made by Dr. Rouse.
46 Second made by Dr. Kepley.
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48 **Vote:** 5 yeas / 0 opposed. Motion carried.
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50 **Section IV began: 9:03 a.m.**
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52 **IV. NBEO PRESENTATION:**

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54 **i. Jill Bryant, OD, MPH, FAAO, FSLs Executive Director**
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56 Ms. Bryant was not present. Dr. Kepley referred to the last meeting regarding evaluation of
57 testing protocols that may require an “in the shade” meeting. Dr. Spivey announced that
58 some of the items in the presentation were confidential and that the information would be
59 deferred.
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61 **Section V began: 9:05 a.m.**
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63 **V. PETITION FOR WAIVER/VARIANCE:**

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65 **i. Carl L. Ritch**
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67 **Action:** Motion to approve the petition made by Dr. Kepley. Second made by Dr.
68 Rouse.
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70 **Vote:** 5 yeas / 2 opposed. Motion carried.
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- 72 **ii. Nikita S. Jaber**
73

74 **Action:** Motion to approve the petition made by Mr. Griffin. Second made by Dr.
75 Kepley.
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77 **Vote:** 5 yeas / 2 opposed. Motion carried.
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- 79 **iii. Megan DeMartino**
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81 **Action:** Motion to approve the petition made by Dr. Rouse. Second made by Dr. Kepley.
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83 **Vote:** 5 yeas / 2 opposed. Motion carried.
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- 85 **iv. Ian A. Bellard**
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87 **Action:** Motion to approve the petition made by Dr. Kepley. Second made by Mr. Griffin.
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89 **Vote:** 5 yeas / 2 opposed. Motion carried.
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v. Jessica Doyle

Action: Motion to approve the petition made by Mr. Griffin. Second made by Dr. Kepley.

Vote: 6 yeas / 1 opposed. Motion carried.

vi. Zoran Mihajlovic

Action: Motion to approve the petition made by Dr. Rouse. Second made by Mr. Griffin.

Vote: 5 yeas / 2 opposed. Motion carried.

vii. Flana R. Levando

Action: Dr. Levando withdrew her petition as she met the qualifications for licensure.

viii. Sallekh Shakya

Action: Motion to approve the petition made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 6 yeas / 0 opposed. Motion carried.

ix. Blake Zippi

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Kepley.

Vote: 6 yeas / 0 opposed. Motion carried. Dr. Burns-Legros recused.

x. Janna Parramore

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Kepley.

Vote: 7 yeas / 0 opposed. Motion carried.

xi. Buck Dunn

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Kepley.

Vote: 5 yeas / 2 opposed. Motion carried.

xii. Mark Cimini

Action: Motion to approve the petition made by Dr. Rouse. Second made by Mr. Griffin.

Vote: 4 yeas / 3 opposed. Motion carried.

xiii. Maria Martinez

Action: Motion to approve the petition made by Dr. Rouse. Second made by Mr. Griffin.

Vote: 5 yeas / 2 opposed. Motion carried.

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xiv. Shirley Adriaola

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Kepley.

Vote: 7 yeas / 0 opposed. Motion carried.

xv. Andrew R. Gisel

Action: Motion to approve the petition made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 5 yeas / 2 opposed. Motion carried.

xvi. Agam Khanna

Action: Motion to deny the petition made by Dr. Kepley. Second made by Dr. Burns Legros.

Vote: 5 yeas / 2 opposed. Motion carried.

xvii. Brice Hsu

Action: Motion to approve the petition made by Dr. Rouse. Second made by Mr. Griffin.

Vote: 4 yeas / 3 opposed. Motion carried.

Section VI began: 11:06 a.m.

VI. PETITIONS WITH APPLICATIONS:

i. Karen Ottenheimer

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Spear.

Vote: 7 yeas / 0 opposed. Motion carried.

Action: Motion to approve the application for licensure made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 7 yeas / 0 opposed. Motion carried.

ii. Jacqueline Zapata

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Spear.

Vote: 7 yeas / 0 opposed. Motion carried.

Action: Motion to approve the application for licensure contingent upon verifying exam scores made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 7 yeas / 0 opposed. Motion carried.

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iii. Cristy Witt

Action: Motion to approve the petition made by Mr. Griffin. Second made by Dr. Rouse.

Vote: 5 yeas / 2 opposed. Motion carried.

Action: Motion to approve the application for licensure made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 5 yeas / 2 opposed. Motion carried.

iv. Max Sarver

Action: Motion to approve the petition made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 4 yeas / 3 opposed. Motion carried.

Action: Motion to approve the application for licensure contingent upon receipt of laws and rules examination made by Mr. Griffin. Second made by Dr. Kepley.

Vote: 4 yeas / 3 opposed. Motion carried.

v. Michael A. Slusky

Action: Motion to approve the petition made by Dr. Rouse. Second made by Mr. Griffin.

Vote: 7 yeas / 0 opposed. Motion carried.

Action: Motion to approve the application for licensure made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 7 yeas / 0 opposed. Motion carried.

vi. Stephanie Minerella

Action: Motion to approve the petition made by Dr. Rouse. Second made by Dr. Kepley.

Vote: 5 yeas / 2 opposed. Motion carried.

Action: No action taken on application as it is incomplete.

Section VII began: 12:56 p.m.

VII. NEW BUSINESS

i. COPE Notice

Dr. Spivey presented correspondence from The Council on Optometric Practitioner Education (COPE) for the board's review.

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ii. Human Trafficking Courses

i. William Peacock

Action: Motion to deny request made by Dr. Burns-Legros. Second made by Ms. Atkins.

Vote: 7 yeas / 0 opposed. Motion carried.

Action: Motion to allow board staff to accept one-hour human trafficking course as distance learning or live with approval by CE Chair made by Dr. Rouse. Second made by Dr. Kepley

Vote: 6 yeas / 1 opposed. Motion carried.

iii. Proposed 2021 Meeting Dates

Meeting dates were presented for the board’s review.

Section VIII began: 1:27 p.m.

VIII. RATIFICATION LIST:

a. Licensure

i. Optometrist

Action: Motion to ratify the approval of licensees made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 7 yeas / 0 opposed. Motion carried.

b. Continuing Education

- i. Report of Continuing Education Providers & Courses approved by Board Staff**
- ii. Report of Continuing Education Providers & Courses approved by CE Committee Chair**

Action: Motion to ratify the approval of providers and courses made by Dr. Kepley. Second made by Dr. Rouse.

Vote: 7 yeas / 0 opposed. Motion carried.

Section IX began: 1:31 p.m.

IX. CHAIR/VICE CHAIR REPORT:

Dr. Kaplan advised the board to complete the annual ethics report.

Section X began: 1:31 p.m.

X. EXECUTIVE DIRECTOR’S REPORT:

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Dr. Spivey discussed staffing and announced that information on COVID-19 will be posted on each board’s website.

Section XI began: 1:32 p.m.

XI. BOARD COUNSEL REPORT:

i. March Rules Report

Ms. Loucks presented the rules report.

ii. 64B13-3.010

Ms. Loucks asked that the board defer discussion on this rule until the July meeting.

Section XII began: 1:37 p.m.

XII. COMMITTEE REPORTS:

a. Budget – Dr. Kepley

Dr. Kepley reported that balances were healthy.

b. Continuing Education – Dr. Rouse

Nothing to report.

c. Complaints, Investigation, and Enforcement Liaison – Dr. Kaplan

Nothing to report.

d. Disciplinary Compliance – Dr. Kaplan

Nothing to report.

e. Examination – Dr. Kepley

Dr. Kaplan reported that Dr. Kepley will be obtaining more information for the next meeting.

f. FOA – Dr. Kaplan

Nothing to report.

g. Healthiest Weight –

Nothing to report.

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h. Legislative – Dr. Kaplan

Dr. Kaplan asked Dr. Burns-Legros to participate on this committee. Dr. Burns-Legros Agreed, and reported that the Legislative session had recently adjourned without passage of certain bills impacting the practice of Optometry.

i. Probable Cause - Dr. Spear

Nothing to report.

j. Probationary – Dr. Kaplan

Nothing to report.

k. Rules – Dr. Kaplan

Nothing to report.

l. Unlicensed Activity – Dr. Rouse

Nothing to report.

Section XIII began: 1:39 p.m.

XIII. OLD BUSINESS:

Mr. Griffin advised that he received correspondence from Dr. Smith asking for the board to reconsider online continuing education. Mr. Griffin asked Dr. Spivey to place the information on the next meeting agenda.

Section XIV began at 1:40 p.m.

XIV. NEXT MEETING DATE:

i. July 15, 2020

Section XV began: 1:42 p.m.

XV. PUBLIC COMMENTS:

Members of the public provided commentary on various topics such as scope of practice, continuing education, and upcoming conventions.

XVI. ADJOURNMENT:

Action: Motion to adjourn at 1:55 p.m. made by Dr. Burns-Legros. Second made by Dr. Kepley.