

# Florida Board of Optometry

## March 2021 Conference Call Draft Meeting Minutes

**March 26, 2021 at 9:00 A.M. EST**

**Meet Me #:**

888-585-9008

**Participation Code:**

136-103-141



**Stephen Kepley, OD  
Acting Chair**

**Anthony B. Spivey, DrBA  
Executive Director**

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### **Board Members:**

Stephen Kepley, O.D.- Acting Chair  
Katie Spear, O.D.  
David Rouse, O.D.  
Denise Burns-LeGros, O.D  
John Griffin, J.D.- Consumer  
Linville Atkins, J.D.- Consumer

### **Board Staff:**

Anthony B. Spivey, DrBA- Executive Director  
Dontavia Wilson, Program Operations Administrator

### **Board Counsel:**

Deborah Loucks, Senior Assistant Attorney General

### **Court Reporter:**

For the Record – (850) 222-5491

**Participants in this public meeting should be aware that these proceedings are being recorded. An audio file of the meeting will be posted on the Florida Board of Optometry website.**

**Please mute your telephone upon entering the meeting site to remove background noises. You will be recognized by the Chair when it is your turn to speak. Thank you in advance for following these instructions to ensure a smooth meeting process.**

### **Call to Order**

Dr. Anthony Spivey called the meeting to order at 9:00 am.

### **Roll Call**

Stephen Kepley, O.D.- Acting Chair  
Katie Spear, O.D.  
David Rouse, O.D.  
Denise Burns-LeGros, O.D.  
John Griffin, J.D.- Consumer  
Linville Atkins, J.D.- Consumer

### **Welcome**

Dr. Kepley welcomed the newly appointed board member (Dr. Robert Easton) and thanked Dr. Kaplan and Dr. Spivey for their service.

### **Approval of Minutes**

Mr. Griffin requested an edit to the January 8, 2021 minutes (changing “an” to “and” on page 7). Dr. Burns-LeGros made a motion to approve. Dr. Rouse seconded the motion and it passed unanimously.

### **Prosecutors Report**

Andrew Pietrylo the Allied Health Section Manager introduced himself. Kimberly Marshall stated the Prosecutor’s Report included in the agenda was prepared the last month. Ms. Marshall stated there are currently eight pending cases. Dr. Rouse made a motion to allow the

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Department of Health to continue to prosecute cases that are one year old or older. Dr. Burse-LeGros seconded the motion and it passed unanimously.

### Petition for Waiver / Variance

**Natalie Pelly- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and passed with Dr. Spear and Ms. Atkins in opposition.

**Anthony De Rougemont- Present.** Ms. Atkins made a motion to deny the petition for failing two parts of the examination and not meeting the underlying purpose of the statute. Dr. Rouse seconded the motion and passed unanimously.

**Caroline Zakhary- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed Dr. Spear and Ms. Atkins in opposition.

**Natalia Rodriguez- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Stacey Illikal- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Devin Speight- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Joshua Aldrin- Present.** Dr. Rouse made a motion to approve the candidate based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Christine Bui- Present.** Dr. Rouse made a motion to approve the candidate based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Shaun Holliday- Present.** Dr. Rouse made a motion to approve the candidate based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Emma A. Flor- Present.** Dr. Rouse made a motion to approve the candidate based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Sherry Sandri- Present.** Dr. Rouse made a motion to approve the candidate based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Ayeesha Patel- Present.** Dr. Spear made a motion to deny the petition for not meeting statutory requirements. Ms. Adkins seconded the motion and passed with Dr. Rouse in opposition.

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**Julian Prosia- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Kadra Hernandez- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Mona Patel- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Liset Rodriguez- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Lisa Litwak- Present.** *Dr. Spear recused herself due to a personal conflict.* Dr. Rouse made a motion to approve the candidate based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Ms. Atkins in opposition.

**Karin Lypka- Present.** Dr. Spear made a motion to approve the petition based on satisfaction of the statute. Mr. Atkins seconded the motion and it passed unanimously.

**Ashley Rossbach- Present with attorney David Davidson.** Ms. Rossbach requested to withdraw her petition. The Board approved the request.

**Crystal Postell- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Steven Adrien- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Shreya Bhandari- Present.** Dr. Rouse made a motion to approve the petition based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed with Dr. Spear and Ms. Atkins in opposition.

**Ava Koch- Present.** Ms. Atkins made a motion to deny for failure to meet statutory requirements. Dr. Spear seconded the motion and it passed unanimously.

### Petition with Application

**Gabriella Finger- Not Present.** Dr. Rouse made a motion to approve the petition for part three of the examination based on satisfaction of the statute. Mr. Griffin seconded the motion and it passed unanimously.

### Ratification

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**Bradley Smurr-** OPC2393- Dr. Smurr presented his case for allowing his completed CE. Dr. Rouse made a motion to deny the request based on the inability to satisfy the requirement of CE. Dr. Spear seconded the motion and it passed unanimously.

**Licensure-**

Optometrist- Dr. Spear made a motion to approve the ratification list. Dr. Rouse seconded the motion and it passed unanimously.

**Continuing Education-** Providers & Courses approved by CE Chair- Dr. Rouse made a motion to approve the ratification list. Dr. Spear seconded the motion and it passed unanimously.

**Human Trafficking**

Dr. Spivey gave report provided in the agenda. Dr. Kepley asked if they do not complete this will their license be suspended. Dr. Spivey answered and stated they can be disciplined or fined.

**Chair/Vice Chair Report**

None

**Executive Directors Report**

The board has a newly appointed member, Dr. Robert Easton. The board office will schedule a general meeting via conference call to discuss exam cut scores with the National Board of Examiners in Optometry.

Dr. Spivey introduced the new Executive Director, Christina McGinnis. She will start on April 23, 2021. He also announced the interim Executive Director is Janet Hartman.

Christina McGinnis introduced herself.

Dr. Rouse asked Dr. Spivey, "What is going to happen to the individuals that have not completed the human trafficking course?" Dr. Spivey replied, all licensee's will be referred to prosecution services who would be handling this matter.

**Board Counsel Report**

**64B13-18.002-** Ms. Loucks presented the drafted language with the corrections that Dr. Rouse made.

Dr. Rouse made a motion to approve the language with the corrections. Ms. Atkins seconded the motion. Motion passed unanimously.

Ms. Loucks asked, "*Will the proposed rule amendment have an adverse impact on the small business or be likely to directly or indirectly increase regulatory cost to any industry including government in excess of \$200,000 in the aggregate in Florida within one year of the implementation of the rule?*"

Dr. Rouse made a motion that the proposed rule amendment will not have an adverse impact. Dr. Spear seconded the motion and it passed unanimously.

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Ms. Loucks asked, “*Should a violation of this rule or any part of this rule be designated a minor violation?*”

Dr. Spear made a motion that no violation was necessary. Dr. Rouse seconded the motion and it passed unanimously.

Ms. Loucks asked, “*Do you want to include a sunset provision in this language?*”

Dr. Rouse made a motion to not add a sunset provision. Dr. Spear seconded the motion and it passed unanimously.

**March Rules Report-** Provided in agenda

### Committee Report

Dr. Kepley spoke about how Dr. Kaplan was no longer on the board and how the committee assignments will be reviewed at the next meeting.

### Old Business

None

### New Business

Dr. Spear thanked Dr. Kaplan for his years of service and leadership.

### Next Meeting Date

July 15, 2021- The Board asked if there was a way to move the meeting to Wednesday, July 14, 2021.

October Meeting- Dr. Spivey asked the Board to reschedule the October 15, 2021 meeting to October 1, 2021 or October 8, 2021 as the board office has a conflict. Ms. Loucks indicated that she is not available on October 8, 2021. The meeting is rescheduled for October 1, 2021.

### Public Comment

Dr. Kaplan participated in the meeting and wishes everyone well.

### Adjournment

Dr. Burns-LeGros made a motion to adjourn. The motion was seconded by Dr. Spear and it passed unanimously.

Meeting adjourned at 12:45 pm.