

Florida Board of Optometry

BOARD MEETING MINUTES

The Florida Board of Optometry will hold a board meeting Wednesday, July 14, 2021, commencing at 9:00 a.m. This meeting will be held at Embassy Suites, 3974 NW South River Drive, Miami, Florida 33142, 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.

Since discipline is not taking place at this meeting, continuing education credit cannot be received for attendance. See Rule 64B13-5.001 for additional details.



Stephen Kepley, OD
Chair

David Rouse, OD
Vice Chair

Christina McGinnis, MPH
Executive Director

BOARD MEMBERS

Stephen Kepley, OD, Chair
David Rouse, OD, Vice Chair
Katie Gilbert Spear, OD, JD, MPH
Denise Burns-LeGros, OD, FAAO
Robert Easton, Jr., OD, FAAO
John Griffin, Esquire, Consumer
Linville Atkins, Esquire, Consumer

BOARD STAFF

Christina McGinnis, MPH, Executive Director
Dontavia Wilson, Program Operations Administrator

BOARD COUNSEL

Deborah Loucks, Senior Assistant Attorney General

COURT REPORTER

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I) CALL TO ORDER

The meeting was called to order at 9:05 A.M.

- A. Roll Call
Stephen Kepley, OD, Chair- *Present*
David Rouse, OD, Vice Chair- *Present*
Katie Gilbert Spear, OD, JD, MPH- *Present*
Denise Burns-LeGros, OD, FAAO- *Present*
Robert Easton, Jr., OD, FAAO- *Present*
John Griffin, Esquire, Consumer- *Present*
Linville Atkins, Esquire, Consumer- *Present*

Board Staff

Christina McGinnis, MPH, Executive Director- *Present*
Dontavia Wilson, Program Operations Administrator- *Present*

Board Counsel

Deborah Loucks, Senior Assistant Attorney General- *Present*

- B. Welcome

II) SERVICE AWARDS

- A. Stuart Kaplan, O.D.- *Not present*. Dr. Kepley thanked him for his service and will provide his award to him personally.

III) APPROVAL OF MINUTES

- A) **March 26, 2021** – A motion was made by Dr. Rouse to approve the minutes as amended. Motion seconded by Dr. Easton. Motion passed unanimously.
- B) **May 12, 2021** – A motion was made by Dr. Spear to approve the minutes as amended. Motion seconded by Dr. Easton. Motion passed unanimously.
- C) **June 9, 2021** – A motion was made by Dr. Easton to approve the minutes as amended. Motion seconded by Ms. Atkins. Motion passed unanimously.

IV) PETITION FOR WAIVER/VARIANCE

A. 64B13-4.001: Examination Requirements

- 1) **Ashley Seymour, Not Present-** A motion was made by Dr. Rouse to approve based on satisfaction of the Statutes. Dr. Burns-LeGros seconded the motion with Dr. Easton, Dr. Spear and Ms. Atkins in opposition. Motion passed.
- 2) **Taylor Rotz, Not Present-** Represented by Dr. Patterson, Assistant Dean of Student Affairs at Nova Southeastern University. A motion was made by Dr. Rouse to approve, based on the satisfaction of Statutes. Dr. Burns-LeGros seconded. Motion failed. Dr. Spear, Dr. Easton, Mr. Griffin, and Ms. Atkins all in opposition.

Motion amended. Mr. Griffin made a motion to deny the petition on the grounds that it failed to demonstrate the satisfaction of the underlining purpose of the statutes. Dr. Easton seconded the motion with Dr. Rouse, Dr. Burns- LeGros in opposition. Motion passed.
- 3) **Anisa Patail, Present.** A motion was made by Mr. Griffin to approve. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, and Ms. Atkins in opposition. Motion passed.
- 4) **Matthew Thornton, Not Present.** Mr. Thornton was represented by Dr. Nicole Patterson, Assistant Dean of Student Affairs at Nova Southeastern University. A motion was made by Dr. Rouse to approve the petition based on satisfaction of the statute. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, Ms. Atkins in opposition. Motion passed.
- 5) **Erik Kelly, Present.** A motion was made by Dr. Rouse to approve based on the satisfaction of the statue. Dr. Burns-LeGros seconded the motion with Dr. Spear and Ms. Atkins in opposition. Motion passed.
- 6) **Samantha Kessler, Present.** A motion was made by Mr. Griffin to deny based on the grounds of failure to demonstrate the compliance in the purpose of the statute. Dr. Rouse seconded the motion with Dr. Burns-LeGros in opposition. Motion passed.
- 7) **Sarah Phen, Present. (Two Variances):**

TMOD- A motion was made by Dr. Spear to deny the petition for unsatisfaction of the statute. Dr. Easton seconded the motion and it passed unanimously.

Part III- A motion was made by Dr. Spear to deny for failure to satisfy statute. Ms. Atkins seconded the motion with Dr. Burns-LeGros and Mr. Griffin in opposition. Motion passed.
- 8) **Danielle Dramen, Present.** A motion was made by Dr. Burns-LeGros to approve the petition. Dr. Rouse seconded the motion with Dr. Easton in opposition. Motion passed.
- 9) **O'Malley Bosanic, Present.** A motion was made by Dr. Rouse to approve the petition based on the satisfaction of the statute. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, and Ms. Atkins in opposition. Motion passed.
- 10) **Francisco Baglieri, Present.** A motion was made by Dr. Rouse to approve the

petition based on satisfaction of the statute. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, and Ms. Atkins in opposition. Motion passed.

- 11) **Jeffrey Newland**, *Not present*. Dr. Newland was represented by Dr. Nicole Patterson, Assistant Dean of Student Affairs at Nova Southeastern University. A motion was made by Dr. Rouse to approve the petition based on satisfaction of the statute. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, and Ms. Atkins in opposition. Motion passed.
- 12) **Tasnim Noor**, *Present*. A motion was made by Dr. Rouse to approve the petition. Dr. Burns-LeGros seconded the motion and it passed unanimously.
- 13) **Alejandra Canas**, *Present*. Applicant requested to withdraw petition. Board advised her to withdraw her application and reapply. Withdrawal accepted by board.
- 14) **Romanda Detrios**, *Present*. A motion was made by Mr. Griffin to deny the petition. Ms. Atkins seconded the motion and it passed unanimously.

Recess: 10:55 A.M.- 11:05 A.M.

- 15) **Reconsideration: Alejandra Canas**, *Present*. Requested the board to reconsider her petition. She will take her part II in December and withdraw her application but would like to receive a motion on her petition.

A motion was made by Mr. Griffin to grant the petition (Part III) based upon the underlying satisfaction of the statute, however, it's a temporary waiver and will expire April 2022. If Part II has not been passed by this time the waiver on part III cannot be relied upon. Dr. Easton seconded the motion and it passed unanimously.

- 16) **Leslie Somohano**, *Present*. A motion was made by Dr. Spear to grant the petition based on satisfaction of the statute. Ms. Atkins seconded the motion and it passed unanimously.
- 17) **Neil Patel**, *Present*. A motion was made by Dr. Rouse motion to approve based on satisfaction of the statute. Ms. Atkins seconded the motion with Dr. Easton in opposition. Motion passed.
- 18) **Tina Thomas**, *Present*. A motion was made by Dr. Rouse to approve based on satisfaction of the statute. Mr. Griffin seconded the motion with Dr. Spear and Ms. Atkins in opposition. Motion passed.
- 19) **Raazia Syedda**, *Not present*. A motion was made by Dr. Rouse to approve the petition. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, Mr. Griffin, Dr. Kepley, and Ms. Atkins in opposition. Motion failed.

Motion amended. A motion was made by Ms. Atkins to deny for failure to comply with the underlying statute. Dr. Easton seconded with Dr. Rouse and Dr. Burns-LeGros in opposition. Motion passed.

- 20) **Alexia Clark**, *Not present*. A motion was made by Dr. Rouse to approve the petition. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, and Ms. Atkins in opposition. Motion passed.

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- 21) **Janet Mathew, Present.** A motion was made by Dr. Rouse to approve based on satisfaction of the statute. Dr. Burns-LeGros seconded the motion with Dr. Spear, Dr. Easton, Mr. Griffin and Dr. Kepley in opposition. Motion failed.

Motion amended. A motion was made by Dr. Spear to deny due to failure to comply with statute. Dr. Easton seconded the motion with Dr. Burns-LeGros and Dr. Rouse in opposition. Motion passed.

V) FLORIDA ATTORNEY GENERAL'S OFFICE: ANTI-TRUST PRESENTATION

- A. Ed Tellechea (Chief, Administrative Law Bureau at Florida Office of the Attorney General) and Elizabeth Brady (Chief, Multistate Antitrust Enforcement, Antitrust Division at Florida Office of the Attorney General) provided a presentation on anti-trust.

Recess: 1:00 P.M.- 2:00 P.M.

VI) NATIONAL BOARD EXAMINERS IN OPTOMETRY (NBEO) UPDATE

NBEO sent an updated contract to the department on June 24, 2021 and made the Department aware of a separate agreement of which other states are offered as well (the Online State Law Exam (OSLE) agreement). Currently, the Department is waiting on the final format for exam scores as well as the OSLE agreement.

Dr. Kepley and Ms. McGinnis had a meeting with the Association of Regulatory Boards of Optometry (ARBO) and suggestions and offers were made that included a board member to travel to NBEO's site to National Board Exam Review Committee (NBERC) to be a part of the process and resolve any issue(s) that there may be within the exam. Dr. Rouse is able to attend this October 2021 meeting.

Discussion ensued regarding the scores being received to the Department.

VII) EXAMINATION AND APPLICATION FOR LICENSURE RULES

- A) **64B13-4.001: Examination Requirements-** Discussed and reviewed by Board.
B) **64B13-4.002: Reexamination-** Discussed and reviewed by Ms. Loucks.
64B13-4.005: Criteria for Selection of Consultants- Discussed by Ms. Loucks and Ms. McGinnis. Discussion ensued. Recommendations from the Board were requested, to be voted on at an additional board meeting. Dr. Easton will locate consultants in the field and provide to Ms. McGinnis.
C) **64B13-4.006: Security and Monitoring Procedures for Licensure Examination-** Reviewed and discussed by Ms. Loucks.

VIII) PROSECUTOR REPORT

A motion was made by Dr. Rouse to allow the Department to continue to process the year and older cases. Currently, there are 4 open cases. Dr. Easton seconded the motion. Motion passed unanimously.

IX) CHAIR/VICE CHAIR REPORT

None

X) EXECUTIVE DIRECTOR REPORT

- A) **Proposed 2022 Meeting Dates-** Ms. McGinnis reviewed the tentative 2022 meeting schedule. Discussion ensued and updates were made to the proposed dates.
B) **Quarter Three Budget Review-** Ms. McGinnis reviewed budget information with the board members.

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- C) **Optometry Faculty Certificate Update-** Ms. McGinnis provided an update that the board office is currently working an electronic process. More information will be made available in the future as this project progresses, including future rule and system updates.

XI) BOARD COUNSEL REPORT

- A. **June Rules Report-** Currently, there are two rules open for development: 64B-13.4001 and t 64B-10.001. Ms. Loucks provided the Board with proposed language of a change in the application referencing the rule instead of listing the application number again. Ms. McGinnis will include on the next meeting's agenda.

The Formulary Rule will be effective on September 4, 2021.

B. **Discipline Rules**

- 1) **64B13-15.005: Designation of Administrative Violations; Major; Minor-** A motion was made by Dr. Rouse to adopt the proposed rule. Dr. Easton seconded the motion. Motion passed.
- 2) **64B13-15.006: Designation of Patient Care Violations; Major; Minor-** A motion was made by Mr. Griffin to adopt the proposed rule. Dr. Easton seconded the motion. Motion passed.
- 3) **64B13-15.004-** Tabled for next board meeting.
- 4) **64B13-15.0065: Disciplinary Action; Telehealth Registrants-** Tabled for next board meeting.
- 5) **64B13-15.009: Citations-** Tabled for next board meeting.

- C. **Annual Regulatory Plan-** A motion was made by Dr. Burns-LeGros to delegate to the Board Chair to sign off on the ARP and work with Ms. Loucks and Ms. McGinnis. Dr. Easton seconded the motion. Motion passed unanimously.

XII) COMMITTEE REPORT

- 1) **Budget – (Dr. Easton)-** Doing well.
- 2) **Continuing Education – (Dr. Rouse)-** Noting to report.
- 3) **Compliance, Investigation, & Enforcement – (Dr. Kepley)-** Noting to report.
- 4) **Disciplinary Compliance – (Dr. Spear)-** Noting to report.
- 5) **Examination – (Dr. Rouse)-** All finished.
- 6) **Florida Optometric Association (FOA) - Dr. (Kepley)-** Nothing to report.
- 7) **Legislative – (Dr. Kepley)-** Nothing to report.
- 8) **Probable Cause – (Dr. Spear)-** Noting to report.
- 9) **Probationary – (Ms. Atkins)-** Nothing to report.
- 10) **Rules – (Dr. Kepley)-** Nothing to report.
- 11) **Unlicensed Activity – (Dr. Burns-LeGros)-** Nothing to report.

XIII) OLD BUSINESS

None

XIV) NEW BUSINESS

None

XV) RATIFICATIONS

A. Licensure

- A motion was made by Dr. Burns-LeGros to approve the ratification list. Dr. Easton seconded the motion. Motion passed unanimously.
- Board Staff- A motion was made by Dr. Rouse to approve the CE providers and courses by board office. Dr. Easton seconded the motion. Motion passed unanimously.

Continuing Education

- Board Staff- A motion was made by Dr. Rouse to approve the CE providers and courses by board office. Dr. Easton seconded the motion. Motion passed unanimously.
- Board Committee- A motion was made by Dr. Rouse to approve the CE providers and courses by Board committee. Dr. Burns-LeGros seconded the motion. Motion passed unanimously.

XVI) PUBLIC COMMENTS

None

XVII) NEXT MEETING DATE

A. October 1, 2021

XVIII) ADJOURNMENT

A motion was made by Dr. Burns-LeGros to adjourn the meeting at 2:34 P.M. Ms. Atkins second the motion and it passed unanimously.