

# Florida Board of Optometry

## Board Meeting Minutes

The Florida Board of Optometry will hold a board meeting Wednesday, August 11, 2021, commencing at 1:00 p.m. This meeting will be held virtually (<https://global.gotomeeting.com/join/819082069>), 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**

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## **BOARD MEMBERS**

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

## **BOARD STAFF**

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

## **BOARD COUNSEL**

Deborah Loucks, Senior Assistant Attorney General

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## **I. CALL TO ORDER**

The meeting was called to order at 1:00pm.

### **A. Roll Call**

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

Deborah Loucks, Senior Assistant Attorney General- *Present*

### **B. Welcome**

Ms. McGinnis stated Dr. Easton would be absent but is able to join if the call lasts longer than 2pm.

## **II. NATIONAL BOARD EXAMINERS IN OPTOMETRY (NBEO) UPDATE**

Dr. Kepley asked Ms. Loucks why the department has shifted their opinion from needing a contract versus to not needing a contract?

Ms. McGinnis asked the Chair if she may give an update and an introduction on the recent activity that's taking place.

Dr. Kepley stated, everyone had the opportunity to read the white paper as well as the contract issue essentially National Board of Examiners (NBEO) has refused to enter into a contract with the department and at our last meeting it was stated many times that the department required a contract with NBEO to recede and now the department seems to have changed their mind and he would like to hear from either the Department attorney or our Board Attorney as to why.

Board Council, Ms. Loucks, stated that she would have to defer to the Department's attorney as she was not involved in any of the negotiations between the department and the NBEO cause.

Jennifer Lewis, Department Chief Counsel, provided an update that this is still under review.

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### III. **RULE 64B13-4.005: CRITERIA FOR SELECTION OF CONSULTANTS**

- A. Consultant Selection
1. Stuart Kaplan, OD- A motion was made by Dr. Burns-LeGros to approve Dr. Kaplan as a consultant. Ms. Atkins seconded the motion. Motion passed unanimously.
  2. Alice Sterling, OD - A motion was made by Dr. Burns-LeGros to approve Dr. Sterling as a consultant. Dr. Spear seconded the motion. Motion passed unanimously.

### IV. **RULE DISCUSSION**

A. 64B13-4.004: Manner of Application; Approved Schools or Colleges- Ms. Loucks asked Ms. McGinnis if the board staff needed to change the application. Discussion ensued. Dr. Kepley agreed with Dr. Rouse to keep this as it currently is. No motion made.

B. 64B13-4.001: Examination Requirements- Dr. Rouse expressed comments about not terminating Subsection D (2) but agree to delete subsection D (1). Mr. Griffin concurs with Dr. Rouse comments.

Ms. McGinnis asked the board members for direction for board staff due to the NBEO not providing the scores separately for each Florida Practical skill. Ms. McGinnis also provided data on how many applications were in queue.

Dr. Kepley requested a status of the contracted psychometrician to evaluate the exam and when the board will anticipate some paper policy review, recommendations, at what point can we expect to have the dept to certify this examination.

Linda McMullen on behalf of Medical Quality Assurance (MQA), stated the NBEO did provide answers to the questionnaire. The Department would expect the psychometrician to evaluate the exam sometime in September before Medical Quality Assurance can obtain a review for the psychometrician to do his work. Ms. McMullen stated that until the rule changes this is the approved national examination vendor.

Dr. Kepley asked the Board members to review the various proposals to make changes to the rule at the October meeting or schedule a meeting in between the time of the next meeting. He asked the board members to review the material and provide any suggestions.

Mr. Griffin asked for clarification on the procedure of the certification of the NBEO from the department standpoint.

Lola Pouncey, from the Department, provided clarification on Mr. Griffin comments and advised that the questionnaire has been turned over to the psychometrician.

Alex Bosque, the psychometrician, stated he's currently looking for standards and criteria that are in the departments rule 64B-1.001. If an examination vendor met those criteria then then they would be acceptable under the definition of the national examination.

Dr. Kepley stated he visited the site about three years ago and had some concerns at that time, when they were trying to finalize the prior contract. He also asked Dr. Rouse to help the Association of Regulatory Boards of Optometry (ARBO) with their testing review process which he believes is coming up this fall.

Dr. Rouse asked, if we're not going to engage in a contract, is it terminated immediately, or do we have a 30-day clause? When does the contract officially expire?

Jennifer Lewis stated, the contract has expired. Since it's expired there's nothing to terminate. Again, the Department is researching the matter internally and will provide information as soon as information is available.

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Dr. Rouse asked if candidates that want licensure in the state of Florida will have to submit their scores to the department for review and that's the department's responsibility then too look at these critical skills and the raw scores that were submitted on the national board examination and those that satisfy the 75% are moved on for applicant their applications or moved on and those scores that are less than 75% that the candidate then is notified that they no longer qualify for licensure, is this correct?

Ms. McGinnis stated that the board office was able to view score reports from NBEO, where board staff were able to see the breakout of the Florida practical components and whether or not a candidate past those components so yes, that is part of the review process. The question from the board office would be how we are to proceed when those scores are not being provided by NBEO, as they previously were.

Discussion ensued.

Mr. Griffin asked for the board staff to complete the calculations of the 3 skills provided in the Florida Practical, stating it would be a simple mathematical numerator denominator division we've already set by rule of the passing score at 75%.

Discussion ensued.

Dr. Kepley agrees with Mr. Griffin that the board staff certainly isn't making any determination outside of what the proper percentage is and then it would be up to the board to make final determination regardless of what the result are. Dr. Kepley will have further discussion with Ms. McGinnis on this and will come to some resolution.

**V. NEXT MEETING DATE**

The next meeting is scheduled for October 1, 2021.

**VI. ADJOURNMENT**

A motion was made by Dr. Burns-LeGros to adjourn the meeting at 1:47pm. Dr. Rouse seconded the motion and it passed unanimously.