

BOARD OF OPTICIANRY
GENERAL BUSINESS MEETING MINUTES

Friday, November 2, 2007 at 9:00 a.m.

Greater Ft. Lauderdale/Broward County Convention Center
1950 Eisenhower Boulevard
Ft. Lauderdale, FL 33316

CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:12 a.m. by Peggy Slattery, Chair. Those present for all or part of the meeting included the following:

Members present:

Margaret Slattery, Chair
Maria Perez, Vice-Chair
Pam Holt
David Calvo
Gary Jacobs
Dale Shannon

Staff present:

Donna McNulty, Board Counsel
Walter Widener, Prosecuting Attorney
Robin McKenzie, Program Administrator
Court Reporter: Official Reporting Service, LLC
(954) 467-8204

APPROVAL OF MINUTES

The minutes of the August 6, 2007 general business meeting were reviewed and following review, the following action was taken by the board:

Motion: by Ms. Holt to approve the minutes as presented.
Second: by Mr. Shannon.
Vote: unanimous.

DISCIPLINARY PROCEEDINGS

Anthony Gervasini, Case No. 2006-01422 (PCP: Calvo, Mathews)

Mr. Gervasini was not present nor represented by counsel. An administrative complaint filed May 8, 2006 alleged violation of s. 484.014(1)(t), F.S., for failure to provide proof of continuing education for renewal ending December 31, 2004 pursuant to an audit.

A settlement agreement was sent to respondent with no response. Following discussion, the following action was taken by the board:

Motion: by Mr. Shannon to accept the investigative report into evidence for the purpose of determining penalty.
Second: by Mr. Jacobs.
Vote: unanimous.

Motion: by Mr. Jacobs to find the respondent was properly served and waived his right to a formal hearing.
Second: by Ms. Perez.
Vote: unanimous.

Motion: by Mr. Jacobs to adopt the findings of fact and conclusions of law set forth in the administrative complaint and that they constitute a violation of the Florida Statutes.

Second: by Mr. Shannon.

Vote: unanimous.

Motion: by Mr. Jacobs to accept the Department's recommendation and issue a letter of concern, \$250 fine and costs of \$657.71 payable within 30 days of the Final Order, and completion of the deficient continuing education within one year.

Second: by Mr. Shannon.

Vote: unanimous.

Steven Schafner, Case No. 2006-02136 (PCP: Calvo, Mathews)

Mr. Schafner was not present nor represented by counsel. A two count administrative complaint filed September 25, 2006 alleged violations of s. 484.014(1)(t), F.S., of not notifying the board of change of address and failure to provide proof of compliance with a continuing education audit. No response has been received from respondent.

Following discussion, the following action was taken by the board:

Motion: by Mr. Shannon to accept the investigative report into evidence for the purpose of determining penalty.

Second: by Mr. Jacobs.

Vote: unanimous.

Motion: by Mr. Jacobs to adopt the findings of fact and conclusions of law set forth in the administrative complaint and that they constitute a violation of the practice act.

Second: by Mr. Shannon.

Vote: unanimous.

Motion: by Mr. Jacobs to find the respondent was properly served and waived his right to a formal hearing.

Second: by Mr. Shannon.

Vote: unanimous.

Motion: by Mr. Jacobs to accept the Department's recommendations and issue a letter of concern, fine of \$500 and costs of \$690.67 payable within 30 days of the Final Order, and completion of the deficient continuing education within one year of the Final Order.

Second: by Ms. Perez.

Vote: unanimous.

CONTINUING EDUCATION HOME STUDY COURSES

HIV/AIDS for the Optical Profession Submitted by POF

Following discussion, the following action was taken by the board:

Motion: by Mr. Shannon to approve the course with amended language.

Second: by Mr. Calvo.

Vote: unanimous.

Mr. Calvo was delegated authority to review and approve language.

Fitting the Presbyope with Soft Contact Lenses by Quantum Optical

Following discussion, the following action was taken by the board:

Motion: by Ms. Holt to approve this course.

Second: by Mr. Shannon.

Vote: unanimous.

Healthy Sight Counseling Submitted by Quantum Optical

Following discussion, the following action was taken by the board:

Motion: by Mr. Shannon to deny this course as not appropriate for opticians.

Second: by Mr. Jacobs.

Vote: unanimous.

What it Takes to Master Win/Win Dispensing by Quantum Optical

Following discussion, the following action was taken by the board:

Motion: by Mr. Shannon to approve for one hour (two hours were requested).

Second: by Mr. Jacobs.

Vote: unanimous.

Basic Soft Lens Fitting submitted by National Academy of Opticianry

Following discussion, the following action was taken by the board:

Motion: by Mr. Shannon to approve.

Second: by Mr. Jacobs.

Vote: unanimous.

Capitalizing on the Contact Lens Dispensary by NAO

Following discussion, the following action was taken by the board:

Motion: by Mr. Jacobs to deny as the course does not take one hour.

Second: by Ms. Perez.

Vote: unanimous.

Contemporary Contact Lens Care Systems by NAO

Following discussion, the following action was taken by the board:

Motion: by Mr. Jacobs to approve for one hour (two hours were requested).

Second: by Mr. Shannon.

Vote: unanimous.

Evaluation and Verification of GP Contact Lenses by NAO

Following discussion, the following action was taken by the board:

Motion: by Ms. Holt to approve.

Second: by Ms. Perez.

Vote: unanimous.

The Power of Light submitted by NAO

Following discussion, the following action was taken by the board:

Motion: by Ms. Holt to approve for two hours (three hours were requested).

Second: by Mr. Jacobs.

Vote: unanimous.

TOPIC DISCUSSIONS

HIV/AIDS Continuing Education Requirement

Following a discussion, the board took the following action:

Motion: by Mr. Jacobs to require one hour of HIV/AIDS for the first renewal in which they are required to take continuing education. HIV/AIDS taken in subsequent renewals will count as an elective hour.

Second: by Mr. Shannon.

Vote: unanimous.

Motion: by Mr. Jacobs to move the additional hour to elective hours.

Second: by Mr. Shannon.

Vote: unanimous.

Dispensing Problems Examination

The board discussed the dispensing problems examination and when candidates should be allowed to retake a failed examination.

Motion: by Ms. Sattery that a candidate be allowed to retake the dispensing problems examination as soon as it is available through the computer-based testing vendor.

Second: by Mr. Shannon.

Vote: unanimous.

Is a Code of Ethics Needed

Mr. Shannon asked that this be continued to the next meeting and he will provide a draft for the board's consideration.

S. 456.072(1)(t), F.S.

The board discussed the requirement to notify each patient the type of license under which the practitioner is practicing.

Motion: by Mr. Shannon to notice for rule development and board counsel will provide a draft at the next meeting.

Second: by Mr. Calvo.

Vote: unanimous.

Brochure: Is Update Needed

The board reviewed the brochure and advised staff that the content was okay, but the pictures could be updated. Staff was directed to check if pictures of AR coated lenses and rimless glasses were available and suggested asking the manufacturers.

RULES DISCUSSION

64B12-16.003

Board staff asked for direction when an apprentice takes college courses for apprenticeship hours and whether all courses should count or just opticianry courses. Following discussion, this was continued to the next meeting. Staff was directed to invite a representative from the three opticianry college programs to explain their program and offer comments.

A member of the audience mentioned that the Broward Community College was partnering with Lenscrafters to offer college credit for opticianry training/experience. Staff was asked to contact BCC for information about this program.

The rule was amended in 2006 requiring apprentices to attend a two-hour Apprentice/Sponsor Orientation Course within one year of registration. However, the first course was not approved until August 6, 2007 and board staff asked on what date they should begin requiring the course. Following discussion, the board directed staff to require the course of each apprentice that was registered on or after 8/6/07.

OTHER BUSINESS

Ms. Holt asked if the Testing Services Unit had made a decision in reference to using Hillsborough Community College as the licensure examination testing site. Ms. McKenzie will ask Dr. Zohre Bahrayni to send a letter to William Underwood at HCC and copy the board.

Ms. McKenzie presented a power point presentation that included information about the Division of Medical Quality Assurance, the Bureau of Health Care Practitioner Regulation, and the Board of Opticianry.

REPORTS

Prosecuting Attorney

Mr. Widener reported that there are a total of 24 cases in legal. One is under legal review, 1 is waiting on supplemental investigation, 10 were recently closed by the probable cause panel and they found probable cause in 6. There are 6 cases more than one year old and 2 of these cases were on today's agenda, 3 are waiting on supplemental investigation, and 1 has requested a formal hearing.

Assistant General Counsel

Ms. McNulty provided a rules report for the board's review. No rules are currently being promulgated, Rule 64B12-16.003 is pending, and Rule 64B12-15.003 was adopted on 9/13/07.

Executive Director

Budget information was provided for the board's review.

Board Members

Ms. Slattery attended the October licensure examination and reported that the lighting was good and it was very well run. She received comments from candidates about the examination review course and suggested that a board member attend the next one.

Board counsel was asked if the board members' attendance at the board meeting could be used for the laws and rules continuing education requirement for license renewal. Ms. McNulty will research if this can be done.

INFORMATIONAL ONLY – NO ACTION TAKEN

Computer-Based Testing Vendor Change

Technical Rule Changes

Letter to JAPC Responding to Request for Information

HCC's Apprentice/Sponsor Orientation Course Schedule

ADJOURNMENT

The meeting was adjourned at 1:00 p.m.