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**DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE  
BOARD OF OPTOMETRY**

**MINUTES – DRAFT  
GENERAL BUSINESS MEETING**

**By TELEPHONE CONFERENCE CALL  
April 6, 2012**

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16

**CALL TO ORDER:**

Dr. Timothy Underhill, Chairman, called the meeting to order at 9:00 a.m. Those present for all or part of the meeting included the following:

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23  
24

**BOARD MEMBERS:**

Timothy Underhill, O.D., Chair  
Terrance Naberhaus, O.D., Vice-Chair  
Rebecca Del Moral, O.D.  
Tamara Maule, O.D.  
Edward Walker, O.D.  
Rosa McNaughton, Esquire

25  
26  
27

The following members were not present:

Rod Presnell, R.Ph. – Unexcused absence

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31  
32  
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**BOARD STAFF:**

Bruce Deterding, Board Executive Director  
Michele Jackson, Regulatory Supervisor  
Jose A. Montalvan, Regulatory Supervisor  
Kenneth Smith, Regulatory Specialist II  
Jutika Maharaj, Regulatory Specialist II  
Danielle Runtschke, Regulatory Specialist II  
Sherra Causey, Regulatory Specialist II

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42

**DEPARTMENT OF HEALTH STAFF:**

Cassandra Pasley, Bureau Chief HCPR  
Lola Pouncey, Bureau Chief BOO  
Jennifer Wenhold, BOO  
Zohre Bahrayni, BOO

43  
44  
45  
46

**BOARD COUNSEL:**

Lee Ann Gustafson, Assistant Attorney General  
Office of Attorney General

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**PROSECUTING ATTORNEY:**

Mark Hansen, Assistant General Counsel

1 Mr. Deterding advised all present that this was a public meeting and all participants should be  
2 aware the proceedings are being recorded and that an audio file of the meeting will be posted to  
3 the board's website.

4  
5 **APPROVAL OF MINUTES:**

6  
7 **February 14, 2012 – TOPA Committee Telephone Conference Call**

8  
9 **Dr. Walker moved to approve the above minutes as presented. The motion was seconded  
10 and carried 6/0.**

11  
12 **January 13, 2012 – Full Board Meeting**

13  
14 Dr. Walker expressed concerns that there were missing details in the minutes, particularly  
15 regarding the Enforcement, Investigation and Enforcement Committee report he'd given. He also  
16 stated that the changes to Rule Chapter 64B13-4.001 were not included in the minutes.

17  
18 **Dr. Walker moved to approve the above minutes with noted corrections. The motion was  
19 seconded and carried 6/0.**

20  
21 **REQUEST FOR DECLARATORY STATEMENT:**

22  
23 **Christopher Frey, O.D. – Scope of Practice - Meibomian gland probing for dry eye**

24  
25 Dr. Frey was neither present nor represented by counsel.

26  
27 Discussion ensued.

28  
29 Ms. Gustafson stated that she will notify Dr. Frey with a letter asking him to provide additional  
30 information about this procedure and present it in the next board meeting for further discussion.

31  
32 **Dr. Del Moral made a motion to approve Ms. Gustafson's recommendation; the motion was  
33 second and carried 6/0.**

34  
35 **PETITION FOR VARIANCE/WAIVER -64B13-5.002(3)(C), F.A.C. – American  
36 Academy of Optometry and/or Denial of Continuing Education Course – Anterior Segment  
37 Grand Rounds**

38  
39 Ms. Helen Viksnins was present.

40  
41 Ms. Viksnins explained to the Board that she did not receive COPE approval prior to their course  
42 being offered. She requested that the Board grant approval after the fact due to issues with a  
43 crucial member of her staff going on maternity leave.

44  
45 Discussion ensued.

46  
47 Dr. Walker expressed concerns about setting a precedent if this course was approved after being  
48 offered.

49  
50 Dr. Del Moral stated that she felt that the Board could move forward with granting approval.

1 Dr. Maule stated that the course met all the requirements for Transcript Quality.

2  
3 **Dr. Walker made a motion to approve. The motion was seconded and carried 6/0.**

4  
5 **RATIFICATION LISTS**

6  
7 **Optometrists**

8  
9 **Dr. Del Moral made a motion to approve 8 candidates to take the Optometry examination.**  
10 **The motion was seconded and carried 6/0.**

11  
12 **Faculty Certificates**

13  
14 **Dr. Del Moral made a motion to approve 5 Optometrists to receive an Optometry Faculty**  
15 **Certificate. The motion was seconded and carried 6/0.**

16  
17 **APPROVAL OF ADDING NATACYN (NATAMYCIN OPHTHALMIC SUSPENSION 5%)**  
18 **TO THE FORMULARY**

19  
20 Ms. Gustafson asked which category of the rule this drug would be listed in. Mr. John Griffin, of  
21 the Florida Optometric Association informed that the Topical Optical Pharmaceutical Agent  
22 Committee (TOPA) had confirmed the drug would be listed in the miscellaneous category.

23  
24 **Dr. Del Moral made a motion to approve. The motion was seconded and carried 6/0.**

25  
26 **CHAIR/VICE-CHAIRMAN REPORT:**

27  
28 Dr. Underhill stated that he had no report but stated that there would be discussion on outsourcing  
29 the Optometry examination later in the meeting.

30  
31 **Prosecution Report**

32  
33 Mr. Hanson provided a detailed Prosecution Report.

34  
35 The Department has 10 pending cases since the January 13, 2012 board meeting. Three cases  
36 have been closed by the probable cause panel (PCP) and 3 new cases had been added. Of the 10,  
37 8 cases have not yet gone to the PCP, but are expected to go to PCP around end of April. Of the  
38 remaining 2, one is expected to reach a settlement agreement and both are presently headed to a  
39 DOAH hearing. Also, 7 of the 8 cases are now ready to be presented to the PCP.

40  
41 **EXECUTIVE DIRECTOR'S REPORT**

42  
43 Mr. Deterding informed the Board that the Branch office rule, Rule 64B13-4.001, would be  
44 placed on the agenda for discussion at the July 11, 2012 board meeting.

45  
46 **BOARD COUNSEL'S REPORT:**

47  
48 Ms. Gustafson indicated that she had been contacted by the Governor's Office of Financial  
49 Accountability and Regulatory Reform suggesting that the board should procure volunteers to act  
50 as patients for applicants taking the optometry clinical exam; that the present requirement for

1 applicants to procure their own volunteers for the exam was burdensome. The Board members  
2 agreed that Ms. Gustafson should relay their consensus that the rule not be changed.

3  
4 **COMMITTEE REPORTS:**

5  
6 **Budget Committee – Rod Presnell, R.Ph.-Not Present**

7  
8 Dr. Walker asked Mr. Deterding if the board was in good shape financially.

9  
10 Mr. Deterding responded that the Board was taking in more revenue than it was expending and  
11 was therefore in good shape financially.

12  
13 Dr. Walker asked about the hotel rooms for the next face-to-face board meeting in July. He  
14 questioned by why the state cannot pay more than the amount in the department's board policy  
15 for hotel room rates.

16  
17 Ms. Lola Pouncey responded that hotel room rates have to fall within State Policy guidelines,  
18 which are set according to authority of rule and statute.

19  
20 Dr. Naberhaus asked if there were provisions for exemptions to those rates.

21  
22 Ms. Pouncey indicated that they might be able to obtain an exemption from the policy  
23 requirements under certain conditions.

24  
25 Dr. Underhill asked if it was too late to get an exemption for the upcoming board meeting in July.

26  
27 Ms. Pouncey indicated that she will look into that and let the board know if an exemption from  
28 the state room rate would be possible.

29  
30 Dr. Walker asked for a copy of the authority.

31  
32 Ms. Pouncey agreed to provide Mr. Deterding with a copy of the appropriate policy, as well as  
33 the rules, statutes and other authorities on which the policy is based.

34  
35 **Complaints, Investigation & Enforcement – Edward Walker, O.D.**

36  
37 Dr. Walker indicated that he'd had a discussion with Dr. McLane and that PSU has only received  
38 2 new optometry cases. Dr. Walker indicated he wanted to make sure that Mr. Hanson worked  
39 with Dr. McLane on cases being reviewed so that an optometrist had the opportunity to review on  
40 those cases. Mr. Hanson agreed to reach out to Dr. McLane and make sure he had been given an  
41 opportunity to review all cases at the earliest opportunity.

42  
43 Dr. Walker expressed concerns about practitioners offering free exams and indicated that  
44 practitioners conducting these free eye exams had formerly been investigated by the board but  
45 now they were not. Dr. Walker indicated that this was not a good thing for the profession.

46  
47 **Continuing Education – Tamara Maule, O.D.**

48  
49 **List of Courses**

1 **Dr. Del Moral made a motion to approve the list of courses. The motion was seconded and**  
2 **carried 6/0.**

3  
4 **Continuing Education Providers & Courses Approved by CE Committee**

5  
6 Dr. Maule expressed reservations concerning her review of the course entitled Surgery and  
7 Follow-up Grand Rounds. She wanted to ensure that the board agreed that a course primarily  
8 requiring the observation of surgery and a short discussion period over lunch. Discussion ensued.

9  
10 **Dr. Del Moral made a motion to approve the course for continuing education credit. The**  
11 **motion was seconded and carried 6/0.**

12  
13 **Corporate Practice – Edward Walker, O.D.**

14  
15 Dr. Walker also expressed concern that there continued to be violations of the Corporate Practice  
16 Act that he was personally being made aware of, but that proof of such violations was difficult for  
17 him to obtain without a subpoena.

18  
19 **Disciplinary Compliance – Rosa McNaughton, Esq.**

20  
21 No report.

22  
23 **Examination – Rebecca Del Moral, O.D.**

24  
25 Dr. Del Moral stated she had reviewed all of the examiners and saw no problems with any of  
26 them.

27  
28 **Dr. Naberhaus moved to approve the list of examiners. The motion was seconded and**  
29 **carried 6/0.**

30  
31 **Information – Optometry Examiners**

32  
33 Dr. Del Moral suggested that the board might want to provide a catered meal for the examiners  
34 participating in the state examination.

35  
36 Ms. Pasley indicated that state funds can not be used for that purpose.

37  
38 Dr. Del Moral indicated the possibility of possibly giving CE credits to the examiners for their  
39 participation.

40  
41 Discussion ensued.

42  
43 Mr. Deterding indicated that he would draft some rule language based on what had been done in  
44 other professions awarding CE credits for work by volunteer professionals. The draft would be  
45 placed on the July 12, 2012 board meeting for discussion.

46  
47 **Memorandum from Lucy C. Gee, M.S., MQA Director, Concerning the State Optometry**  
48 **Examination**

49  
50 Ms. Gee's memorandum asked the board guidance on the requirement of legislation which  
51 required the Department of Health to move forward with approved changes to the administration

1 of the state's Optometry examination. The two options available to the Board of Optometry are  
2 transition to the national exam vendor, or the department competitively bidding the exam to  
3 another vendor. Discussion ensued. The board asked the department to issue a Request for  
4 Information (RFI) to determine what entities might be interested in bidding on the examination,  
5 as well as any additional information needed for the board's review on the next face-to-face board  
6 meeting scheduled for July 2012.

7  
8 **Dr. Walker moved to table the discussion until the next face-to-face meeting in July. The**  
9 **motion was seconded.**

10  
11 Further discussion ensued.

12  
13 **Dr. Naberhaus called the question. The motion was seconded and carried 6/0.**

14  
15 **Legislation – Timothy Underhill, O.D.**

16  
17 Mr. Deterding indicated that, although the legislation that directly affected the board's practice  
18 act did not pass, some legislation did pass that indirectly impacted the board. All of that had not  
19 yet been signed into law by the Governor however, and was still being examined. Mr. Deterding  
20 indicated that he would have a full report on all legislation that did pass at the board meeting  
21 scheduled for July in Miami.

22  
23 **Probable Cause – Rod Presnell**

24  
25 No report.

26  
27 Informational purposes only.

28  
29 **Rules – Terrance Naberhaus, O.D.**

30  
31 Dr. Walker questioned Dr. Naberhaus about a rule in development dealing with extended wear  
32 versus daily wear contact lenses.

33  
34 Dr. Naberhaus indicated he was still working on that rule.

35  
36 **Unlicensed Activity – Edward Walker, O.D.**

37  
38 Dr. Walker indicated he had spoken with department investigators about unlicensed activity  
39 cases. He related that he was given some information on those cases, but that the board needed to  
40 have information on anything dealing with optometry, including unlicensed activity.

41  
42 Ms. Pasley indicated that the department would treat Dr. Walker's request for information on  
43 those cases as a Public Records Request. The moment those documents are public, they will be  
44 provided to Dr. Walker.

45  
46 Dr. Naberhaus asked if the department intended to go ahead with it changes to the state's  
47 examination procedure, or if the board would have an opportunity for input at their next face-to-  
48 face meeting in July to discuss this and give input to the department on the appropriate direction.

49  
50 Ms. Pasley clarified that the department wanted the board to be fully apprised of the options and  
51 that she agreed with the previous suggestion that an RFI should be issued in order to better inform

1 the board on the viability of those options. She indicated that the department sincerely wanted  
2 the board's input and that no final decisions would be made by the department prior to the  
3 board's next meeting in July.

4

5 **NEXT MEETING DATE – June 7, 2012 Telephone conference call for discussion of**  
6 **examination applicants.**

7

8 **ADJOURNMENT**

9

10 The meeting was adjourned at 10:38am