

FLORIDA BOARD OF OPTOMETRY

GENERAL BOARD MEETING AGENDA

October 15, 2020 at 11:30 A.M. EST

Call-in # (888) 585-9008

Participant Code – 136-103-141#



Stuart Kaplan, O.D., Chair

Anthony B. Spivey, DrBA

BOARD MEMBERS

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Gail Curry, Regulatory Supervisor Consultant

BOARD COUNSEL

Deborah Loucks, Assistant Attorney General

COURT REPORTER

For the Record

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.

TAB 1. CALL TO ORDER

Roll Call

Welcome

TAB 2. CONTINUING EDUCATION

Rule 64B13ER20

TAB 3. EMERGENCY RULE DISTANCE LEARNING TERMS

TAB 4. PUBLIC COMMENT

TAB 5. ADJOURNMENT

Notice of Emergency Rule

DEPARTMENT OF HEALTH BOARD OF OPTOMETRY

RULE NO.: RULE TITLE:

64B13ER20- Satisfaction of Continuing Education and Meeting Attendance Requirements Through Online or Virtual Live Technology.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Board of Optometry (“Board”) is statutorily mandated to require thirty (30) hours of Continuing Education (“CE”) for Optometrists as a prerequisite to biennial licensure renewal for licensees.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency regarding the spread of the Novel Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 disease is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of October 12, 2020, there are over 736,000 confirmed cases of COVID-19 disease in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 disease such as “social distancing,” wearing masks in public, staying home when sick, keeping away from others who are sick, staying home when a household member is sick with respiratory disease symptoms, and for those who are at higher risk, including older adults and those who have serious chronic medical conditions, to avoid non-essential travel and to avoid in-person gatherings. Even though mitigation measures have been successful in “slowing the spread,” the risk of public infection remains high.

Since the issuance of the Executive Orders and declaration of a public health emergency by the Governor and the State Health Officer, the Board has determined that **certain** online technologies, including video streaming/videoconferencing, can provide a level of quality which, due to the ongoing public health emergency, could be used as a **temporary** alternative method of delivery of CE courses and virtual meeting participation, and which would satisfy the purpose and intent of the statute and promulgated rules, without exposure to the dangers of being in large groups of people, necessity of travel itself, potential contribution to the spread of the virus, and most importantly, would ensure compliance with the State Health Officer’s Orders and CDC Recommendations.

Florida’s Optometrists, and those who come in contact with them, should not be unnecessarily put at risk during this healthcare emergency. Accordingly, the Board, by emergency rule, will

authorize **licensees** to satisfy CE and meeting attendance requirements through **live in-person or virtual-live interactive synchronous online** ~~and/or asynchronous online~~ **format which will begin on November 30, 2020 and continue until February 28, 2021.** The Board finds that this action is a measured regulatory approach that helps to mitigate the threat of exposure to COVID-19 disease to Floridians, and those licensees who reside outside of the state of Florida who would have to travel to and from Florida, including Optometrists and those that come in contact with them, while still satisfying the purpose and intent of the waived requirements.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Given the ongoing declared emergency related to the COVID-19 pandemic, and the guidance from the CDC; that optometrists are required to attend in-person continuing education courses and/or live meeting attendance to fulfill renewal requirements, the Board finds that an immediate danger to the public health, safety, or welfare necessitates immediate action regarding this issue. Notice of this meeting was published in the Florida Administrative Register in Volume 46, No. on, 2020. In addition, notice of the meeting was posted on the Board's official website.

SUMMARY: The emergency rule authorizes licensees to obtain all required continuing education hours by **any means, live in-person or virtual-live interactive synchronous online.** ~~or online.~~

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Anthony B. Spivey, Dr.BA, Executive Director, Florida Board of Optometry, Anthony.Spivey@flhealth.gov, 850.245.4355.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B13ER- Satisfaction of Continuing Education Requirements Through On-line or Virtual Live Technology

1. For the duration of this Emergency Rule, all Florida Board of Optometry licensees may obtain all required continuing education hours **by any means, live in-person or virtual-live interactive synchronous online format.** ~~synchronous or asynchronous online.~~
2. All courses not previously approved for **All applications for virtual-live interactive synchronous online courses** ~~live, virtual-live, synchronous or asynchronous~~ **online presentation** ~~must~~ **shall be** submitted ~~an application~~ for board approval for each individual course offering. As part of the application, the course provider must outline the manner in which attendees will be monitored for attendance, including that participants shall be visible to the provider for the duration of the course. The provider shall supply a report of attendee participation to CE Broker after the course is completed documenting that each participant attended the entire 50 minutes per credit hour.
3. Transcript quality courses must have the capability of being submitted and graded electronically.

4. All other requirements for continuing education courses listed in Rule 64B13-5.002, Florida Administrative Code, shall remain in force.

Rulemaking Authority 456.013, 463.005, 463.007, FS. Law Implemented 456.013, 456.036, 463.007, FS. History—New.

THIS RULE TAKES EFFECT AS SPECIFIED IN THE RULE.

Emergency Rule Distance Learning Terms

Current licensees will have a 90-day time period beginning on November 30, 2020 through February 28, 2021 to obtain their continuing education hours in a live interactive, distance learning format with the following requirements:

- Courses must be live and interactive with synchronous lectures utilizing video and audio.
- Courses must be board approved with a new CE broker number even if course was given previously.
- All live distance learning events need to be approved separately with course dates and times.
- Providers of education must submit for approval the manner in which attendees will be monitored for their attendance which shall include participants being visible to the provider during the course.
- Providers of education must supply a report of attendee participation to CE Broker after the course is completed ensuring participant attendance for the entire 50 minutes per credit hour.
- Transcript quality courses must have the capability of being submitted and graded electronically
- Courses must satisfy all remaining continuing education requirements under 64B13-5.002 not in conflict with above.