

**MASSACHUSETTS BOARD REGISTRATION IN OPTOMETRY
PUBLIC SESSION MINUTES**

Wednesday, June 17, 2015 10:07 a.m.

1000 Washington Street, Boston

Conference Room 1C

Board Members:

Bruce Rakusin, OD, Chairman

Gordon Price, OD

Paul Elliott, OD

DPL Staff:

Rachael Pauze, Board Counsel

Monique Brown, Office Support Specialist

Pam Mogavero, Investigator

Michael Hawley, Exec. Director

Board Members Absent:

Scott Peterson, Esq.

Wayne E. Zahka, OD

Others

Richard Lawless - MSO

Dr. Alan Titelbaum

Cathy D'Augusta

Rebecca Hakansson

Eugene Ourry

Mark Molloy

Clifford Scott

Dennis Lyons

Marcus Tinnin

Meeting Called to order at 10:07 a.m.

Evacuation Procedure: Michael Hawley discussed safety procedures in the event of emergency.

Review of Minutes: May 20, 2015:

Dr. Price moved to accept the minutes of the May 20, 2015 meeting. Dr. Elliot seconded. The motion passed unanimously.

Report from Associate Executive Director:

Mr. Hawley discussed issues with the timely awarding of licenses. There had been transition issues when the Board moved to the current team. Those issues have been resolved. Board requested that staff find out what the normal time frame is between submission of a qualified application and the issuance of a new license.

Board Counsel's Report:

Board counsel had nothing to report.

Stakeholder outreach session:

Four members of the public requested to address the Board during the outreach session.

- **Dr. Alan Titelbaum:** Dr. Titelbaum works for the Executive Office of Health and Human Services. Dr. Titelbaum is reviewing the Masshealth regulations and requested that the Board make sure the regulations align with the Board regulations. Dr. Titelbaum did not offer specific recommendations for changes.
- **Dr. Clifford Scott,** president of the New England College of Optometry (“NECO”): Dr. Scott presented a letter, dated June 17, outlining the changes recommended by NECO along with an edited copy of the regulation showing recommended changes. The documents make a series of recommendations, identifying changes to the regulations regarding DPA and TPA certification, cleanup of inaccurate references, simplifying the reciprocal licensure process to ease the burden on licensure of candidates with out of state licenses, removing overly specific requirements for minimum procedures and many others. Dr. Scott spoke in support of those recommendations.
- **Richard Lawless** of the Mass Society of Optometrists (“MSO”): Mr. Lawless submitted proposed amendments in the form of a “redlined” copy of the regulations containing the MSO’s proposed amendments to the regulations. This document was previously submitted to the Board in May of 2014. Mr. Lawless spoke in support of Dr. Scott’s recommendations. He also expressed concerns about insurance and whether licensees accepting certain health plans are in compliance with the regulations.
- **Mark Malloy,** of Lynch Associates: Mr. Malloy represents NECO and the MSO and offered comments concerning the statutory interpretation of reciprocity Mr. Malloy encouraged the Board to consider alternative interpretations in favor of encouraging out-state-licensee eligibility. This view was offered in support of changes recommended by Dr. Scott and NECO.

Correspondence:

1. Letter from Dr. Meghan Lambert requesting Board acceptance of certain North Carolina CE credits – The Board reviewed the documents sent by Dr. Lambert and indicated that since the courses were not COPE approved the board would not accept them toward the annual CE requirement.

Open session for topics not reasonably anticipated 48 hours in advance meeting:

The Board discussed the recommendations presented at the outreach sessions. Many of the recommendations were familiar to the Board from previous regulatory review efforts. The Board agreed that a next step should be a complete regulatory review. The review should be an agenda item for the next board meeting

Reinstatement Request – Dr. Jill S. Sweig, OD - Executive Session [Closed session pursuant to G.L c. 30A, § 21(a)(7):

Dr. Rakusin moved to enter into Executive Session pursuant to M.G.L. c. 30A, § 21(a)(7) for the purpose of complying with M.G.L. c. 4, § 7 para. 26(c) for the protection of medical files or information. The Board chair estimated that the open meeting would resume in 10 minutes. Dr. Price seconded. The motion passed on a roll call vote: Dr. Price: “Yes”, Dr. Rakusin “Yes”, & Dr. Elliott: “Yes”

At the end of the Executive Session, the open meeting resumed.

11:18 A.M - Closed Session [Closed session pursuant to G.L c. 112, §65C]:

Dr. Rakusin moved to enter an investigative session [Closed session pursuant to M.G.L. c. 112, s. 65C] for the purpose of discussing the following cases: OP-15-001, OP-15-003, OP-15-004, OP-15-005, and OP-15-006. The motion was seconded by Dr. Price. The motion passed unanimously.

At the end of the closed session, the open meeting resumed.

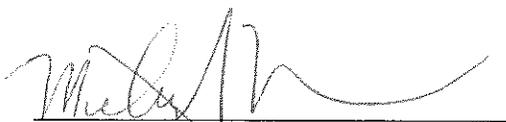
During the closed session, the board took the following actions:

- OP-15-001 – Table
- OP-15-003 – Table
- OP-15-004 – Table
- OP-15-005 – Dismiss with advisory
- OP-15-006 – Dismiss

Next Board Meeting: Wednesday, August 19, 2015 at 10:00 a.m. in Boston.

A motion to adjourn was made at 12:35 pm, by Dr. Rakusin, seconded by Dr. Price. The motion passed unanimously.

Respectfully submitted,



Michael Hawley
Executive Director

Documents used in public session:

- Agenda
- Draft Minutes from meeting May 20, 2015
- Email from Meghan Lambert dated May 26, 2015
- Proposed Regulation changes and cover letter from Richard Lawless and MSO, dated May 21, 2014
- Proposed regulation changes and letter advocating the changes from Clifford Scott and NECO, dated June 17, 2015