

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

Wednesday, December 16, 2015

1000 Washington Street, Boston

Conference Room 1C

Board Members:

Paul Elliott, OD, Chairman
Scott Peterson, Esq., Secretary
Bruce Rakusin, OD
Gordon Price, OD

DPL Staff present at various times:

Michael Hawley, Executive Director
Shari Benedetti, Associate Exe. Director
Sheila York, Board Counsel
Monique Brown, Board Administrator

Others in attendance: none

Member Absent: Wayne Zahka, OD

Meeting Called to order at 10:05 am

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

Review of Minutes: October 21, 2015:

Dr. Rakusin moved to accept the minutes of the October 21, 2015 meeting. Dr. Price seconded. The motion passed unanimously.

Report from Executive Director:

1. E-Licensing: Mr. Hawley gave an update regarding the agency's E-licensing project and how it relates to this Board and its licensees.
2. Mr. Hawley also spoke about CE audit. He reported that he has sent letters to all CE Entities. Only Tufts has responded so far. All agreements are 3 years and expire this year.

Board Counsel's Report

1. Update on regulation process: Sheila York provided the Board with an update on the Executive Order 562 regulation review and the Board's proposed regulations. Attorney York stated that the Board's proposed EO 562 regulation changes have been submitted for review along with all appropriate forms. She will continue to update the Board on the progress of the proposed regulations.

2. Delegation of Authority: Sheila York provided the Board with proposed language regarding four circumstances under which the Board delegates authority to DPL staff and provided an explanation and examples. The proposed language is as follows:
- to delegate the authority to execute Order to Show Cause Notices, Consent Agreements, and Final Decisions on behalf of the Board and to sign off on case closings primarily to the Board's Executive Director, and secondarily to the Board's Associate Director and the Deputy Director of Policy and Boards of the Division of Professional Licensure, provided the terms and/or charges are consistent with those previously approved by the Board at a meeting or approved by the Chair. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.
 - to delegate the authority to issue a written Order of Summary Suspension, pending a 10-day hearing pursuant to G.L. c.112, §65B, primarily to its Executive Director and secondarily to the Board's Associate Director and Deputy Director of Policy and Boards at the Division of Professional Licensure, after determining, in consult with the Chair and based upon credible sworn affidavits and documentary evidence, that a licensee's continued practice poses an immediate and serious threat to the public health, safety, or welfare. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.
 - to delegate the authority to act as a Presiding Officer for all adjudicatory proceedings, conducted pursuant to 801 Code Mass. Regulations. §§1.00 et seq., in all cases where the Board has voted to issue an Order to Show Cause or where an Order to Show Cause will be issued, to a Division of Professional Licensure Hearings Officer. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.
 - to delegate authority primarily to the Board's Executive Director and secondarily to the Board's Associate Director and the Division's Deputy Director of Policy and Boards, to issue a Final Decision ordering revocation of the Respondent's license to practice, or in the case of an unlicensed Respondent, assessing the maximum fine permitted by law, in cases where a DPL Hearing Officer has entered a finding of default against the Respondent. This delegation of authority shall remain in effect and force unless and until overridden by a subsequent vote of the board.

Dr Rakusin moved to accept the above-stated delegation of authority language, Dr. Price seconded the motion, and it passed unanimously.

Correspondence:

1. Letter from World Education Services re: Bijan Daneshvar. Mr. Daneshvar provided documentation of his education in Ophthalmology. Board directed staff to contact Mr. Daneshvar and inform him that a degree in Optometry is required for licensure as an optometrist.
2. Email from Tia DiNunzio, Mass. Office of Disability re: denial of prescription due to patient's disability. The Board directed Board staff to contact Ms. DiNunzio regarding a potential staff assignment
3. Email from Amy Catalano, OD. re: dispute with eyemed. Ms. Catalano had her contract with Eyemed cancelled due to a problem with her ABO board certification documentation. The Board directed staff to contact Dr. Catalano and inform her that the Board can only respond to matters that fall under its jurisdiction (Massachusetts regulations and statutes regarding the practice of Optometry) and to suggest that a professional organization may be able to assist.

Wall Certificates:

The Following Certificates were signed by the Board.

- Yanpeng Ding
- Marianna Kong
- Mila Petkovic
- Linda Pham
- Xueling Song

Open Session for topics not reasonably anticipated:

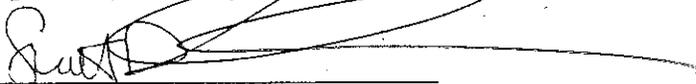
1. none

Investigative Conference:

Next Meeting: January 20, 2016:

A motion to adjourn was made at 11:05 am, by Dr. Rakusin, seconded by Mr. Peterson. The motion passed unanimously.

Respectfully submitted,



Scott D. Peterson, Esq.
Secretary

Documents used in public session:

Agenda

Board minutes dated 10/21/2015

E-mail from Amy Catalano, OD, dated 12/3/2015

Document provided by Bijan Daneshvar (including Educational Evaluation dated 5/22/2012)

E-mail from Rita DiNunzio, dated 12/8/2015