

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

Wednesday, January 20, 2016
1000 Washington Street, Boston
Conference Room 1C

Board Members:

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

DPL Staff:

Michael Hawley, Executive Director
Monique Brown, Board Adminsitrator
Sheila York, Board Counsel

Others in attendance: Kim Sullivan, on behalf of MSO

Members Absent: Gordon Price, OD

Meeting Called to order at 10:09 am

Evacuation Procedure:

Mr. Hawley discussed safety procedures in the event of emergency.

Review of Minutes: December 16, 2015:

Dr. Rakusin moved to accept the minutes of the December 16, 2015 meeting. Mr. Peterson seconded the motion. The motion passed unanimously.

Report From Executive Director:

1. E-Licensing: Mr. Hawley gave an update regarding to E-licensing as it pertains to the Optometry Board and its licensees.
2. Mr. Hawley also spoke about CE audit. He reported that he has sent a letter to Lisa Fennell regarding the release of OE Tracker. Staff plans to review the OE tracker report and use it to make determinations on the size of the percentage of licensees to be selected for audit.
3. Mr. Hawley updated the Board on changes on the Renewal form so it is compliant with the statute regarding mandatory reporting of child abuse and it alerts licensees to the upcoming requirement that they apply to be a MassHealth provider as a condition

of retaining his or her license. Staff has received some questions about these requirements. Sheila York clarified that licensees only need to apply to MassHealth to be a non-billing provider, there is no requirement that licensees participate as a full billing provider. Board staff will post a clarification on the Board web site.

Board Counsel's Report

1. Update on regulation process: Sheila York provided the Board with an update on Executive Order #562 and the Board's proposed regulations. Attorney York stated that the proposed regulation changes have been submitted to the Office of Consumer Affairs for review and then will need to receive approval from the Secretary of Housing and Economic Development and then the Office of Administration and Finance. The hopeful completion date remains March 31, 2016.
2. Scope of Practice Questions: Sheila received a question regarding whether Electroretinography is within the scope of practice, per a letter from Diopsys. The second question involved whether LipiFlow for patients with MGD is within the scope of practice. She asked whether there is a quick answer to these questions or whether discussion at a future board meeting is necessary. After brief discussion, the Board confirmed that both Electroretinography and LipiFlow fall within the scope of optometric practice in Massachusetts.

Correspondence:

1. Letter from Association of Regulatory Boards of Optometry (ARBO) President Susy Yu re: Annual Meeting in Boston in June, 2016. Received.
2. Email from Gary Kamens re: COPE CE and apportionment between "live" and "distance" CE. Staff was instructed to respond to Dr. Kamens informing him that the Board has reviewed his e-mail and that it has proposed a change to the Board's regulations that allows an increase in the number CEs that can be earned via distance learning.
3. Memo from Accreditation Council on Optometric Education (ACOE) with calls for comments on proposed Optometric Residency Definition and Standards. Read and filed.

Wall Certificates: None

Open Session for topics not reasonably anticipated:

1. Email from ARBO Executive Director Lisa Fennell re: changes to composition of state boards in wake of FTC v. North Carolina case decided by the Supreme Court. Board counsel will prepare a response for board review at the next meeting.
2. Letter from Kara Gerger, OD re: request for extension for CE compliance. **Dr. Rakusin moved to grant licensee a three-month extension to complete CE requirements for 2015. Scott Peterson seconded. The motion passed unanimously.**

Closed Session per M.G.L. c. 112, Section 65C

At 10:56 AM, Dr. Elliott moved to go into closed session under G.L. c. 112, s. 65C to discuss a settlement offer in OP-14-017, Mr. Peterson seconded the motion, and it was unanimously approved. The closed session ended at 11:27 AM.

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

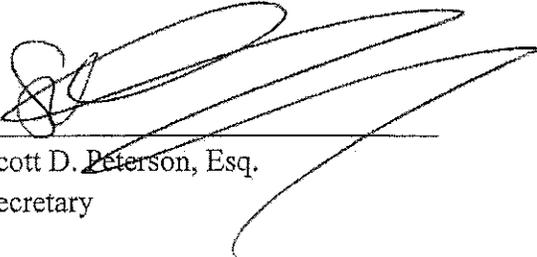
During the Closed session the Board voted to take the following action:

- OP-14-017 – Discussed with prosecutor terms of a settlement offer.

Next Meeting: March 16, 2016:

A motion to adjourn was made at 11:30 AM, by Dr. Rakusin, seconded by Dr. Elliott. The motion passed unanimously.

Respectfully submitted,



Scott D. Peterson, Esq.
Secretary

Documents used in public session:

Agenda of the January 20, 2016 meeting
Board minutes dated 12/16/2015
ACOE Memo and attachments
ARBO letter
E-mail from Dr. Gary Kamens, dated 1/7/16

E-mail from Lisa Fennell, dated 1/19/2016
Letter from Kara Gerger, OD, dated 1/19/2016