

## Board of Registration of Dispensing Opticians

### Public Session Minutes

Date: October 6, 2021 Time: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Dispensing Opticians (“the Board”) was held remotely by video conference and telephone pursuant to Chapter 20 of the Acts of 2021: *An Act Extending Certain COVID-19 Measures Adopted During the State of Emergency* signed into law on June 16, 2021.

#### Board Members Present:

David Fogg  
Deanna Kurlowecz, Board Chair  
Marty Bregman  
Gary Peters

#### Staff Present:

Sheila York, Board Counsel  
Thomas F. Burke, Executive Director

#### Meeting called To Order:

- Ms. Kurlowecz called the meeting to order.
- Exit and Evacuation procedures were tabled.

#### Review Meeting Minutes:

- Public Meeting Minutes from September 1, 2021: Mr. Fogg requested that the minutes be amended to show that it was Mr. Bregman who seconded the vote on M. Reardon at the September meeting. **Mr. Fogg moved to accept the minutes as so amended and Ms. Kurlowecz seconded. Motion to accept September 1 2021 minutes as amended passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Abstained”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

#### Board Business:

- **Report from Executive Director, Thomas Burke**  
Mr. Burke introduced Attorney Sheila York as the new Board Counsel.

#### Board Elections:

- **Mr. Fogg nominated Ms. Kurlowecz as the Board chair and Mr. Peters seconded. Ms. Kurlowecz accepted the nomination. The motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**
- **Mr. Fogg nominated Mr. Bregman as the Board secretary and Mr. Peters seconded. Mr. Bregman accepted the nomination. The motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

#### Application Review

At 10:20 a.m., the Board met with four applicants for licensure and reviewed five applications. Below is a list of the candidates for review and the motion and roll call vote for each:

Heather Jones – After review of Ms. Jones’s application, Mr. Peters moved to approve her for licensure. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

Christopher Hunt – After review of Mr. Hunt’s application, Ms. Kurlowecz moved to approve him for licensure. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

David Thistle – After review of Mr. Thistle’s application, Ms. Kurlowecz moved to approve him for licensure. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

John E. Figueroa – After review of Mr. Figueroa’s application, Mr. Fogg moved to approve him for licensure. Mr. Bregman seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

Mr. Peters moved to instruct Board staff to follow up with the Division of Apprentice Standards regarding status of pending applications and apprentice reinstatements. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

### Discussion:

- Board Meeting Calendar Draft – Mr. Fogg moved to approved amended 2022 meeting calendar. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”
- **NCLE Practical Examination and Requirements** – The Board discussed the inclusion of the NCLE practical exam as a requirement for licensure for dispensing opticians. Board members expressed support for additional exam requirement to improve contact lens training for apprentice and student opticians. Board counsel advised that inclusion of the NCLE practical exam as an additional requirement for licensure could be considered as part of regulation review. She noted that policies or regulatory changes that impose licensing requirements are subject to Governor Baker’s Executive Order 567 and must be reviewed by the Commissioner to ensure Board is acting within its statutory authority. Board counsel will review and report back to the Board.
- **Corporate Updates – G. Peters** – Tabled.

- **Services Performed by Unlicensed Employees of Optical Goods Establishment** – The Board discussed whether managers must be licensed in order to supervise apprentice and opticians. Board counsel will review and report back to the Board. The Executive Director noted that the Frequently Asked Questions will be posted on the Board website to address the topics of supervision and will notify professional associations when completed. Board counsel will work with Mr. Peters on the Board’s relationship with corporations.
- **Optical Goods Establishments Advertisements for employment opportunities** – The Board reviewed the topic of advertisements for employees by optical goods establishments and the need to ensure that hiring practices uphold matters of public safety and Board requirements. The Board expressed a willingness to coordinate educational meetings for optical establishments in conjunction with Board staff.

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

Blair Wong, Director of Opticianry at the Benjamin Franklin Institute of Technology, reported to the Board that he will provide an updated CEPA agreement for Board review at the subsequent Board meeting.

Mr. Fogg noted that there were items that had been left off today’s agenda. He requested to reconsider the vote on the September 1, 2021 minutes to make clear that the Board had intended that two topics be placed on the October meeting agenda. Mr. Peters moved to reconsider the vote to approve the September minutes, seconded by Ms. Kurlowecz, Motion passed by roll call vote: **Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”**

- The Board discussed the September 1, 2021 minutes. Mr. Fogg suggested to further amend the September 1, 2021 minutes to reflect that the topics of: **Consumer Fact Sheet Revisions** and **CMR 5.02** should state that they were tabled until the October 6<sup>th</sup> board meeting. Ms. Kurlowecz moved to approve the September minutes with those additional amendments, seconded by Mr. Fogg. Motion passed by roll call vote: **Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Abstained”.**

**At 12:31 p.m., Mr. Peter made a motion, seconded by Mr. Fogg, to adjourn the public meeting and to enter into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C, and at the conclusion of the closed session, not return to the public meeting. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”**

**Cases, Investigative Conference, Settlement Offers [Closed session pursuant to G.L. c. 112 §65C]:**

During the closed session, the Board voted to take the following action:


- 2021-000460-IT-ENF – Dismissed.

- 2018-42-DO-DO-APP – Closed, no action taken.

**Adjournment:**

- **At 1:18 p.m., Mr. Fogg moved to adjourn the meeting. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”**

Respectfully Submitted,



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Thomas F. Burke  
Executive Director

**Documents used in the open meeting:**

- Agenda for DO Board Meeting of October 6, 2021
- Draft Minutes of the September 1, 2021 meeting
- Report on Approved Licensed Opticians
- Applications for H. Jones, C. Hunt, D. Thistle, and J. Figueroa
- Draft 2022 Board Meeting Calendar