

**Board of Registration of Dispensing Opticians
Public Session Minutes**

Date: February 2, 2022 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 at 10:05 am and established a quorum via calling attendance: Gary Peters, Deanna Kurlowecz, David Fogg participating via video, and Marty Bregman participating via audio.
- Exit and Evacuation procedures were tabled.

Review Meeting Minutes:

- Public Meeting Minutes from January 5, 2022: **Ms. Kurlowecz moved to accept the minutes and Mr. Fogg seconded. Motion to accept January 5, 2022 minutes passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

Board Business:

- **Report from Executive Director, Thomas Burke**

Mr. Burke reported that Board staff met with the Division of Apprentice Standards (“DAS”) to discuss DAS’s upcoming meetings with dispensing optician companies and educational requirements for apprentices.

He also noted that the Board will continue to meet remotely through April 1, 2022 until otherwise advised.

Ms. Pendexter reported that DAS will request payroll from retail optical stores to confirm supervision hours.

After further discussion, Ms. Kurlowecz moved to delegate herself to work with staff to review the sample supervision letter and Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.

Application Review:

At 10:19 a.m., the Board was scheduled to meet with applicants for licensure and reviewed applications and additional documentation. Below is a list of the candidates for review and the motion and roll call vote for each:

Melissa McClure – After review of Ms. McClure’s application, Mr. Peters directed applicant to submit additional documentation of contact lens training hours. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

After subsequent discussion and review, Mr. Fogg moved to approve Ms. McClure’s application for licensure on the condition that the applicant submit a revised supervisor form. Mr. Peters seconded. Motion did not pass by a roll call vote: Ms. Kurlowecz: “No”, Mr. Fogg: “Yes”, Mr. Bregman: “No”, Mr. Peters: “Yes.”

Jenna Rizzotto – After review of Ms. Rizzotto’s application, Mr. Fogg directed applicant to submit additional documentation of hours related to drilling, a breakdown of hours of administrative tasks and duties, and a letter from current supervisor to clarify current hours of training, including contact lens fitting. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

Soleil Curlyo (LaFrance) – After review of Ms. Curlyo’s application, Mr. Fogg directed applicant to submit a letter from physician to document contact lens training. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

Justin Holt – After review of Mr. Holt’s application, Mr. Fogg directed applicant to resubmit his supervision hours on the new “verification of hours” form on the Board website as specified in 235 CMR 4.04. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

O’Neill Wright – After review of Mr. Wright’s application, Mr. Peters directed applicant to resubmit his hours of supervision based on the “verification of hours” form on store letterhead or individual letterhead if supervisors no longer at optical good stores where supervision occurred. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.” Mr. Fogg: Recused.

Discussion:

- **Consumer Fact Sheet – Review** – Mr. Peters moved to approve the Consumer Fact Sheet as amended. Ms. Kurlowecz seconded. Motion to approve the Consumer Fact Sheet passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.

- **Corporate Updates**– Mr. Peters provided an update to the Board. He will continue to work with Board Counsel on further updates and report to the Board. No vote was taken.
- **NCLE Practical Exam proposed regulations** – Mr. Peters moved to adopt the proposed wording to 235 CMR 2.07 as the Board’s draft regulation and to instruct Board Counsel to submit the proposed draft regulation for review to the Board’s supervising agencies (DOL, OCA, EOHEd). Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

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

At 12:55 p.m., Ms. Kurlowecz made a motion, seconded by Mr. Peters, to adjourn the public meeting and to enter into closed session to conduct investigatory and settlement 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: “Not Present.”

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

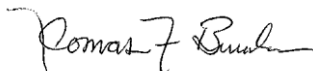
During the closed session, the Board took the following action:

2020-000528-IT-ENF – Provided settlement term guidance to the prosecutor
 Procedural Update on Existing Cases – Received procedural update on open cases.

Adjournment:

- At 2:27 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,



Thomas F. Burke
 Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of February 2, 2022
- Draft Minutes of the January 5, 2022 meeting
- Report on Approved Licensed Opticians

- Applications for M. McClure, J. Rizzotto, S. Curylo, J. Holt, O. Wright (protected personal data redacted)
- Consumer Fact Sheet
- Redline version of proposed changes to 235 CMR 2.00 (and accompanying examination statute).