

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

Date: April 7, 2021 Time: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Dispensing Opticians (“the Board”) was held via Videoconference and Conference Call due to the Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

Board Members Present:

David Fogg
Deanna Kurlowecz, Board Chair
Marty Bregman

Staff Present:

Jennifer Romeo-Porcaro, Board Counsel
Thomas F. Burke, Associate Exec. Director
Alan Van Tassel, Office of Investigations

Board Members Absent:

Gary Peters

Meeting called To Order:

- Ms. Kurlowecz called the meeting to order at 10:04 a.m.
- Exit and Evacuation procedures were tabled.

Review Meeting Minutes:

- The review of the minutes of January 6, 2021 Meeting: **Mr. Fogg moved to amend the minutes, page 3, to change the wording in Dawn Marshall’s application approval to read, “ Mr. Fogg moved to approve Ms. Marshall for licensure.” Ms. Kurlowecz seconded. Motion to accept amended minutes passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**
- The review of the minutes of March 18, 2021 Meeting: **Mr. Fogg moved to accept the minutes to be amended as follows: the heading of Board members should indicate Deanna Kurlowecz as Board Chair; insert “Mr. Fogg moved to direct Mr. Coles to resume up to two additional years of training as an apprentice optician” in the Application Review topic; and replace the words “exam results” with “exams taken” in the discussion topic “Apprentice Extension – Exam Review. Ms. Kurlowecz seconded. Motion to accept amended minutes passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

Board Business:

- **Report from Associate Executive Director, Thomas Burke**
Associate Executive Director Burke reported that Casey Yebba will be staff contact for the Board and reminded all present that the Board continues to work remotely during most regular office hours.

Application Review

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

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

David Thistle – **After review of Mr. Thistle’s application, Mr. Fogg cited 235 CMR 4.04 (15) to request additional explanation of training regarding insertion, removal and cleaning of contact lenses. He moved to table Mr. Thistle’s application until he provides documentation of additional 200 hours of training in the fitting of contact lenses; the application shall remain open until Board reviews additional documentation. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

Discussion:

- **Sample Supervisor Letter** – The Board reviewed a revised sample supervision letter to aid applicants and their supervising opticians or optometrists in accurately documenting hours of training based on the subject matter listed in 235 CMR 4.04. **After discussion, Mr. Fogg moved to replace the current sample supervision letter with the revised sample letter. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**
- **Heather Platt review** – Ms. Platt met with the Board to revisit the review of her course of study at Penn Foster. Board counsel reminded the Board that acceptable degree programs must be accredited by the Commission on Opticianry Accreditation (“COA”) and that the individual – Ms. Platt – does not meet the criteria for licensure in 235 CMR 2.07(1)(b) but may submit an application for licensure when she satisfies the criteria under 235 CMR 2.07(1)(c). **After discussion, Mr. Fogg moved to grant six months credit and five hundred hours towards the completion of her apprentice training. Mr. Bregman seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**
- **Apprentice Extension – Exam Review** – The Board proposed tracking exams taken by apprentice opticians who have been approved for extensions or reinstatements to ensure compliance with the terms of their extension. After discussion, the Board instructed the AED and Board Counsel to review apprentice extensions from the past year. . No vote was taken.
- **Ncle practical** – The Board discussed the possibility of requiring the NCLE practical exam in addition to the NCLE basic exam to ensure proper contact lens training based on 235 CMR 2.07 (3). **Mr. Fogg moved to delegate the Board chair work with Board counsel to determine feasibility of adding this requirement and to report back to the Board at a subsequent meeting. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

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

The Board chair inquired whether Board members may receive a regular status update of pending investigations. In response, Mr. Van Tassel walked the Board members through the stages of the investigation process. He explained that the Office of Investigations could provide staff the case results of closed investigations, which Board members may receive the finding through a public records request.

A member of the public addressed the Board about a matter related to her apprentice registration. Board staff encouraged her to contact the Division of Apprentice Standards (“DAS”) directly for assistance.

At 12:30 p.m., Ms. Kurlowecz made a motion, seconded by Mr. Bregman, to adjourn the public meeting, and to enter into Investigative Conference to discuss open investigative matters pursuant to G.L. c. 112 §65C, and the Open Meeting would not resume. The Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.

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

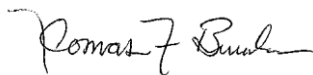
During the closed session, the Board voted to take the following action:

- 2020-001692-IT-ENF – Tabled.
- 2020-001105-IT-ENF – Referred to Prosecutions.

Adjournment:

- **At 1:11 p.m., Ms. Kurlowecz moved to adjourn the meeting. Mr. Bregman seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**

Respectfully Submitted,



Thomas F. Burke
Associate Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of April 7, 2021
- Applications for K. Flewelling, D. Thistle
- Public Session Minutes for March 18, 2021