

Board of Registration of Dispensing Opticians

Public Session Minutes

Date: May 4, 2022 Time: 10:00 a.m.

A public meeting of the Massachusetts Board of Registration of Dispensing Opticians (“the Board”) was held via Videoconference and Conference Call pursuant to Chapter 22 of the Acts of 2022, signed into law on February 12, 2022.

Board Members Present:

David Fogg
Deanna Kurlowecz, Board Chair
Gary Peters
Marty Bregman

Staff Present:

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

Meeting called To Order:

- Ms. Kurlowecz called the meeting to order at 10:03 am and established a quorum via calling attendance: Gary Peters, Deanna Kurlowecz, and David Fogg participating via video, and Marty Bregman participating via audio.
- Exit and Evacuation procedures were tabled.

Board Minutes:

- Public Meeting Minutes from March 2, 2022: **Mr. Peters moved to accept the minutes and Ms. Kurlowecz seconded. Motion to accept March 2, 2022 minutes passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”.**
- Public Meeting Minutes from April 6, 2022: **Mr. Fogg moved to accept the minutes with amendments showing Mr. Bregman’s absence from the April meeting, removing all references to Mr. Bregman voting at that meeting, and changing Mr. Fogg’s vote to “abstain” on the application for Sherrest Gilbert. Mr. Peters seconded. Motion to accept April 6, 2022 minutes as so amended passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Abstain”.**

Board Business:

- **Report from Executive Director, Thomas Burke**
Mr. Burke reported that he reached out to Mr. Benjamin LeMaine regarding the end of his apprentice extension. He will provide an update to the Board chair when he receives a response and report back to the Board at the subsequent meeting.

Apprentice Extension Request:

- Rob Volpe
Mr. Volpe appeared before the Board to request an extension of his apprenticeship. He passed the ABO, NCLE, and Massachusetts practical exams but lacks sufficient training hours to complete the apprenticeship. Mr. Volpe was notified by the Division of

Apprentice Standards (“DAS”) in January 2020 that his registration as an apprentice was terminated because he worked as a manager. Mr. Volpe began a new apprenticeship under the supervision of his mentor – Ms. Deborah Black – who expressed support for Mr. Volpe. This is Mr. Volpe’s first request for an apprenticeship extension.

Mr. Fogg moved to grant Mr. Volpe a six-month extension of his apprenticeship so that he may complete his hours and receive his certificate. He instructed Mr. Volpe to meet with the Board at the June meeting to review his status. The Board is interested in knowing how many hours DAS accepted towards Mr. Volpe’s apprenticeship. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

Margaret Gilligan, Program Director at Division of Apprentice Standards, reminded the Board, apprentices and sponsors, that only sponsors are allowed to enter apprenticeship data into DAS’s portal system. Sponsors are not allowed to give passwords to apprentices and apprentices should not be entering their own information into the DAS portal. Mr. Peters noted that the Board may want to add this reminder to correspondence that Board Counsel is drafting which will be sent to optical companies to clarify requirements in Massachusetts. Mr. Peters suggested that Board Counsel work with DAS to get input on what other reminders DAS thinks should go in the letter.

Application Review:

At 10:51 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:

Theresa Vu– After review of Ms. Vu’s application, Mr. Peters moved to approve her for licensure upon receipt of out-of-state certification letter. Mr. Fogg asked the applicant about where she worked in MA and her current job duties. Mr. Fogg raised concern about the information provided. Ms. Vu provided further details about her work in an Ophthalmologist’s practice. There was no second to the motion. The motion failed. The Board instructed staff to follow up with Ms. Vu.

After subsequent discussion and review, Ms. Kurlowecz tabled review of Ms. Vu’s application and requested that she submit additional information including certificate of good standing from other state. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “No.”

Ms. Kurlowecz expressed her concern about unlicensed individuals performing duties that require licensure as dispensing opticians.

Discussion:

- **Advertisement for unlicensed assistance** – Tabled.
- **Patient Record Retention** – Tabled.

- **Licensed Managers** – The Board discussed whether managers of optical goods stores should be required to be licensed opticians in Massachusetts. The Board raised concern about managers who may engage in unlicensed practice and thus pose a threat to public safety. Mr. Peters stated that he hopes to provide guidance on this matter in his work with corporate entities within the Commonwealth. He will report back to the Board. No vote was taken.
- **Warby Parker Apprentice Optician Training Program** – After brief discussion, Mr. Fogg moved to approve. Mr. Peters seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”
- **In-Person Board meeting and Locations** – The Board discussed the possibility of holding an in-person Board meeting later this year at the Opticians Association of Massachusetts (“OAM”) annual meeting that would provide continuing education credits for attendees. The Board expressed interest in conducting panel discussions with licensed opticians in a question-and-answer format. Board Counsel asked if the venue for the meeting would be open to the public with no cost to attend and ADA compliant. Board Counsel will review and advise the Board on this matter. No vote was taken.

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

None.

At 11:50 a.m., Mr. Peters 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.”

The Board agreed to take a fifteen minute break

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

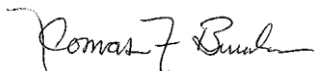
During the closed session, the Board took the following action:

Allegations of unlicensed employees engaged in dispensing practice – Discussion on investigative strategies.

Adjournment:

- **At 1:05 p.m. Mr. Fogg moved to adjourn the meeting. Mr. Peters 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 May 4, 2022
- Public Meeting Minutes from March 2, 2022
- Public Meeting Minutes from April 6, 2022
- Apprentice Extension Request for R. Volpe
- Applications for T. Vu (protected personal data redacted)
- Warby Parker Optician Apprentice Training Program
- Board Meeting Schedule 2022