

Board of Registration of Dispensing Opticians

Public Session Minutes

Date: June 2, 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
Gary Peters

Staff Present:

Jennifer Romeo-Porcaro, Board Counsel
Thomas F. Burke, Associate Exec. Director

Meeting called To Order:

- Ms. Kurlowecz called the meeting to order at 10:06 a.m.
- Exit and Evacuation procedures were tabled.

Review Meeting Minutes:

- Public Meeting Minutes from May 5, 2021: **Mr. Peters moved to approve the public session minutes amended to remove the additional second motion in the minutes. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”**
- Executive Meeting Minutes from May 5, 2021: After brief discussion, **Ms. Kurlowecz moved to approve the executive session minutes as amended. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”**

Board Business:

- **Report from Executive Director, Thomas Burke**
Mr. Burke reported that he will monitor approved apprentice extensions and report to the Board at its subsequent meeting.

Apprentice Reinstatement/Extension:

Jenna Rizzotto – Ms. Rizzotto appeared before the Board to request reinstatement of her apprenticeship that began January 10, 2018 and was cancelled on January 1, 2021. Ms. Rizzotto has passed the required NCLE, ABO and Massachusetts practical exam and submitted evidence of more than 4200 hours of training. She stated she was unaware that her apprenticeship was cancelled. She is seeking to complete the required minimum three years of training in order to receive the apprentice completion certificate. Mr. Fogg asked Ms. Rizzotto if she was trained to fit contact lenses to a human eye. She stated that she did not receive this training.

After discussion, Ms. Kurlowecz moved to reinstate Ms. Rizzotto’s apprenticeship and instructed her to submit a letter to Board staff as evidence of training in inserting contact lenses. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

Application Review

At 10:25 a.m., the Board met with three applicants for licensure and reviewed three applications. Below is a list of the candidates for review and the motion and roll call vote for each:

Thomas Scotti – After review of Mr. Scotti’s application, Mr. Fogg 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: “Did not respond.”

David Ramanauskas – After review of Mr. Ramanauskas’s application, Mr. Fogg 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.”

James Schleper (Out of State Applicant) – After review of Mr. Schleper’s application, the Board determined that his out-of-state apprentice training is substantially equivalent to Massachusetts requirements for licensure. Mr. Fogg 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.”

Correspondence:

- Scope of Practice questions – Upon review, the Board instructed counsel to provide written response.

Discussion:

- **Reinstatement for Individuals whose licenses were revoked due to default** – The Board met with Ms. Rebecca Maurer (6088-DO-DO) regarding her request to reinstate her license, which was revoked on November 13, 2013. Ms. Maurer acknowledged that the default revocation was the result of a continuing education audit in 2012. In her appearance before the Board. Ms. Maurer presented documentation of seventy-two hours of continuing education in ABO and NCLE courses.

Ms. Kurlowecz moved to table the review of Ms. Maurer’s request for reinstatement and instructed Board staff to request the case file related to default revocation. Mr. Fogg seconded. Motion passed by a roll call vote: Ms. Kurlowecz: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Mr. Peters: “Yes.”

- **FAQ Scope of Practice** – Ms. Romeo-Porcaro announced that the “Frequently Asked Questions” regarding scope of practice for opticians received final approval. The Board instructed her and Board staff to post the document to the Board website. No motion was taken.
- **Legislation to move Board to Department of Public Health** – Attorney Romero-Porcaro announced that the Governor has filed pending legislation that will transfer the Board of Dispensing Opticians to the Department of Public Health. She will provide updates to the Board as the legislation becomes available.
- **Board meetings going forward to meet in Boston** – Attorney Romeo-Porcaro reported that Board meetings will be held in-person following the end of the State of Emergency on June 15, 2021. Mr. Burke noted that he expects pending legislation may extend the waiver to the Open Meeting Law. He and Board counsel will provide updates to the Board.
- **Consumer Fact Sheet Revisions** – Tabled.
- **CMR Review** – Attorney Romeo-Porcaro presented an outline of the framework for implementing changes to the Board’s regulations to include new exam requirements in response to Board discussion of implementing the NCLE practical exam as a requirement for full licensure. She noted that regulatory review includes a period of discussion and public comments and requires final approval. Because the review would affect licensure requirements, she advised the Board to include the Division of Apprentice Standards (“DAS”) in the regulatory review process. Ms. Romeo-Porcaro noted that the Board’s delegation of Mr. Peters as communications liaison to DAS relates to the topic of applications; she would guide the review of regulations with DAS and the Board. The Board tabled further discussion of the topic.

At 12:43 p.m. the Board took a ten minute break.

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

- Mr. Peters reported on his recent call with Board counsel and Executive Director. He stated that the regulations for apprentice opticians offer a breakdown of subject matter in 235 CMR 4.04 but not a breakdown of hours. Apprentice opticians must complete a total of 4200 hours according to the different tasks and duties as stated in the regulations and application.
- Jim Morris of ABO-NCLE stated that he will provide a report to Board counsel on the percentage of hours in the NCLE practical exam. The Board instructed Mr. Morris to distribute the report to Board members as well.
- The Board reviewed ways to enhance the Board’s relationship to the Division of Apprentice Standards (“DAS”). The Board discussed having members and staff attend regular DAS meetings and to receive updates on DAS policies. The Board expressed an

interest in receiving regular reports from DAS on new apprentice opticians and their supervising mentors and sponsors.

At 1:40 p.m., Mr. Fogg made a motion, seconded by Mr. Peters, to adjourn the public meeting and to enter into executive session under G.L. c. 30A, s. 21(a)(7) to comply with G.L. c. 4, s. 7, para. 26(c) and G.L. c. 214, s. 1B – adhering to the public records law and to preserve the confidentiality of medical record information; then, 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]:

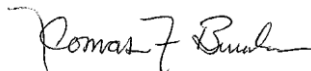
During the closed session, the Board voted to take the following action:

- CRE – Tabled.

Adjournment:

- **At 2:25 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 June 2, 2021
- License Reinstatement application for R. Maurer
- Applications for T. Scotti, D. Ramanauskas, J. Schleper
- Draft Public Session Minutes for May 5, 2021
- Draft Executive Session Minutes for May 5, 2021
- FAQ Scope of Practice
- 235 CMR 2.00