

Board of Registration of Optometry

Public Session Minutes

1000 Washington 1st Floor Room 1C, Boston, MA 02118

DATE: June 19, 2019 TIME: 10:00am

Board Members Present:

Everett Sabree, OD
Jeanette Sewell, OD
Rhonda Willinger, OD
Bruce Rakusin, OD

DPL Staff Present:

Michael Hawley, Executive Director
Sheila York, Board Counsel
Thomas Burke, Assoc. Executive Director

Board Member Absent:

Marianne Sarkis, Ph.D.

Meeting called to order at 10:08 AM by Dr. Sabree

Evacuation Procedure:

Mr. Hawley discussed safety procedures in the event of emergency.

Review Minutes:

- Minutes of May 15, 2019 meeting – **Dr. Rakusin moved to accept the minutes as written. Dr. Willinger seconded the motion. Motion passed unanimously.**

Report from Executive Director:

- Licensing Update: Mr. Hawley reported on changes at DPL. The agency has a new commissioner, new first deputy commissioner, new chief operating officer, new deputy general counsel and a new deputy commissioner for Boards. Mr. Hawley reported new licenses continue to be processed without technical delays. There was a discussion about the use of OE Tracker in conduction of audits and what would be a practical approach to using the OE Tracker list provided by ARBO for determining an audit sample size. Mr. Hawley agreed to get a list to determine what percentage of licensees participate in OE Tracker.

Report from Board Counsel:

- Attorney York reported that she has drafted a policy regarding the use of intense pulsed light therapy (“IPL”) as directed by the Board at prior meetings. The Board discussed the draft policy and issues concerning the amount and type of training required. The Board agreed on policy wording indicating that the licensee must receive appropriate training prior to performing IPL treatment, which could be training provided by the device manufacturer or an approved continuing education or optometric college course. The Board discussed suggesting that the optometric colleges consider creating courses that

might provide the training, however there seemed to be a consensus that the training provided by the manufacturer could also be sufficient. Board members approved the proposed policy for submission to DPL senior management for review. If no objections or concerns are received from DPL by the August meeting, the Board will vote on the policy at that meeting.

Discussion:

- Internet Eye Exams: The Board discussed the use and legality of internet based eye examinations. There were concerns expressed that such exams may present a risk to the public by purporting to be as complete as an in-person exam. Board Counsel noted that in some cases it is ophthalmologists utilizing these online eye examinations, not optometrists. The Board asked board staff to find out what the Massachusetts Board of Registration in Medicine's policies and regulations are on this topic and to possibly initiate a discussion with that board. Also Board staff was asked to reach out to ARBO to get information on how other states are handling this and other telehealth related issues.
- Glaucoma training requirements: The topic was briefly discussed but there is no additional news on the Glaucoma bill.

Open Session for topics not reasonably anticipated by the chair within 48 hours of the meeting:

- Attorney York briefly discussed the Massachusetts Superior Court's requirement for parties to obtain lists of licensees available to serve on medical malpractice tribunals. For physicians, the lists of potential tribunal participants are provided by the Massachusetts Medical Association. However, for health care professionals licensed by the Division of Professional Licensure ("DPL"), the courts rule requires that the Boards provide the lists. The problem is that the Board's do not maintain such a list and the applicable statute does not obligate the licensing boards to perform this function. DPL's General Counsel Kevin Scanlon is in discussions with representatives from the other licensing agencies. Attorney Scanlon would like to know whether the Board would be open to enlisting the assistance of the Massachusetts Society of Optometrists ("MSO") in creating, maintaining, and providing such a list. In addition, the General Counsel would also like to know whether the Board would consider allowing licensees who served on such a tribunal to be given CE credit for doing so. The Board consensus was that they would consider amending the regulation to allow CE credit for tribunal participation, most likely a standard number of hours of credit would be given for serving on a tribunal. Attorney York will continue to work with DPL administration to sort through the issues associated with providing the list of volunteers.

Closed Session per M.G.L. c. 112, section 65C:

11:26 am, Dr. Rakusin moved to enter into closed session to consider the following investigative matters, 2018-001307-it-enf, 2019-000251-it-enf and 2019-000252-it-enf. Dr. Sabree seconded. The motion passed unanimously.

Dr. Sewell recused herself from consideration of 2018-001307-it-enf, left the closed session at 12:09, and did not participate in the review of that case.

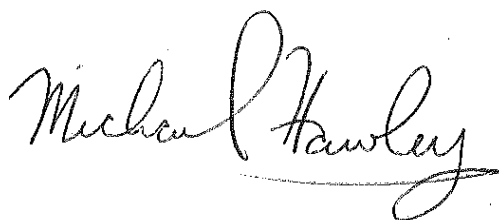
At the end of the closed session, the open meeting resumed.

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

- **2018-001307-it-enf: Dismissed**
- **2018-000251-it-enf: Dismissed**
- **2019-000252-it-enf: Dismissed**

12:16 pm - Dr. Willinger moved to adjourn the meeting. Motion seconded by Dr. Rakusin. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink, reading "Michael Hawley". The signature is written in a cursive, flowing style. The first name "Michael" is written in a larger, more prominent script, and "Hawley" is written in a slightly smaller, more compact script. The signature is positioned above a horizontal line.

Michael Hawley, Executive Director

Documents used in the open meeting:

- Agenda for June 19, 2019 board meeting
- Draft of Minutes of May 15, 2019 board meeting
- Draft of Intense Pulse Light policy