

Board of Registration of Dispensing Opticians
1000 Washington St. Room 1C
Date: December 5, 2018 Time: 10:00 a.m.

Public Meeting Minutes

Board Members Present:

Gary Peters
Marty Bregman
David Fogg
Deanna Kurlowecz

Staff Present:

Michael Hawley, Exec. Director
Thomas F. Burke, Associate Exec. Director

Members of the Public Present:

James Russo
Bridget Martinez
Jaime Santangelo

10:03AM: Meeting called To Order:

- Meeting was called to order at 10:04 a.m. by Mr. Peters.
- Mr. Peters reviewed exit procedures in the case of an emergency.

Review Meeting Minutes:

- Minutes of September 5, 2018 Meeting: **Mr. Fogg moved to accept the minutes. Mr. Bregman seconded. The motion passed unanimously.**
- Minutes of November 7, 2018 Meeting: **Mr. Bregman moved to accept the minutes. Mr. Peters seconded. The motion passed unanimously.**

Board Business:

- Report from Executive Director, Michael Hawley
 - Mr. Hawley reported that the pass rate ratio of first time test takers for the September practical exam was above eighty percent. Out of the total number of test takers, fourteen were repeat test takers.
 - Mr. Fogg noted that two recent licensees, Eugenia Goncalves and Donald Philips, did not receive wall certificates. Mr. Hawley stated that board staff will create new certificates for each licensee and bring them to be signed at the February Board meeting.
- Report from Board Counsel, James O'Connor
 - No Report.

Application Review(out of state hours):

- **Jaime Santangelo** – Ms. Santangelo appeared before the board to request that her hours of employment outside of Massachusetts be counted as professional training as part of her application for licensure. Ms. Santangelo was employed for many years in New Hampshire and is currently enrolled as an apprentice in Massachusetts. She has passed

the ABO and NCLE exams, and recently passed the Massachusetts practical exam. She was accompanied by a former employer, Ms. Martinez, and her current sponsor, Mr. Russo. In discussion, Attorney O'Connor acknowledged Ms. Santangelo's work experience in New Hampshire but noted that the Board's regulations require equivalency in apprenticeship training, which Ms. Santangelo work in New Hampshire does not meet. Mr. Fogg stated that Ms. Santangelo currently lacks three years of apprentice training needed to meet eligibility requirements for licensure. The Board denied Ms. Santangelo's request and encouraged her to complete her apprentice training. No vote was taken.

Discussion:

- **Unlicensed Issues** – On the subject of unlicensed practice, the Board discussed the distinction between “on the premises” and “in the room” as it relates to the requirement that a licensed dispensing optician be present in a shop. The Board requested that Attorney O'Connor propose a policy to address the distinction regarding the requirement and present to the Board at a future meeting.
- **Board Review of Applications** – It was proposed that all applications be presented to the Board members for review prior to applicants taking the practical exam. Mr. Hawley stated that at subsequent meeting all eligible applications will presented for such a review.
- **Virginia Auditor's Recommendation** – The Board briefly discussed the Virginia Auditor's recommendation to discontinue dispensing optician licensing. The Board reviewed the recommendation and discussed the importance of opticianry licensing.
- **DO Consumer Fact Sheet** - The Board chair inquired if the consumer fact sheet is available to the public. Mr. Hawley stated that the fact sheet is posted on the Board website. After discussion, it was agreed that the Board will review the fact sheet at future meetings to address consumer protection matters.

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

A Board member inquired about the suitability of ABO and NCLE continuing education course programs for Massachusetts Dispensing Opticians. After brief discussion, it was agreed that this issue will be a topic for discussion at the February meeting.

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

At 11:40 a.m. Mr. Fogg moved to enter into Investigative Session to discuss pending cases [Closed Session pursuant to M.G.L. c. 112 §65C]. The motion was seconded by Ms. Kurlowecz. Motion passed unanimously.

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

During the investigative conference the board voted to take the following action:

- DO 2018-001109-IT ENF – Tabled

- DO-2018-001198-IT-ENF – Tabled
- DO-2018-001199-IT-ENF – Closed

At 12:24 p.m. Mr. Bregman moved to exit closed session. The motion was seconded by Ms. Kurlowecz. The motion passed unanimously

12:25 p.m. Adjournment:

Mr. Bregman moved to adjourn the meeting. Ms. Kurlowecz seconded. Motion passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Hawley", is written over a horizontal line.

Michael Hawley
Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of December 5, 2018
- Application for Jaime Santangelo
- Document indicating that VA auditor recommended discontinuing DO licensure
- Dispensing Optician Consumer Fact Sheet