

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

Date: August 2, 2023 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 section 40 of chapter 2 of the acts of 2023, signed into law on March 29, 2023.

Board Members Present:

William Carleton, Board Chair
Mark Davini, Board Secretary
Jesse Ellis
Deborah Black
Alicja Prachanronarong

Staff Present:

Sheila York, Board Counsel
Thomas F. Burke, Executive Director
Margaret McKenna, Board Staff

Housekeeping:

- In lieu of Board Chair, William Carleton, Mr. Burke called the meeting to order at 10:01 am and established a quorum via calling attendance: Jesse Ellis, Deborah Black, Alicja Prachanronarong, and Mark Davini. All members participated remotely via Webex by Cisco.
- Mr. Burke advised members of the public to mute their volume and utilize the raise hand function to address the Board. He asked that members of the public turn off their cameras during the meeting and when not directly addressing the Board.

Board Minutes:

- Public Meeting Minutes from April 5, 2023: **Dr. Davini moved to accept the amended April 5, 2023 public meeting minutes and Ms. Black seconded. The motion to accept the April 5, 2023 amended minutes passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.**
- Public Meeting Minutes from June 7, 2023: **Mr. Ellis moved to accept the minutes and Ms. Black seconded. The motion to accept the June 7, 2023 minutes passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.**

Board Business:

- **Report from Executive Director, Thomas Burke:** Mr. Burke reported that he and his staff have begun reviewing scanned license applications for the dispensing optician board as part of the Bureau of Health Professions Licensure digital record retention project. He noted that the record retention project will make application records more accessible and assist staff in providing primary source verification information.

- **Prosecutorial Discretion & Alford Plea policies presentation (Jessica Uhing-Luedde)**
 - Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit - VOTE

The Board reviewed a proposed policy that allows a prosecutor (1) to negotiate with respondents in adjudicatory matters within a range of discipline provided by the Board; and (2), in consultation with the executive director and board counsel, to add violations to orders to show cause for cases that are not included in the Board's referral to the Office of Prosecutions.

After brief discussion, Dr. Davini moved to approve the policy. Mr. Ellis seconded. Motion passed by a roll call vote: Ms. Black: "Yes", Mr. Ellis: "Yes", Dr. Davini: "Yes", Mr. Carleton: "Yes", Ms. Prachanronarong: "Yes".

- Policy re: Standard Consent Agreement Terms - VOTE

The Board reviewed a draft policy that creates standard language about violations for consent agreements.

After brief discussion, Mr. Ellis moved to approve the policy. Mr. Carleton seconded. Motion passed by a roll call vote: Ms. Black: "Yes", Mr. Ellis: "Yes", Dr. Davini: "Yes", Mr. Carleton: "Yes", Ms. Prachanronarong: "Yes".

Application Review:

At 10:30 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:

Alison Moser – After review of Ms. Moser's application, Mr. Ellis moved to approve her for licensure. Ms. Black seconded. Motion passed by a roll call vote: Ms. Black: "Yes", Mr. Ellis: "Yes", Dr. Davini: "Yes", Mr. Carleton: "Yes", Ms. Prachanronarong: "Yes".

Elizabeth Hurley – After review of Ms. Hurley's application, Mr. Ellis moved to approve her for licensure. Ms. Black seconded. Motion passed by a roll call vote: Ms. Black: "Yes", Mr. Ellis: "Yes", Dr. Davini: "Yes", Mr. Carleton: "No", Ms. Prachanronarong: "Yes".

Ghenadie Manea – After review of Mr. Manea's application, Mr. Ellis moved to approve him for licensure. Ms. Prachanronarong seconded. Motion passed by a roll call vote: Ms. Black: "Yes", Mr. Ellis: "Yes", Dr. Davini: "Yes", Mr. Carleton: "Yes", Ms. Prachanronarong: "Yes".

Kyle Kenneally – After review of Mr. Kenneally's application, Mr. Ellis moved to approve him for licensure. Ms. Black seconded. Motion passed by a roll call vote:

Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.

Laura Campbell – After review of Ms. Campbell’s application, Mr. Ellis moved to approve her for licensure. Dr. Davini seconded. Motion passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.

Ronald Hedges – After review of Mr. Hedges’ application, Mr. Ellis moved to approve him for licensure. Dr. Davini seconded. Motion passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.

Apprentice Extension Request:

Adalberto Santana Rivera – Mr. Rivera began his apprenticeship in May 2018. Since 2021, he has taken the ABO basic examination multiple times and recently achieved a passing score. He acknowledged that he has not taken or passed the NCLE or practical exam. He cites personal reasons and the onset of Covid-19 for the delay. Mr. Rivera’s supervising mentor is Victoria Giguere and he is employed at the Springfield Massachusetts Walmart Vision Center. Mr. Rivera requested an extension so that he may take and pass the required exams. This is his first apprentice extension request.

After discussion, Mr. Prachanronarong moved to grant Mr. Rivera an extension of his apprenticeship until August 7, 2024 on the condition that he provide evidence that he has taken both of the remaining required exams. Ms. Black seconded. Motion passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.

Discussion:

- **CEPA Agreement and Memo** – Read and filed.
- **Draft Apprentice Optician Curriculum for On-the-Job Training & Related Draft Apprentice Optician Curriculum for On-the-Job Training & Related Technical Instruction** – The Board reviewed a proposed draft curriculum for technical instruction and supervised training for apprentice opticians. Division of Apprentice Standards (DAS) Program Director Margaret Gilligan explained that DAS worked with Kevin Silva and Blair Wong to craft an objective curriculum to assist supervising mentors in completing the three-year program. Board members Jesse Ellis and Deborah Black met with DAS staff over several months to review and refine the curriculum. Both expressed hope that the curriculum would serve as a template for sponsors and supervising mentors while streamlining and expanding subject matter areas. The curriculum, they explained, would serve as a tool for DAS. The Board reviewed and discussed whether the curriculum should include information on exam requirements per training year and, in addition to percentages, a breakdown of hours per each category of instruction and training. Board members inquired how the curriculum would relate to the board’s subject matter

requirements in 235 CMR 4.04. Ms. York explained that the Board members needed to review the subject areas set forth in that regulation and ensure that the proposed curriculum accurately reflects each of those requirements. The Board members should discuss the results of their review at the next board meeting.

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

- Professor Blair Wong thanked the Board for the presentation on the DAS draft curriculum. He indicated that the proposed curriculum could include the assignation of hours if the Board approved.

Cases, Investigative Conference, Settlement Offers [Closed session pursuant to M.G.L. c. 112 §65C]: Investigative Matters and Settlement Offers- [Closed Session Pursuant to M.G.L. c. 112, § 65C]:

At 11:49 a.m., Mr. Ellis made a motion, seconded by Ms. Prachanronarong 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.

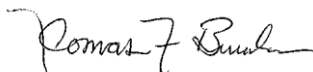
During the closed session, the Board took the following action:

- 2022-000663 – dismissed with advisory letter
- 2022-000665 – dismissed with advisory letter
- INV7162 – provided guidance to investigator

Adjournment:

- **At 1:13 p.m. Mr. Ellis moved to adjourn the meeting. Ms. Prachanronarong seconded. Motion passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.**

Respectfully Submitted,



Thomas F. Burke
Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of August 2, 2023
- Public Meeting Minutes from April 5, 2023
- Public Meeting Minutes from June 7, 2023

- Applications for A. Moser, E. Hurley, G. Manea, K. Kenneally, L. Campbell, and R. Hedges (protected personal data redacted)
- Revised CEPA Agreement and 2021 Minutes with Board Approval
- DAS Draft Apprentice Optician Curriculum for On-the-Job Training & Related Technical Instruction