

Board of Registration of Dispensing Opticians

Public Session Minutes

Date: April 3, 2024 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
Lauren McShane, Chief Investigator
Thomas F. Burke, Executive Director
Margaret McKenna, Board Staff
Christian Carl, Board Staff Intern

Housekeeping:

- Board Chair William Carleton called the meeting to order at 10:11 am and established a quorum via calling attendance: Jesse Ellis, Deborah Black, Alicja Prachanronarong, Mark Davini, and William Carleton. All members participated remotely via Cisco Webex.
- Mr. Burke advised members of the public to mute their audio and video feeds during the public meeting unless they are addressing Board members. Individuals may utilize the Webex “raised hand” function if they wish to address the Board.

Board Minutes:

- Public Meeting Minutes from March 6, 2024: **Mr. Ellis moved to accept the minutes and Ms. Prachanronarong seconded. The motion to accept the March 6, 2024 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:** No report.

Application Review:

- At 10:16 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:

Nicole Headley – **After review of Ms. Headley’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”.**

Correspondence:

- **Question regarding delivery methods of related technical instruction for apprentices**
In response to the question submitted by the Division of Apprentice Standards (DAS), the Board members stated that the Board does not approve study material for technical instruction (RTI). However, if the RTI program covers the material in the approved curriculum, the study material may be used. This does not apply to on-the-job training (OJT). Sponsors or licensed supervisors may utilize the study material for apprentice instruction. Board counsel stated that the Board may approve subject matter areas but not delivery methods per 235 CMR 4.05.

Discussion:

- **Dispensing optician apprenticeship policy - review**

The board discussed the draft policy as it relates to subject matter areas for both on-the-job training and related technical instruction. The Board expressed concern that requiring on-the-job training for subject matter that is inaccessible to the apprentice needs to be addressed. In response, Board counsel advised that the Board may offer an interpretation of 235 CMR 4.04 that will allow some training to be done through technical instruction if the requirement poses an insurmountable threshold for the apprentice and supervising mentor to meet. If the Board, for example, finds that a strict reading of the requirement for OJT on lens hardening and drop-ball testing would present an undue burden and that there are sufficient safeguards to protect the public health, welfare, and safety, then it may offer a wider, reasonable interpretation of the regulation to serve public interest. The Board agreed that such an interpretation may apply to some subject matter areas but stressed the need for apprentices to learn all required subject areas. Optical goods stores that do not have access to such facilities for hands-on training should make accommodations for apprentices to receive training in other entities. The Board instructed counsel to review 235 CMR 4.04 subject matter areas and report back to the Board at a subsequent meeting.

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

Mr. Chris DiTavi inquired about procedures for becoming a supervising mentor. The Board directed Mr. DiTavi to contact the Division of Apprentice Standards.

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 11:02 a.m., Ms. Prachanronarong made a motion, seconded by Mr. Ellis 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. Black: “Yes”, Mr. Ellis: “Yes”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.

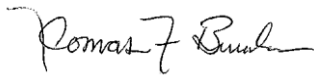
During the closed session, the Board took the following action:

- **CASE-2024-0143** – Dismissed with advisory letter.

Adjournment:

At 11:17 a.m., Mr. Ellis moved to adjourn the meeting. Ms. Prachanronarong seconded. Motion passed by a roll call vote: Ms. Black: “Yes”, Mr. Ellis: “Present”, Dr. Davini: “Yes”, Mr. Carleton: “Yes”, Ms. Prachanronarong: “Yes”.

Respectfully Submitted,



Thomas F. Burke
Executive Director

Documents used in the open meeting:

- Meeting agenda for April 3, 2024
- Draft public meeting minutes from March 6, 2024
- Application for N. Headly (protected personal data redacted)
- Correspondence on delivery methods for related technical instruction
- Draft Dispensing Optician Apprentice Policy
- 235 CMR 4.00 Apprenticeship Requirements and Procedures