

Board of Registration of Dispensing Opticians
DPS Office - 50 Maple Street, Milford, MA 01757
Date: May 2, 2018 Time: 10:00 a.m.

Public Meeting Minutes

Board Members Present:

William Carleton
Gary Peters
Lawrence Clayman

Staff Present:

Michael Hawley, Exec. Director
Thomas Burke, Associate Exec. Director
James O'Connor, Board Counsel

Members of the Public Present:

James Russo
Lorraine O'Connor
Susan Clarke

10:05AM: Meeting called To Order:

- Meeting was called to order at 10:09 a.m. by Mr. Carleton.
- Mr. Carleton reviewed exit procedures in the case of an emergency.

Review Meeting Minutes:

- Minutes of April 2018 Meeting: **Mr. Peters moved to accept the minutes as amended. Mr. Clayman seconded. The motion passed unanimously.**

Board Business:

- Report from Executive Director, Michael Hawley
 - Mr. Hawley reported that a total of 36 applicants took the practical exam in April, 2018. Of that number, 22 passed the practical exam, and these applicants have been notified and issued licenses. Applicants who did not achieve a passing score will be invited to take the practical exam when it is offered in September, 2018.

Apprentice Extension Request:

- **Susan Clarke** –Ms. Clarke appeared before the board to request an extension of her apprenticeship. Ms. Clarke has passed the ABO but still has not passed the NCLE. She provided to the Board sufficient evidence that she has taken the NCLE each time it was offered since she passed the ABO. Ms. Clarke cited medical reasons for her lack of success in passing the NCLE. **Mr. Peters moved to extend Ms. Clarke's apprenticeship for one year provided that she supplies evidence of her medical situation within the next two weeks. Mr. Clayman seconded. Motion passed unanimously.**

Wall Certificate -The Board signed the following wall certificates:

- Wattanaphol Riether
- Joseph Geary
- Lisa Turner
- Victoria Hale
- Yvonne LeTourneau
- Amy Frederickson
- Jacquelyn Webb
- Keith Sylvia
- Leah Malinosky

Discussion:

- The Board discussed the establishment of a policy requiring evidence of two cycles of continuing education for reinstatement of expired licenses. Board Counsel noted that a two year requirement is commensurate with the number of cycles required for setting the fee structure for reinstatement of expired licenses. The requirement of evidence of more than two cycles of CE tends to create an unreasonable barrier to the reinstatement of the license. After discussion, the board agreed with Board Counsel and voted to adopt policy 18-002. **Mr. Clayman moved to accept Policy 18-002. Mr. Peters seconded. The motion passed unanimously.**
- The Board reviewed the requirement for former licensees to retake the practical exam when reinstating. The Board discussed the situations in which such a requirement was useful. Of concern were former licensees who have been licensed and practicing in states with substantially similar requirements. The Board discussed the fact that requiring former licensees to take the practical examination when new applicants applying by reciprocity would not be so required, seems an unnecessarily onerous and unreasonable barrier to licensure. The Board directed staff to waive the exam requirement in such instances.

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

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

At 11:25 a.m., Mr. Clayman moved to enter into Investigative Session to discuss pending cases [Closed Session pursuant to M.G.L. c. 112 §65C], seconded by Mr. Peters. 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 actions:

- 2018-000268-IT-ENF – Provided Guidance to Prosecutor
- 2017-001548-IT-ENF – Forwarded to Office of Prosecutions

12:30 p.m. Adjournment:

Mr. Peters moved to adjourn the meeting. Mr. Carleton seconded. Motion passed unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Hawley". The signature is fluid and cursive, with the first name "Michael" and last name "Hawley" clearly distinguishable.

Michael Hawley
Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of May 2, 2018
- Minutes from the April, 2018 Board meeting
- Apprenticeship extension request of Susan Clarke
- Board Policy 18-002