

Board of Registration of Dispensing Opticians
1000 Washington St. Room 1C
Date: November 6, 2019 Time: 10:00 a.m.

Public Meeting Minutes

Board Members Present:

Gary Peters
David Fogg
Deanna Kurlowecz
Marty Bregman

Staff Present:

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

Members of the Public Present:

Blair Wong
James Russo
Ashlie Perkins, Division of Apprentice Standards
Camille Pensavalli, Division of Apprentice Standards
Duong Nguyen
Ahhyee Ma
Raquel Vieira
Talia Swanson
Joseph Geary

Meeting called To Order:

- Mr. Peters called the meeting to order at 10:11 a.m.
- Mr. Burke reviewed exit procedures in the case of an emergency.

Review Meeting Minutes:

- Minutes of October 2, 2019 Meeting: **Mr. Fogg moved to accept the public minutes. Mr. Bregman seconded. The motion passed unanimously.**

CEPA Extension Requests:

- Duong Nguyen – Mr. Nguyen appeared before the Board to request an extension of his CEPA agreement in order to take and pass the Massachusetts Practical exam required for licensure. Mr. Nguyen reports that he was unable to take the exam in September 2019 because of extenuating circumstances. Mr. Nguyen is a recent graduate of Benjamin Franklin Technical Institute.

After discussion, Mr. Fogg moved to grant Mr. Nguyen an extension of his CEPA agreement until May 1, 2020 on the condition that he takes the Massachusetts Practical exam. Ms. Kurlowecz seconded. Motion passed unanimously.

Board Discussion:

- **The Online State Consumer Fact Sheet** - The Board tabled discussion.

- **CORI Policy** – The Board reviewed the revised CORI policy in light of the Massachusetts legislature’s passing of the Criminal Justice Reform Act of 2018.

After review, Ms. Kurlowecz moved to approve the revised CORI policy and Mr. Fogg seconded. Motion passed unanimously.

- **Reinstatement for Individuals whose licenses were revoked due to default** – The Board discussed the possibility of permitting delegated authority to Board staff to address the reinstatement of licensees with discipline history due to default judgments. After discussion, the Board instructed Attorney O’Connor to present a proposal at a future Board meeting.
- **Scope of Practice** – In light of concern for public safety, the Board discussed adding a frequently asked questions (“FAQ”) section to the board web site in order to address the work of non-licensed employees related to the practice of opticianry (e.g. receptionists, frame stylists, etc.). Board members will send possible questions and proposed answers to board staff. The Board agreed to continue to review this topic at subsequent meetings.

Apprentice Extension Requests:

- **Kristen Peart** – Ms. Peart submitted paperwork but was absent and did not meet with the Board.
- **Ashlie Vieira** – At the October 2, 2019 meeting, the Board unanimously approved Ms. Vieira to receive her apprentice certificate. Ms. Vieira and Ms. Perkins requested clarification as to the end date of Ms. Vieira’s apprenticeship. After review, the Board advised that the apprenticeship ended in 2017 at the time of her last extension.

Board Business:

- **Report from Executive Director, Michael Hawley**
After consulting with Board Counsel, Mr. Hawley proposed that the Board invite exam providers to attend subsequent meetings to present proposals on upgrading the Massachusetts Practical Exam. The Board agreed and requested that Board staff invite the exam vendors to attend the next Board meeting and conduct interviews. Mr. Hawley noted that, beginning next year, the Board will move to paperless renewal applications for all licensed professionals and accept only online applications.

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

- **Talia Swanson**
Ms. Swanson appeared at the board meeting. She is a licensed dispensing optician in the state of Rhode Island. After discussion and review, the Board agreed that Ms. Swanson’s Rhode Island license along with her degree from the Community College of Rhode Island, her passing scores on the ABO, NCLE, and Rhode Island practical exam (which, at the time she took it, was identical to the Massachusetts practical exam) made her a

suitable candidate for Massachusetts licensure and recommended that she submit an application for licensure by endorsement.

- **James Russo** – Mr. Russo asked the Board to whom complaints for apprentice opticians should be addressed. The Board advised him to direct all complaints and concerns to both the Division of Apprentice Standards and the Board of Registration of Dispensing Opticians.

Quasi-Judicial Session [Closed Session pursuant to G.L. c. 30A § 18(d)]:

At 11:56 p.m., Mr. Fogg moved to enter into Quasi-Judicial Session [Closed Session pursuant to M.G.L. c. 30A § 18D]. Mr. Peters seconded the motion. Motion passed unanimously.

During the quasi-judicial session, the Board voted to take the following action:

- 2017-000589-IT-ENF –issued final order.

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

At 12:05 p.m., Mr. Bregman moved to enter into Investigative Conference to discuss pending cases. [Closed session pursuant to G.L. c. 112 §65C]. Ms. Kurlowecz seconded the motion. Motion passed unanimously.

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

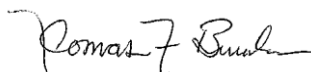
During the closed session, the Board voted to take the following actions:

- DO-2019-000929-IT-ENF – referred to office of prosecutions.
- DO-2019-001283-IT-ENF – tabled.
- DO-2019-001302-IT-ENF – tabled.

Adjournment:

At 12:32 p.m., Mr. Bregman moved to adjourn the meeting. Ms. Kurlowecz seconded. Motion passed unanimously.

Respectfully Submitted,



Thomas F. Burke
Associate Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of November 6, 2019
- Dispensing Optician Consumer Fact Sheet
- Minutes of October 2, 2019 board meeting
- Revised CORI policy