

Board of Registration of Dispensing Opticians

Public Session Minutes

Date: November 4, 2020 Time: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Dispensing Opticians (“the Board”) was held via Videoconference and Conference Call due to the Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

Board Members Present:

Gary Peters
David Fogg
Deanna Kurlowecz
Marty Bregman

Staff Present:

Sheila York, Board Counsel
Michael Hawley, Executive Director
Thomas F. Burke, Associate Exec. Director

Members of the Public Present:

Jocelyn Amaral
Trisha Fike
Brittany McNally
Steven Perryman, O.D.
Nicholas Baltadonis
Allen Ponichtera
Ahhyee R. Ma
Olivia “Dibby” Bartlett
Blair Wong

Meeting called To Order:

- Ms. Kurlowecz called the meeting to order at 10:00 a.m.
- Exit and Evacuation procedures were tabled.

Review Meeting Minutes:

- The review of the minutes of October 7, 2020 Meeting: **Mr. Fogg moved to accept the minutes as amended. Mr. Peters seconded. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.**

Board Business:

- **Report from Executive Director, Michael Hawley**
Mr. Hawley noted that the topic of the supervisor letter is on the agenda for today’s meeting. He acknowledged that current accreditation degree approval is restricted to the Commission on Opticianry Accreditation (“COA”) per Board regulations. He stated that the Board will move to all electronic renewal and licensure applications and will provide notice to the public of the pending change on the Board’s website.
- **Report from Board Counsel, Sheila York**

Attorney York reported that she is working with management to review the approved FAQ scope of practice questions for publication on the Board's website. Based on past work with former chair Gary Peters, Ms. York is compiling a list of Board policies and rules for improved education of corporate companies in Massachusetts requirements for licensure of individuals providing dispensing optician services and the supervision and training of dispensing optician apprentices. She thanked Mr. Peters for his efforts in this matter. After discussion, the Board took the following action:

Ms. Kurlowecz moved to allow Mr. Peters to continue his work on this topic with Ms. York. Mr. Fogg seconded. Motion passed by a roll call vote: Mr. Peters: "Yes", Mr. Fogg: "Yes", Mr. Bregman: "Yes", Ms. Kurlowecz: "Yes".

In conclusion, Ms. Kurlowecz inquired about accessibility of laboratory facilities for candidates not enrolled in degree programs. She stressed the need for supervisors to secure adequate lab training for apprentice opticians.

Apprentice Reinstatement Requests

- **Jocelyn Amaral** – Ms. Amaral appeared before the Board to request reinstatement of her apprenticeship, which began in 2008 and continued intermittently until 2018. Since 2018, Ms. Amaral reported that she has worked as a frame stylist and receptionist. Ms. Amaral noted that she passed the ABO exam in 2016 and the NCLE in 2020. She is scheduled to take the Massachusetts practical exam on December 11, 2020.

After discussion, Mr. Peters moved to allow Ms. Amaral complete her apprenticeship for sole purpose to allow Ms. Amaral to receive her apprentice completion certificate from DAS. If Ms. Amaral wants to extend her apprenticeship again, she must submit another request and appear before the Board. Ms. Kurlowecz seconded. The Motion passed on a roll call vote: Mr. Fogg – "Yes"; Ms. Kurlowecz – "Yes"; Mr. Bregman – "Yes".

- **Trisha Fike** – Ms. Fike appeared before the Board to request reinstatement of her apprenticeship, which occurred between 1999 and 2005. Ms. Fike explained that she moved out of state and did not complete all the terms of her apprenticeship. All the hours she lists are before 2005. Board members noted that there was not documentation from supervisor of those hours. Ms. Fike explained that she worked under James Ray but she did not believe he was still licensed. Staff found a James Ray licensed as a DO. Board members requested a notarized letter from Mr. Ray documenting Ms. Fike's training. Board staff stated that they could reach out to Mr. Ray for that information and Ms. Fike agreed with that process. Board staff will also ask DLS for the profile of Ms. Fike's prior apprenticeship. Ms. Fike's reinstatement request was tabled until next board meeting

Application Review

At 11:02 a.m., the Board reviewed met with three applicants for licensure. Below is a list of the candidates for review and the motion and roll call vote for each:

Brittany McNally – Ms. McNally and her employer, an optometrist, answered the Board’s questions about the calculation of her training hours. Ms. McNally explained that she performs multiple activities within the same hour and that is how they calculated her hours. After discussion, Mr. Fogg moved to approve Ms. McNally for licensure. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Nicholas Baltadonis – Mr. Baltadonis answered the Board’s questions about the calculation of his contact lens training. After discussion, Mr. Fogg moved to deny Mr. Baltadonis’ application for licensure. There was no second and the motion was withdrawn. After discussion, Mr. Peters moved to approve Mr. Baltadonis for licensure. Ms. Kurlowecz seconded. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “No”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Allen Ponichtera – Mr. Ponichtera answered the Board’s questions about his compliance with apprenticeship requirements. After discussion, Mr. Fogg moved to approve Mr. Ponichtera for licensure. Mr. Peters seconded. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Discussion:

- **CEPA Agreement** – Tabled. The Board instructed Board staff to invite Mr. Blair Wong to the December Board meeting to discuss this topic.
- **Supervisor Letter/Form** – Tabled. The Board instructed Board staff to place topic on the agenda for the December Board meeting.
- **Impact of COVID-19** – No discussion.

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

The Board instructed Board staff to place the Consumer Fact Sheet on the December agenda.

Mr. Fogg recommended the Board reconsider the application approval process. Mr. Fogg moved that staff not approve any applications until the entire Board reviews. Motion failed for lack of a second. However, the Board directed that all applicants pending Board review be invited to attend the December Board meeting to address the Board’s questions and concerns.

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

- At 1:00 p.m., Ms. Kurlowecz moved to enter into Investigative Conference to discuss open investigative matters. **[Closed session pursuant to G.L. c. 112 §65C].** Mr.

Peters seconded the motion. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

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

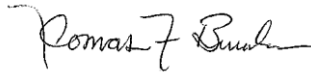
During the closed session, the Board voted to take the following actions:

- DO-2020-000528-IT-ENF – The Board requested additional information from the respondent.

Adjournment:

At 1:35 p.m., Mr. Fogg moved to adjourn the meeting. Mr. Peters seconded. Motion passed unanimously. Motion passed by a roll call vote: Mr. Peters: “Yes”, Mr. Fogg: “Yes”, Mr. Bregman: “Yes”, Ms. Kurlowecz: “Yes”.

Respectfully Submitted,



Thomas F. Burke
Associate Executive Director

Documents used in the open meeting:

- Agenda for DO Board Meeting of November 4, 2020
- Minutes of October 7, 2020 Board meeting
- Apprentice Reinstatement requests for J. Amaral and T. Fike
- Applications for B. McNally, N. Baltadonis and A. Ponichtera