

## **Board of Registration of Optometry**

### **Public Session Minutes**

Meeting Held by Phone/Video Conference

DATE: October 19, 2022 TIME: 10:00am

#### **Board Members Present by Phone/Video:**

Rhonda Willinger, OD

Jeanette Sewell, OD

Everett Sabree, OD

Bruce Rakusin, OD

#### **DPL Staff Present by Phone/Video:**

Charles Kilb, Board Counsel

Thomas F. Burke, Executive Director

#### **Board Members Not Present by Phone/Video:**

Marianne Sarkis, Ph.D.

Meeting called to order at 10:06 AM by Dr. Sabree

#### **Meeting called to order:**

- Teleconference Procedures

Mr. Burke briefly reviewed procedures for use of Microsoft Teams.

#### **Board Business:**

- Review of Public Session Minutes: September 21, 2022

**Dr. Sewell moved to accept the minutes as written. Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.**

#### **Board Elections:**

- **Dr. Rakusin nominated Dr. Sabree as the Board chair and Dr. Sewell seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sarkis – “Not Present.”; Dr. Sabree – “yes”; Dr. Rakusin – “yes”; Dr. Sewell – “yes”.**
- **Dr. Sewell nominated Dr. Willinger as the Board secretary and Dr. Rakusin seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sarkis – “Not Present.”; Dr. Sabree – “yes”; Dr. Rakusin – “yes”; Dr. Sewell – “yes”.**

#### **Discussion:**

- Glaucoma Certification – Updates

Mr. Burke reported that Board staff continues to process applications for glaucoma certification. He noted that new applicants for licensure in Massachusetts must submit a completed application for glaucoma certification per Board policy. The Board discussed whether the application should be required for new licensees who already

meet certification requirements. Mr. Burke explained that the Board may consider a review of the regulations to include glaucoma certification requirements. The Board instructed staff to review the current instructions for certification posted on the Board's website. No vote was taken.

- Independent contractors & non-optometric services

The Board discussed the hiring of independent contractors to provide non-optometric services on the premises of the Optometrist's office location. As part of this review, the Board reviewed a document provided by staff summarizing different kinds of service models that could be seen in optometric offices. Counsel advised that the provision of non-optometric services, as suggested in prior meetings, would create a "mixed business" model, which the Board's regulations do not explicitly address at present. He noted that nothing prohibits an Optometrist from hiring independent contractors, but non-optometric services provided by independent contractors would be considered a separate business within the optometric office location. Counsel further noted that if the optometrist directly employed a provider of non-optometric services, there could be other implications, such as triggering facility license requirements of other professions. The Board discussed questions regarding advertisement of non-optometric services and whether medical professionals and contractors could be considered part of the Optometrist's business operation. The Board recognized that although the hiring of contractors to provide non-optometric services is not common, it may exist in some office locations. Counsel advised that there could be no definitive answer without a change to the Board's regulations. The members generally agreed to use the information as a template next time regulation review took place. No vote was taken.

- Draft Telepractice Policy

- Location (in office/remote)
- Technology practices (optometrists/technicians)

The Board discussed the latest draft of a telepractice policy. Staff noted that the draft, which has been through various iterations, including some components from the Board of Registration in Medicine as well as from other boards, is not detailed regarding any requirements for the provision of telepractice services where the Optometrist and patient are not in the same location. The Board considered the conditions by which an Optometrist may carry out telepractice services and which practices may be administered in-office or via electronic means. The Board agreed that the policy should provide a basic definition of telehealth examination (rather than

comprehensive eye exams) and any decision about the how remote services operate versus in-office services should be to the responsibility of the Optometrist. The members agreed that further information on policies in use would be appropriate. The Board thus requested staff to follow up with representatives from the New England College of Optometry to determine if there are applicable guidelines from the American Telemedicine Association and report back to the Board for further discussion. No vote was taken.

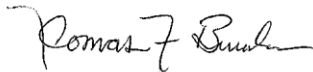
**Cases, Investigative Conference, Settlement Offers [Closed session pursuant to M.G.L. c. 112 §65C]:**

- None

**Adjournment:**

**At 11:27 a.m., Dr. Sewell moved to adjourn the meeting. Dr. Rakusin seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Sarkis – “Not Present.”; Dr. Rakusin – “yes”.**

Respectfully submitted,



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Thomas Burke, Executive Director

Documents used in the open meeting:

- Agenda for October 19, 2022 board meeting
- Public Session Minutes for September 21, 2022
- Draft Telepractice policy
- Draft document showing Provision of non-Optometry Services in an Optometry Office