

Board of Registration of Optometry

Public Session Minutes

Meeting Held by Phone/Video Conference

DATE: November 15, 2023 TIME: 10:00am

A public meeting of the Massachusetts Board of Registration in Optometry (“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 by Phone/Video:

Rhonda Willinger, OD

Jeanette Sewell, OD

Everett Sabree, OD

Bruce Rakusin, OD

DPH Staff Present by Phone/Video:

Sheila York, Board Counsel

Thomas F. Burke, Executive Director

Lauren McShane, Chief Investigator

Margaret McKenna, Board Staff

Board Members Not Present by Phone/Video:

Marianne Sarkis, Ph.D.

Meeting called to order at 10:02 AM by Dr. Sabree

Meeting called to order:

- Teleconference Procedures

Mr. Burke advised members of the public to mute their volume and utilize the raise hand function to address the Board. He asked that members of the public turn off their cameras during the meeting and when not directly addressing the Board.

- Roll Call Vote for Attendance

Board chair Dr. Sabree established a quorum via calling attendance: Everett Sabree, Jeanette Sewell and Rhonda Willinger. All members participated remotely via Webex by Cisco.

Board Business:

- Review of Public Session Minutes: November 18 2023

Dr. Sewell moved to accept the public session minutes as written. Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

- 2024 board meeting dates

Dr. Sewell motioned to change the scheduled June meeting to 12 June and accept the 2024 board meeting dates. Dr. Willinger seconded the motion. The motion passed on a

roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

- License renewal period update

Mr. Burke reported that approximately 400 licensed optometrists have completed their license renewals. He noted that the prescriber training course requirement applies to TPA and TPA+GC certified optometrists who hold a controlled substance registration. The board agreed that the prescriber training course requirement applies only to TPA and TPA+GC certified optometrists with controlled substance registration.

Discussion:

- Policy – Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions – VOTE

Ms. York presented a proposed policy to the board for the Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions. She explained that the goal of the policy is to standardize monitoring procedures and formalize actions that the probation monitor – currently the executive director – may take in consultation with board counsel. The policy would authorize the executive director, for example, to issue notices of violation to the monitored licensee and provide opportunity to cure. If the monitored licensee does not come into compliance, the matter will come before the board for potential disciplinary action. Ms. York noted that within one year, the DPH probation monitoring unit may be assuming responsibility for tracking monitoring. The director will continue to provide updates.

Dr. Willinger moved to approve and accept the policy. Dr. Sewell seconded the motion. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

- Optometrists as supervising mentors to apprentice opticians

The board briefly reviewed the dispensing opticians board regulation CMR 235 4.07, *Employment and Supervision of Apprentice Opticians*, which states that an apprentice optician may perform services within the practice of opticianry under the direct and on-site supervision of an optometrist (235 4.07 (1) (c)). The board generally concurred that on-site supervision of apprentice opticians may occur when the optometrist is seeing patients because the optometrist is still available for consultation and oversight of the apprentice optician’s work. Members agreed that in their experience apprentice opticians are usually employed by the health service or optical goods store, rather than employed by the optometrist. No vote was taken.

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

- None

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 10:44 a.m. Dr. Rakusin made a motion, seconded by Dr. Sewell to adjourn the public meeting and 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 roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

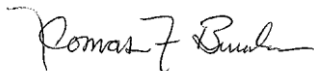
During the closed session, the Board took the following action:

- CASE-2023-0236 – Dismissed.
- CASE-2023-0153 – No action taken.

Adjournment:

At 11:21 a.m., Dr. Sewell moved to adjourn the meeting. Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

Respectfully submitted,



Thomas Burke, Executive Director

Documents used in the open meeting:

- Agenda for November 15, 2023 board meeting
- Public session minutes for October 18, 2023
- Board meeting schedule 2024
- Policy – Delegation of Authority for Staff Actions Relative to Monitoring Licensure Conditions
- 235 CMR 4.00, *apprenticeship requirements and procedures*