

## **Board of Registration of Optometry**

### **Public Session Minutes**

Meeting Held by Phone/Video Conference

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

**A public meeting of the Massachusetts Board of Registration of Optometry (“the Board”) was held via Videoconference and Conference Call pursuant to Chapter 22 of the Acts of 2022, signed into law on February 12, 2022.**

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

Rhonda Willinger, OD

Jeanette Sewell, OD

Everett Sabree, 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.

Bruce Rakusin, OD

Meeting called to order at 10:05 AM by Dr. Sabree

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

- Teleconference Procedures

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

- 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: January 18, 2023

**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. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “Not Present”.**

#### **Correspondence:**

- NBEO Part III PEPS Examination

Read and filed.

#### **Discussion:**

- Board Meetings
  - Chapter 22 of the Acts of 2022: Meeting via Electronic Means

The Executive Director, Mr. Burke, reminded the Board that the extension granted for meeting via electronic means will expire on March 31, 2023. The Director will advise the Board on any changes. No vote was taken.

- Update on Compliance Monitoring S. Tittl – 2019-000649-IT-ENF 4238-OP-TPA

The Board reviewed monitoring reports from Dr. Mark O'Donoghue, who states that Dr. Tittl has not prescribed medications in Massachusetts. The Board concluded that Dr. Tittl has chosen not to use his Massachusetts license to prescribe. The Board received and filed the reports and no vote was taken.

- Draft Telepractice Policy

The Board reviewed the draft telepractice policy and advised counsel of changes. Board members requested that the policy address the role of technical assistants and record keeping to document when a visit is conducted via telepractice vs. in-person care. The Board instructed counsel to include a statement to indicate that data collection of relevant health history will be maintained. No vote was taken.

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

- Glaucoma Certification Procedures

Dr. Wayne Zahka, Director of the Massachusetts Society of Optometrists ("MSO"), reported that approximately thirty-four optometrists are registered to take the Glaucoma and Orals Certification Course to begin in mid-August to early September 2023 for a period of three months. Dr. Zahka requested that the Board consider approval of future asynchronous courses for optometrists who require certification. The Board advised that there be no change in format and the final exam be scheduled on two different dates to accommodate schedules. The Board noted that asynchronous courses would meet criteria for distance-based learning continuing education hours only. Dr. Zahka will transmit a proposal to the Executive Director and Board chair will review.

#### **Executive Session**

**At 11:30 a.m., Dr. Sabree moved to exit open session and enter Executive Session pursuant to G.L. c. 30A, s. 21(a)(1) to protect the confidentiality of medical records to discuss an individual's health rather than professional competence and s. 21(a)(7) to maintain confidentiality of highly personal data to comply with G.L. c. 4, s. 7 para. 26(c) and G.L. c. 214, s. 1B, and not return to the public meeting. 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 – "Not Present".**

See separate minutes for Executive Session.

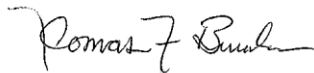
**Cases, Investigative Conference, Settlement Offers [Closed session pursuant to M.G.L. c. 112 §65C]:**

- 2022-000464-IT-ENF – provided guidance to the Prosecutor

**Adjournment:**

**At 12:37 p.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 – “Not Present”.**

Respectfully submitted,



---

Thomas Burke, Executive Director

Documents used in the open meeting:

- Agenda for March 15, 2023 board meeting
- Public Session Minutes for January 18, 2023
- NBEO Part III PEPS Examination
- Probation record report and Consent Agreement for Dr. Steven Tittl
- Draft Telepractice policy