

Board of Registration of Optometry

Public Session Minutes

Meeting Held by Phone/Video Conference

DATE: March 16, 2022 TIME: 10:00am

Board Members Present by Phone/Video:

Rhonda Willinger, OD
Jeanette Sewell, OD
Everett Sabree, OD
Marianne Sarkis, Ph.D.

DPL Staff Present by Phone/Video:

Charles Kilb, Board Counsel
Thomas F. Burke, Executive Director
Seth Henderson, Board Counsel

Board Members Not Present:

Bruce Rakusin, OD

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

Meeting called to order:

- Teleconference Procedures

Mr. Burke reviewed protocols for meeting via electronic means.

Board Business:

- Review of Public Session Minutes: December 15, 2021

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

- Review of Public Session Minutes: January 19, 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. Sarkis – “yes”; Dr. Sabree – “yes”; Dr. Rakusin – “Not present”; Dr. Sewell – “yes”.

Discussion:

- Glaucoma Certification Course and Applications
 - Glaucoma and Orals Certification Course 2022 – Update
Dr. Wayne Zahka reported that the MSO course will conclude in early May and graduates of the course will apply to the Board for glaucoma certification. The Board agreed that licensees who complete the MSO certification course will receive full credit for eighteen hours of continuing education.
 - Applications and Certificates – Update

The Board discussed whether newly licensed Massachusetts optometrists should continue to submit applications for glaucoma certification. Mr. Burke explained that the applications provide a helpful format for recording certification internally for record keeping.

After discussion, Dr. Sewell moved to allow Board staff to use existing transcripts and NBEO score reports as part of the glaucoma certification process. Dr. Sarkis seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sarkis – “yes”; Dr. Sabree – “yes”; Dr. Rakusin – “Not present”; Dr. Sewell – “yes”.

- Treatment for symptoms of dry eye disease

The Board met with Dr. Alan Kabat, O.D. regarding the recently FDA-approved Tyrvaya nasal spray for the treatment of the signs and symptoms of dry eye disease and whether its use should be permissible by optometrists in the Commonwealth of Massachusetts. Because the treatment would be considered a topical and oral therapeutic pharmaceutical agent as defined used in the practice of optometry (Chapter 112, Section 66B), the treatment appears to fall within the scope of a Massachusetts TPA optometrist’s scope of practice. The Board inquired of counsel whether a policy should be established to address this and subsequent treatments for the symptoms of dry eye disease. Counsel advised that if a treatment falls within the scope of optometry as defined in statute, then the issue may be better posed to DPH who retains authority over controlled substances. The Board tabled further discussion.

- Remote Eye Exams

The Board discussed the burgeoning use of remote eye exams and their suitability for use by Massachusetts optometrists. The Board focused its discussion on whether remote examinations constitute eye examination compliant with the Board’s rules and regulations. After further discussion, the Board members agreed that a review of regulations is needed to determine if there are any impediments to Massachusetts optometrists seeking to employ telepractice to conduct eye exams. The members generally agreed that their review was not to prohibit the use of the technology but instead to ensure that consumers utilizing the technology are ensured that any examinations would detect any problems in the same way a live examination would. The Board members will also want to consider other jurisdictions that explicitly allow remote eye exams.

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

At 11:20 a.m., Dr. Sewell moved to enter into Investigative Conference [Closed Session pursuant to M.G.L. c. 30A § 18D]. Dr. Sarkis seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sarkis – “Yes.”; Dr. Sabree – “yes.”; Dr. Rakusin – “Not Present.”; Dr. Sewell – “yes”.

Dr. Sarkis left the meeting at 11:26 a.m.

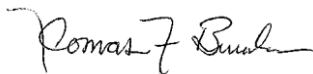
During investigative conference, the Board voted to take the following action:

- 2021-000627-IT-ENF – Referred to prosecutions.
- 2021-000636-IT-ENF – Dismissed with Advisory.
- 2021-000862-IT-ENF – Dismissed.
- 2021-000863-IT-ENF – Referred to prosecutions.

Adjournment:

At 12:11 p.m., Dr. Sewell moved to adjourn the meeting. Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sarkis – “Not Present.”; Dr. Sabree – “yes”; Dr. Rakusin – “Not Present”; Dr. Sewell – “yes”.

Respectfully submitted,



Thomas Burke, Executive Director

Documents used in the open meeting:

- Agenda for March 16, 2022 board meeting
- Public Session Minutes for December 15, 2021
- Public Session Minutes for January 19, 2022
- Correspondence for Discussion