

Board of Registration of Optometry

Public Session Minutes

Meeting Held by Conference Call

DATE: March 25, 2020 TIME: 10:00am

Board Members Present by Phone:

Everett Sabree, OD

Jeanette Sewell, OD

Rhonda Willinger, OD (arrived at 10:15)

Bruce Rakusin, OD

Marianne Sarkis, Ph.D.

DPL Staff Present by Phone:

Michael Hawley, Executive Director

Sheila York, Board Counsel

Members of the Public Present by Phone:

Gary Chu, OD

Meeting called to order at 10:07 AM by Dr. Sabree

Review Minutes:

Minutes of December 18, 2019 meeting – **Dr. Sewell moved to accept the minutes as written. Dr. Willinger seconded the motion. Motion passed by a roll call vote: Dr. Sewell – “yes”; Dr. Willinger – “yes”; Dr. Sarkis – “yes”; Dr. Sabree – “yes”.**

Report from Executive Director:

- Mr. Hawley reported that the conversion to online only renewals seems to have been successful. There appears to have been an increase in the number of lapsed licenses. These lapses are often for licensees who reside and practice outside of Massachusetts and seem to be at least partially related to the MassHealth requirement for renewals.

Report from Board Counsel:

- Attorney York discussed potential changes to the regulations, including possible changes/clarifications to the notice of office location requirement. One issue relates to how this requirement applies to licensees who work as an employee part time at another licensee's office location.

Discussion:

- CE cancellations and other issues related to COVID-19 pandemic: Dr. Gary Chu, of New England College of Optometry, discussed the Council on Optometric Practitioner Education (“COPE”) temporary rules modification allowing organizations that had scheduled live continuing education activities which were COPE approved and can no longer be held in person due to the COVID-19 pandemic, to present those activities in an interactive distance learning format and have them classified as live. This would allow licensees to use such courses to satisfy the CE requirements of the board while still

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adhering to the regulatory limitation on distance learning. The board discussed this proposition at length and concluded that, given the fact that many licensees are trying to plan their CE for the current renewal cycle and given the uncertainty regarding availability and cancellations over the coming year, it would be more effective to temporarily remove the limitation on the number of distance learning courses that may be used to satisfy the requirement. **Dr. Rakusin moved to create a policy removing the restriction on distance learning only for the 2020 calendar year. Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Rakusin – “yes”; Dr. Sewell – “yes”; Dr. Willinger – “yes”; Dr. Sarkis – “yes”; Dr. Sabree – “yes”.**

The Board also briefly discussed the fact that the upcoming administration of Parts 1 & 3 of the national board exams are on hold.

Open Session for topics not reasonably anticipated by the chair within 48 hours of the meeting:

- None.

At 11:15 am, Dr. Rakusin moved to adjourn the public meeting and enter investigative session [Closed Session pursuant M.G.L. c. 112, § 65C] to review the following new cases: 2019-001117-it-enf, OP 2019-001213-it-enf, OP 2019-001234-it-enf, OP 2019-001472-it-enf, OP 2019-001484-it-enf, OP 2020-000040-it-enf and to discuss a settlement offer in the following case: OP 2019-000649-it-enf. Dr. Sarkis seconded. The motion passed on a roll call vote: Dr. Rakusin – “yes”; Dr. Sewell – “yes”; Dr. Willinger – “yes”; Dr. Sarkis – “yes”; Dr. Sabree – “yes”.

During the closed session, the board took the following actions:

- | | |
|-------------------------|--------------------------------------|
| • OP 2019-001117-it-enf | Dismissed. |
| • OP 2019-001213-it-enf | Dismissed. |
| • OP 2019-001234-it-enf | Dismissed. |
| • OP 2019-001472-it-enf | Dismissed. |
| • OP 2019-001484-it-enf | Dismissed. |
| • OP 2020-000040-it-enf | Dismissed. |
| • OP 2019-000649-it-enf | Provided guidance to the prosecutor. |

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Respectfully submitted,

A handwritten signature in black ink, reading "Michael Hawley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Hawley, Executive Director

Documents used in the open meeting:

- Agenda for March 25, 2019 board meeting
- Draft of Minutes of December 2019 meeting.