

Board of Registration of Optometry

Public Session Minutes

Meeting Held by Phone/Video Conference

DATE: June 21, 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 10:05 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, Bruce Rakusin and Rhonda Willinger. All members participated remotely via Webex by Cisco.

Board Business:

- Review of Public Session Minutes: March 15, 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”.

- Review of Executive Session Minutes: March 15, 2023

Dr. Sewell moved to accept the executive session minutes as written. Dr. Rakusin 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”.

Correspondence:

Correspondence:

- Timeline for accreditation Council on Optometric Education phase out of accreditation council on Optometric Education Accreditation of Optometric Technician Programs

Read and filed.

- Association of Regulatory Boards of Optometry letter from Optometric Examining Board of Canada to state boards

Read and filed.

- Erroneous information distributed by Optometric Examining Board of Canada regarding National Board of Examiners in Optometry

Read and filed.

Discussion:

- Board Meetings
 - section 40 of chapter 2 of the acts of 2023, signed into law on March 29, 2023: meeting via electronic means

The Executive Director reported that the emergency order granting permission to meet via videoconference and conference call was extended through early 2025. As a result, future Board meetings may occur via videoconference and conference call on the Cisco Webex platform. No vote was taken.

- Quarterly probation report to Massachusetts Board of Registration for the period March 15, 2023 to June 8, 2023: Steven Tittl, O.D

The Board reviewed the second quarter monitoring report from Dr. Mark O'Donoghue. Dr. O'Donoghue stated that Dr. Tittl has not prescribed medications in Massachusetts since his probation began. He reported that Dr. Tittl is not practicing in Massachusetts. The Board received and filed the report and instructed staff to present the third quarter report in September. No vote was taken.

- Prescriber training course requirement pursuant to M.G.L. c. 94C, s. 18(e)

The Board reviewed a course offered by Boston University in opioid prescribing education and pain management. The Executive Director, Mr. Burke, explained that the course offering

would fulfill the new prescriber training requirement for optometrists in Massachusetts. Ms. York noted that in 2016 the law under Massachusetts Controlled Substance Registration was changed to require that all prescribers of controlled substances take a course each renewal period in pain management, specifically in opioids pursuant to M.G.L. c. 94C, s. 18(e). Now that optometrists are permitted to prescribe medications in the treatment of glaucoma and because of the recent transfer to the Department of Public Health, DPH interprets the statutory requirement to apply to Massachusetts optometrists. Ms. York stated that the course offering at Boston University is free of charge and suggested that the Board may approve other courses on a case-by-case basis. In response, the Board expressed concern about the new requirement because optometrists are not permitted to prescribe opioids, and when optometrists complete the course they may interpret that as approval to prescribe opioid medication. Attorney Mark Malloy agreed that there is an explicit prohibition on optometrists prescribing opioids; however, the statute does not make a distinction between pain management and prescribing opioids in controlled substances. Thus, anyone who is licensed to prescribe medications in Massachusetts must take the course. Attorney Malloy acknowledged that the Board may develop its own standards for education on pain management and interpret how optometrists may fulfill the requirement. Attorney York responded that she will bring the Board's concerns to senior management regarding potential confusion for optometrists and keep the Board updated. She acknowledged that the course may fulfill continuing education requirements and will update the Board on this matter, as well.

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

- None

Executive Session

At 10:42 a.m., Dr. Rakusin 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 – “yes”.

See separate minutes for Executive Session

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

At 10:58 a.m., Dr. Sewell made a motion, seconded by Dr. Willinger to adjourn the executive session and to 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. . The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sarkis – “Not Present”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

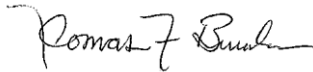
During the closed session, the Board took the following action:

- 2022-000095-IT-ENF – provided guidance to the prosecutor
- INV6650 – closed, no action
- INV6747 – closed, no action
- INV6574 – closed, no action. Board voted to open staff assignment

Adjournment:

At 11:39 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 June 21, 2023 board meeting
- Public Session Minutes for March 15, 2023
- Executive Session Minutes for March 15, 2023
- Correspondence: Timeline for accreditation Council on Optometric Education phase out of accreditation council on Optometric Education Accreditation of Optometric Technician Programs
- Correspondence: Association of Regulatory Boards of Optometry letter from Optometric Examining Board of Canada to state boards
- Correspondence: Erroneous information distributed by Optometric Examining Board of Canada regarding National Board of Examiners in Optometry
- Quarterly probation report to Massachusetts Board of Registration for the period March 15, 2023 to June 8, 2023: Steven Tittl, O.D (protected personal data redacted).
- Prescriber training course offering at Boston University