

Board of Registration of Optometry

Public Session Minutes

Meeting Held by Phone/Video Conference

DATE: August 17, 2022 TIME: 10:00am

Board Members Present by Phone/Video:

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

DPL Staff Present by Phone/Video:

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

Meeting called to order at 10:11 AM by Dr. Sabree

Meeting called to order:

- Teleconference Procedures

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

Board Business:

- Review of Public Session Minutes: June 15, 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. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”; Dr. Sarkis – “yes”.

Discussion:

- Remote meeting procedures and In-Person Meetings

Mr. Burke reported that the COVID Extension bill, S. 2985 (“An Act Relative to Extending Certain State of Emergency Accommodations”) was signed by the Governor and is now in effect. The bill extends certain COVID-19 related measures until March 31, 2023, including allowing public bodies to hold meetings remotely. Mr. Burke announced that the Board will transfer to the Department of Public Health in November 2022. Because of the proximity of the November meeting to the transfer date, the Board took the following motion:

Dr. Rakusin moved to cancel the November 16, 2022 Board meeting. Dr. Sewell seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”; Dr. Sarkis – “yes”.

- Glaucoma Certification Applications – Review and Updates
 - The Board reviewed an application for glaucoma certification based on dual licensure and noted that the candidate lacked verification of licensure in another jurisdiction. After discussion, the Board took the following action:

Dr. Rakusin moved to approve the candidate for glaucoma certification as long as he submits a statement of verification from originating state of licensure and completes the correct application. Dr. Sewell seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”; Dr. Sarkis – “yes”.

Mr. Burke noted that Board staff has received approximately forty-five additional glaucoma certification applications since the June meeting.

Dr. Sarkis left the meeting at 11:00 a.m.

- Treatment for symptoms of dry eye disease – Follow up

The Board met with Dr. Andrew McLeod, O.D. from Korb & Associates, PLLC to discuss whether Radio Frequency (RF) as treatment of dry eye disease falls within the scope of practice for optometrists. The members generally agreed that an optometrist using radiofrequency to treat dry eyes is not prohibited by the definition of optometry per M.G.L. c. 112, s. 66. The next agenda will address a secondary question, whether an optometrist may employ a non-licensee to perform non-optometry services within an optometry office. No vote was taken.

- Draft Telepractice Policy

The Board reviewed a draft policy for the provision of Optometry services via electronic means. The Board discussed whether examinations and evaluations carried out by telepractice would provide accurate diagnosis and treatment as laid in in 246 CMR 3.00. After discussion, the Board requested that Board staff and counsel review other policies, including one adopted by the Board of Registration of Medicine. The Board members took no action, review of possible draft policies will take place at the next meeting. No vote was taken.

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. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

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

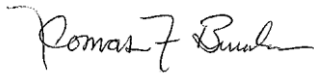
- RI Consent Order for GB – No action taken

- 2021-000181-IT-ENF – Dismissed with Advisory
- 2021-000146-IT-ENF – Dismissed with Advisory
- 2021-000587-IT-ENF – Referred to Prosecutions

Adjournment:

At 12:30 p.m., Dr. Rakusin moved to adjourn the meeting. Dr. Sewell seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.

Respectfully submitted,



Thomas Burke, Executive Director

Documents used in the open meeting:

- Agenda for August 17, 2022 board meeting
- Public Session Minutes for June 15, 2022
- Korb & Associates, PLLC letter regarding RF treatment