

Board of Registration of Optometry

Public Session Minutes

Meeting Held by Phone/Video Conference

DATE: September 20, 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 10:03 AM by Dr. Sabree

Meeting called to order:

- Teleconference Procedures

Mr. Burke advised members of the public to mute their volume and utilize the raise hand function to address the Board. He asked that members of the public turn off their cameras during the meeting and when not directly addressing the Board.

- 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: August 16, 2023

Tabled.

- Review of Executive Session Minutes: August 16, 2023

Tabled.

- **Prosecutorial Discretion & Alford Plea policies presentation**

- Policy on Delegation of Authority re: Drafting Orders to Show Cause and Consent Agreements to Board Counsel and the Prosecution Unit - VOTE

The Board reviewed a proposed policy that allows a prosecutor (1) to negotiate with respondents in adjudicatory matters within a range of discipline provided by the Board; and (2), in consultation with the executive director and board counsel, to add violations to orders to show cause for cases that are not included in the Board's referral to the Office of Prosecutions.

After brief discussion Dr. Rakusin moved to approve the policy. Dr. Sewell 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”.

- Policy re: Standard Consent Agreement Terms - VOTE

The Board reviewed a draft policy that creates standard language about violations for consent agreements.

After brief discussion Dr. Sewell moved to approve the policy. 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”.

Correspondence:

- NBEO Part III Patient Encounter and Performance Skills (PEPS) Examination – a restructuring of NBEO Part III

Read and filed.

Discussion:

- Association of Regulatory Boards of Optometry (ARBO) Board Liaison

The Board met with James Campbell, O.D. who is the current Board Liaison to the Association of Regulatory Boards of Optometry (ARBO). Executive Director Lisa Fennel attended the meeting and invited board members to the June 2024 annual meeting.

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

The Board provided met with Dr. Wayne Zahka, executive director of the Massachusetts Society of Optometrists (MSO), who provided a draft of an MSO sponsored course offering to meet the prescriber training course requirement. Generally, the Board agreed that the course should provide a minimum of one hour of continuing education for optometrists. The Board noted that new graduates who receive their license in the year that they graduate will have met this requirement. The Board instructed the executive director to meet with Dr. Zahka to finalize the course offering and provide appropriate guidance to all Massachusetts optometrists regarding the training requirement. No vote was taken.

- Telepractice Policy

The Board suggested that eye exams conducted via electronic means should not be promoted as a comprehensive eye exam. The Board instructed Ms. York to incorporate changes and present a final draft at the subsequent meeting. No vote was taken.

- Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure – VOTE

Ms. York presented a policy for implementing and executing summary suspensions with the goal of protecting public health and safety. She noted that in the case of documented evidence that a licensee's practice poses an immediate risk to public health, safety and welfare, the policy grants the Executive Director authority to contact the Board chair who may approve the issuance of an immediate suspension of a licensee's practice when there is not a board meeting scheduled within forty-eight hours. The policy also provides the licensee with a right to a hearing within seven days, or soon thereafter, of the issuance of the summary suspension and sets forth the procedures to be followed after the hearing.

After discussion Dr. Sabree moved to approve the policy. Dr. Sewell 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”.

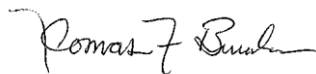
Open session for topics not reasonably anticipated 48 hours in advance of meeting:

- None

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 September 20, 2023 board meeting

- Correspondence: NBEO Part III Patient Encounter and Performance Skills (PEPS) Examination – a restructuring of NBEO Part III
- Correspondence from Dr. Wayne Zahka
- Telepractice Policy
- Policy on Summary Suspensions Conducted by Boards of Registration Formerly Under the Supervision of the Division of Occupational Licensure