

## **Board of Registration of Optometry**

### **Public Session Minutes**

Meeting Held by Phone/Video Conference

DATE: September 21, 2022 TIME: 10:00am

#### **Board Members Present by Phone/Video:**

Rhonda Willinger, OD

Jeanette Sewell, OD

Everett Sabree, OD

Bruce Rakusin, OD

#### **DPL Staff Present by Phone/Video:**

Charles Kilb, Board Counsel

Thomas F. Burke, Executive Director

#### **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.

#### **Board Business:**

- Review of Public Session Minutes: August 17, 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”.**

#### **Discussion:**

- Interstate license portability

Dr. Wayne Zahka of the Massachusetts Society of Optometrists briefly addressed the topic of license portability with the Board. He noted that a group has been formed discussing a proposal which would allow out of state licensees to practice in Massachusetts without obtaining a Massachusetts license and be governed by rules set by an interstate compact among the participating states. He acknowledged that participation in such a compact would require an act of the Massachusetts legislature. Licensees whose state participates in the compact would likely take and pass a jurisprudence exam in any state where they would practice, but the scope of their practice would be limited to the licensee’s state of initial licensure. Although the compact states would establish their own rules, enforcement would be the responsibility of the state of initial licensure. The Board discussed a desire for the Association of Regulatory Boards of Optometry (“ARBO”) to provide guidance on such interstate compacts. No vote was taken.

- 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. It was noted that the discussion at the last meeting was that generally this treatment was in the scope of practice, but because no vote had been taken, Dr. McLeod requested the Board take a vote.

**After discussion, Dr. Sewell moved that Radio Frequency (RF) falls within the scope of practice for optometrist. Dr. Willinger seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr. Rakusin – “yes”.**

Dr. McLeod indicated that his proposal had a second component, whether other professionals who are not licensed optometrists may perform radiofrequency as well as non-optometric services within the Optometrist’s office. The Board members indicated that this is a new type of request and sought legal advice. Board Counsel advised that the Board’s regulations do not address this kind of scenario. He further indicated that there were certain regulations governing advertising and fee sharing that might be applicable based upon the specific business model being utilized. He advised that the Board decline to issue further guidance at this time, that it would be better addressed in future regulation updates. No further vote was taken.

- Draft Telepractice Policy

The Board reviewed changes to the draft policy for the provision of Optometric services via electronic means. Staff put some additional language in the policy for review that were obtained from the Board of Registration in Medicine. Members agreed that most of the added language were inapplicable to optometry. The members generally agreed that the treatment being offered must be identical to in-person assessments regardless of location, but members expressed concern whether this policy should explicitly bar comprehensive eye exams. Although technology may someday close the gap on providing comprehensive eye exams via electronic means, the Board members acknowledged that more discussion and follow up is needed to address equivalent standards of patient care. The Board, by unanimous consent, agreed to continue discussion of this topic. No vote was taken.

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

**At 11:23 a.m., Dr. Rakusin moved to enter into Investigative Conference [Closed Session pursuant to M.G.L. c. 30A § 18D]. Dr. Sewell seconded. The motion passed on a roll call vote: Dr. Willinger – “yes”; Dr. Sabree – “yes”; Dr. Sewell – “yes”; Dr Rakusin – “yes”.**

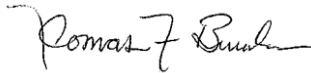
During investigative conference, the Board voted to take the following action:

- 2022-000464-IT-ENF – Referred to Prosecutions

**Adjournment:**

**At 12:04 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,



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Thomas Burke, Executive Director

Documents used in the open meeting:

- Agenda for September 21, 2022 board meeting
- Public Session Minutes for August 17, 2022
- Telehealth Draft Policy