

Board of Registration in Optometry
Public Session Minutes
DPS Office - 50 Maple Street, Milford, MA 01757
DATE: May 16, 2018 TIME: 10:00am

Board Members Present:

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

DPL Staff:

Michael Hawley, Executive Director
Sheila York, Board Counsel

Board Member Absent:

Bruce Rakusin, OD

Dr. Sabree noted a quorum present and called the meeting to order at 10:00 AM.

Evacuation Procedure:

Mr. Hawley discussed safety procedures in the event of emergency.

Review Minutes:

Minutes of March 21, 2018 meeting reviewed.

Board members discussed changes to clarify the discussion on page 2 regarding past licensure requirements. Dr. Sabree moved to accept the minutes as amended. Dr. Sarkis seconded the motion. The motion passed unanimously.

Report from Executive Director:

- Applications appear to be being processed properly and transmitted by PCS. There have been two new licenses issued since the last meeting.

Report from Board Counsel:

- Reciprocity/Endorsement evaluations and process – no reciprocal applications.
- Legislative update - no news

Discussion:

- Medical Malpractice Tribunals – The Massachusetts Superior Court has published a new Rule 73 that requires licensing boards, such as the board of optometry, to provide upon request lists of licensees who are willing to participate in medical malpractice tribunals and who do not practice in the same county as the defendant. Attorney Andrea Davulis wrote to request that the Board provide her with a contact person from whom she can request that list. Since this rule would affect several boards at the Division of Professional Licensure, Board Counsel will work with Chief Legal Counsel and agency administration to formulate a response.
- Association of Regulatory Boards of Optometry (“ARBO”) Board report – ARBO has requested that the board update and provide annual information for its report. The Board discussed what issues were currently important to the board. Among them were glaucoma legislation, patient access and mobility, corporate practices that tend to undermine the doctor patient relationship and on-line eye exams which may impact public safety. Board staff will update report.
- ARBO call for nominations – ARBO sent a request for nominations to its board of directors and to its council on optometric education. The Board read and filed the request.
- Accreditation Council on Optometric Education (“ACOE”) Standards and call for comments on proposed changes – ACOE sent a copy of their standards with proposed changes. The Board reviewed and proposed that the ACOE add state regulations to the accepted standards identified in item 8.3.
- Question from Douglas Haigh, OD, regarding the use of Pharmaceutical agents – Optometrist Douglas Haigh contacted the Board to ask whether, under Massachusetts regulations, Optometrists may use oral or schedule 5 pharmaceutical agents. The Board directed board counsel to advise Dr. Haigh that per the licensing statute neither oral nor schedule 5 pharmaceutical agents may be used by Massachusetts Optometrists.

Open Session for topics not reasonably anticipated: none

Closed Session per M.G.L. c. 112, section 65C:

11:30pm, Dr. Sabree moved to enter into closed session to discuss the following investigative matters: 2017-001516-it-enf, 2017-001546-it-enf, 2018-000016-it-enf, 2018-000265-it-enf. Dr. Sarkis seconded. The motion passed unanimously.

After the closed session, the open meeting resumed.

During the closed session the Board voted to take the following actions:

- 2017-001516-it-enf – Dismiss with Advisory
- 2017-001546-it-enf – Table

- 2018-000016-it-enf – Dismiss
- 2018-000265-it-enf – Table
- Approved new investigation forms and procedures with revisions.

12: 02. Dr. Sabree moved to adjourn the meeting. Motion seconded by Dr. Willinger. The motion passed unanimously.

Respectfully submitted,



Michael Hawley, Executive Director

Documents used in the open meeting:

- Agenda for May 16, 2018 board meeting
- Draft Minutes of March 21, 2018 board meeting
- Letter from Andrea Davulis requesting medical tribunal list, dated 4/25/2018
- Copy of new Superior Court rule 73 regarding medical malpractice tribunals, dated 10/23/17
- ARBO request for annual Board report, dated 3/27/2018
- ARBO call for nominations, file received 4/19/2018
- ACOE standards, dated file received 5/3/2018
- ACOE call for comments on proposed changes, dated 5/3/2018
- Email from Douglas Haigh with questions regarding the use of Pharmaceutical agents, dated 4/25/2018