

Board of Registration of Optometry

Public Session Minutes

1000 Washington 1st Floor Room 1C, Boston, MA 02118

DATE: May 15, 2019 TIME: 10:00am

Board Members Present:

Everett Sabree, OD
Jeanette Sewell, OD
Marianne Sarkis, Ph.D.

DPL Staff Present:

Michael Hawley, Executive Director
Sheila York, Board Counsel

Board Member Absent:

Rhonda Willinger, OD
Bruce Rakusin, OD

Members of the Public Present:

Jay Gardiner, Massachusetts Society of Optometrists

Meeting called to order at 10:04 AM by Dr. Sabree

Evacuation Procedure:

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

Review Minutes:

- Minutes of January 16, 2019 meeting – **Dr. Sewell moved to accept the minutes as written. Dr. Sarkis seconded the motion. Motion passed unanimously.**

Report from Executive Director:

- Licensing Update: Mr. Hawley reported new licenses appear to be processed without technical delays. PCS has begun sending a monthly list of outstanding applications so that board staff can review to determine whether there are problems or delays. Mr. Hawley also reported that he spoke to students at New England College of Optometry's "Graduate Strong" event. The purpose of the event was to prepare students for professional life after graduation. Mr. Hawley informed students about the licensing process and the regulatory role of the board.

Report from Board Counsel:

- Attorney York reported that she had done further research regarding **Intense Pulsed Light (IPL)** therapy as it can be used in the practice of optometry. The Board discussed

concerns about the therapy including a concern for the lack of research and studies by entities not positioned to make a profit on the use of IPL. The board also discussed what training might be required beyond that provided by the manufacturer of the IPL machine. The Board members also agreed that it is very important that practitioners obtain informed consent of the patients regarding possible side effects. The board members also agreed that, if the board were to determine that IPL would be within the optometrists' scope of practice that, at least initially, the treatment should be restricted to licensees only and not to their unlicensed staff.

Dr. Sabree moved to direct Board Counsel to continue drafting a policy regarding the use of Intense Pulsed Light therapy by optometrist to treat dry eye and to seek review of the policy by DPL administration. If possible the policy should be presented for board review at the June meeting. Dr. Sarkis seconded. The motion passed unanimously.

Discussion:

- Glaucoma training requirements: The board members briefly discussed the possible training requirements for optometrists' glaucoma certification in preparation for the passage of the current glaucoma legislation and how the board might implement regulations to implement the requirements. There was discussion about online versus in person training and the effect this might have on the licensees' ability to meet the annual CE requirements, which allow for only six hours of online training to be used to meet the annual requirement. There was also discussion of the legislation's requirement for clinical training. The board agreed that it would be helpful to consult with Dr. Zahka from the Massachusetts Society of Optometrists ("MSO") and also with representatives of the two Massachusetts colleges with Optometry programs in order to formulate more detailed plans. The board also noted that the legislation would have to pass in order to come up with firm requirements. It was agreed that, if it is not practical to have Dr. Zahka attend a board meeting, that board counsel and the executive director can seek to meet with the doctor outside of a board meeting.

Open Session for topics not reasonably anticipated by the chair within 48 hours of the meeting:

- Jay Gardiner of the MSO discussed the progress of glaucoma legislation in the Massachusetts Senate and House of Representatives. He reported that the bill is expected to be reported out of the joint committee on public health as a stand-alone bill rather than as part of an omnibus bill (as it has in the past) and that it has support in the Senate and that House leadership has indicated to the MSO that it will not block the legislation (as it has in the past). He reports that there is more optimism in his organization that the legislation will pass, possibly as soon as July of this year. The MSO is reviewing the language of the legislation to assure that there is no language that would

have the unintended consequence of causing the bill to further restrict, rather than enhance, the optometrist scope of practice.

- Mr. Gardiner also requested that the board review a course that was offered at an April 27, 2018 event in Massachusetts but that did not receive COPE approval because, due to unforeseen circumstances, it was presented in place of a different course which had been COPE approved. The board agreed that, in light of the circumstances, it would consider the course for CE credit.

Dr. Sarkis moved to delegate the authority to review and approve the course to Dr. Sewell. Dr. Sabree seconded. The motion passed unanimously.

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

11:15 am, Dr. Sabree moved to enter into closed session to consider the following investigative matters, 2018-001112-it-enf, 2018-001139-it-enf and 2018-001307-it-enf. Dr. Sarkis seconded. The motion passed unanimously.

Dr. Sewell recused herself from consideration of 2018-001307-it-enf. This left no quorum to review the case.

At the end of the closed session, the open meeting resumed.

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

- **2018-001112-it-enf: Dismissed with advisory**
- **2018-001139-it-enf: Dismissed**
- **2018-001307-it-enf: Tabled**

11:58 - Dr. Sabree moved to adjourn the meeting. Motion seconded by Dr. Sarkis. The motion passed unanimously.

Respectfully submitted,



Michael Hawley, Executive Director

Documents used in the open meeting:

- Agenda for May 15, 2019 board meeting
- Draft of Minutes of January 16, 2019 board meeting