

AGENDA

CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Monday, September 20, 2021, at 8:30 AM
Department of Public Health
410 Capitol Avenue, Hartford CT

CALL TO ORDER

- I. **Minutes**
Review and approval of the minutes from June 7, 2021.
- II. **DPH Updates**
Licensure Applications/ Examinations / Continuing Education
- III. **Public Act 21-152**
Stephen Carragher, Public Health Services Manager
- IV. **Additional Agenda Items**

ADJOURN

Board of Examiners for Opticians via Microsoft Teams

Join on your computer or mobile app

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Or call in (audio only)

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Phone Conference ID: 994 687 711#

The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.

A meeting of the **Connecticut Board of Examiners for Opticians** was held on **March 1, 2021**.

BOARD MEMBERS PRESENT: Jenney Rivard, L.O
Alden Mead, JD, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Jeffrey Kardys, Board Liaison

The meeting was called to order at 8:30 a.m. Participants were present via Microsoft Teams.

I. MINUTES

The minutes from the March 1, 2021 were approved as written on a motion by Ms. Rivard, seconded by Mr. Mead.

II. Department of Public Health Updates

Stephen Carragher, Public Health Services Manager, DPH Practitioner Licensing and Investigations Section reported that 27 new optician licenses have been issued since December 2020 and nine applications have been filed since January 2021 and are currently pending.

Following discussion pertaining to the practical licensing examination, Ms. Rivard made a motion, seconded by Mr. Mead that individuals who submit their application for licensure prior to August 1, 2021 will be allowed to take the virtual examination offered by the American Board of Opticianry & National Contact Lens Examiners and that individuals who submit their licensure application on or after August 1, 2021 will take the in-person hands on practical examination administered by the Department of Public Health. The motion passed unanimously.

Ms. Rivard asked that after the current Board vacancy is filled by the Office of the Governor that the Board and the department coordinate a review of the hands on practical examination content and scoring.

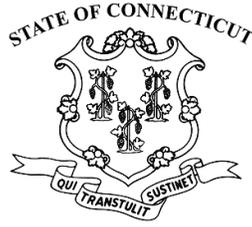
Mr. Carragher reported that at this time there has not been a determination made regarding continuing education compliance time frames that were waived during the COVID pandemic. Ms. Rivard reiterated that virtual continuing education must be taken in a live session that allows for the taking of attendance

Michelle Clement, LO addressed the Board and the Department concerning the administration of the hands on practical examination and suggested that improvements in the process need to be made.

III. Adjourn

As there was no further business, the meeting was adjourned at 8:57 a.m. on motion by Ms. Rivard.

Respectfully Submitted,
Jenney Rivard, LO
Connecticut Board of Examiners for Opticians



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Public Act No. 21-152

AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENTS OF PUBLIC HEALTH AND CONSUMER PROTECTION AND REQUIRING A REPORT FROM CERTAIN EXECUTIVE BRANCH AGENCIES REGARDING BACKGROUND CHECKS AND THE FEASIBILITY OF ESTABLISHING PRECLEARANCE ASSESSMENTS OF CRIMINAL HISTORY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2021*) (a) An occupational or professional license, permit, certification or registration issued by the Department of Public Health pursuant to chapter 368v, 370, 372, 373, 375, 375a, 376, 376a, 376b, 376c, 377, 378, 378a, 379, 379a, 380, 381, 381a, 381b, 382a, 382b, 382c, 383, 383a, 383b, 383c, 383d, 383e, 383f, 383g, 383h, 384, 384a, 384b, 384c, 384d, 385, 386, 387, 387a, 388, 388a, 393a, 395, 397a, 398, 399, 400a, 400c or 474 of the general statutes shall be issued, in the occupation or profession applied for and at a practice level determined by the department, to a person who is (1) a resident of this state, as defined in section 12-701 of the general statutes, and provides a current driver's license, utility bill, lease agreement or property deed indicating such person's residence in this state; or (2) married to an active duty member of the armed forces of the United States and accompanies such member, pursuant to an official permanent change of station, to a military installation located in this state if:

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(A) The person holds a valid license, permit, certification or registration in at least one other jurisdiction in the United States in the occupation or profession applied for;

(B) The person has practiced under such license, permit, certification or registration for not less than four years;

(C) The person is in good standing in all jurisdictions in the United States in which he or she holds a license, permit, certification or registration and has not had a license, permit, certification or registration revoked or discipline imposed by any jurisdiction in the United States, does not have a complaint, allegation or investigation related to unprofessional conduct pending in any jurisdiction, and has not voluntarily surrendered a license, permit, certification or registration while under investigation for unprofessional conduct in any jurisdiction;

(D) The person satisfies any background check or character and fitness check required of other applicants for the license, permit, certification or registration; and

(E) The person pays all fees required of other applicants for the license, permit, certification or registration.

(b) In addition to the requirements set forth in subsection (a) of this section, the Department of Public Health (1) shall require a resident of this state to take and pass all or a portion of any examination required of other persons applying for the license, permit, certification or registration; and (2) may require a person married to an active duty member of the armed forces of the United States to take all or a portion of such examination.

(c) Any person issued a license, permit, certification or registration pursuant to this section shall be subject to the laws of this state and the jurisdiction of the Department of Public Health.

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(d) Notwithstanding the provisions of this section and pursuant to section 19a-14 of the general statutes, the Commissioner of Public Health may deny an occupational or professional license, permit, certification or registration if he or she finds such denial is in the best interest of the state.

Sec. 2. (*Effective July 1, 2021*) (a) The Commissioner of Public Health shall convene working groups to determine whether Connecticut should join any interstate licensure compacts.

(b) Such working groups shall consist of (1) the Commissioner of Public Health, the Secretary of the Office of Policy and Management, and the executive director of the Office of Health Strategy, or their designees; (2) the chair of the appropriate board of examiners or advisory board, or his or her designee; (3) a representative of the appropriate state professional association; (4) a representative of the professional assistance program for regulated professions established pursuant to section 19a-12a of the general statutes; and (5) any other members the Commissioner of Public Health deems appropriate. Each working group shall convene not later than sixty days after the effective date of this section.

(c) Not later than January 15, 2022, the Commissioner of Public Health shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to public health. Such report shall include recommendations that reflect the determinations pursuant to subsection (a) of this section. The working groups shall terminate upon the submission of the report.

Sec. 3. (*Effective July 1, 2021*) Not later than January 15, 2022, the Commissioner of Public Health shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of

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matters relating to public health. Such report shall be developed in consultation with such boards or commissions as the commissioner deems appropriate and shall recommend whether it would be in the best interest of the state (1) for any examination administered by the state pursuant to chapter 368v, 370, 372, 373, chapters 375 to 388a, inclusive, chapter 393a, 395, chapters 397a to 399, inclusive, chapter 400a, 400c or 474 of the general statutes to be administered by a national organization acceptable to the Department of Public Health, and (2) to reduce any experience and training requirements while increasing any such examination's ability to test applicants' knowledge or skills.

Sec. 4. (NEW) (*Effective October 1, 2021*) (a) An occupational or professional license, permit, certification or registration issued by the Department of Consumer Protection pursuant to chapter 389, 390, 391, 392, 394, 396, 396a, 399a, 399b, 400, 400b, 400f, 400g, 400h, 400j, 400m, 400o or 400p of the general statutes shall be issued, in the occupation or profession applied for and at a practice level determined by the department, to a person who is (1) a resident of this state, as defined in section 12-701 of the general statutes, and provides a current driver's license, utility bill, lease agreement or property deed indicating their residence in this state; or (2) married to an active duty member of the armed forces of the United States and accompanies such member, pursuant to an official permanent change of station, to a military installation located in this state, if such person:

(A) Holds a valid license, permit, certification or registration in at least one other jurisdiction in the United States in the occupation or profession applied for;

(B) Has at least four years of experience, including (i) practice under such license, permit, certification or registration, (ii) classroom education, and (iii) on-the-job training;

(C) Is in good standing in all jurisdictions in United States in which

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he or she holds a license, permit, certification or registration and has not had a license, permit, certification or registration revoked or discipline imposed by any jurisdiction, does not have a complaint, allegation or investigation related to unprofessional conduct pending in any jurisdiction and has not voluntarily surrendered a license, permit, certification or registration while under investigation for unprofessional conduct in any jurisdiction;

(D) Satisfies any background check or character and fitness check required of other applicants for the license, permit, certification or registration;

(E) Pays all fees required of other applicants for the license, permit, certification or registration; and

(F) Takes and passes all or a portion of any examination required of other persons applying for the license, permit, certification or registration, except a person married to an active duty member of the armed forces of the United States may be required to take and pass all or a portion of such examination at the discretion of the Commissioner of Consumer Protection.

(b) Any person issued a license, permit, certification or registration pursuant to this section shall be subject to the laws of this state and the jurisdiction of the Department of Consumer Protection.

(c) Notwithstanding the other provisions of this section, the Commissioner of Consumer Protection may deny an occupational or professional license, permit, certification or registration if the commissioner finds such denial is in the best interest of the state.

(d) A person applying for a license, permit, certification or registration that is not required to practice an occupation or profession in at least twenty-five states who relocates to this state from another state that did not require a license, permit, certification or registration to

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practice the person's occupation or profession may be considered to have satisfied the conditions of subparagraphs (A) and (B) of subdivision (2) of subsection (a) of this section if he or she establishes to the satisfaction of the Department of Consumer Protection that he or she has four or more years of related work experience with a substantially similar scope of practice within the five years preceding the date of application to said department.

Sec. 5. Section 20-333 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) To obtain a license under this chapter, an applicant shall have attained such applicant's eighteenth birthday and shall furnish such evidence of competency as the appropriate board or the Commissioner of Consumer Protection shall require. A recommendation for review issued pursuant to section 31-22u shall be sufficient to demonstrate such competency. The applicant shall satisfy such board or the commissioner that such applicant [is of good moral character,] possesses a diploma or other evidence of graduation from the eighth grade of grammar school, or possesses an equivalent education to be determined on examination and has the requisite skill to perform the work in the trade for which such applicant is applying for a license and can comply with all other requirements of this chapter and the regulations adopted under this chapter. A recommendation for review issued pursuant to section 31-22u shall be sufficient to demonstrate that an applicant possesses such requisite skill and can comply with all other requirements of this chapter and the regulations adopted under this chapter. For any application submitted pursuant to this section that requires a hearing or other action by the applicable examining board or the commissioner, such hearing or other action by the applicable examining board or the commissioner shall occur not later than thirty days after the date of submission for such application. Upon application for any such license, the applicant shall pay to the department a nonrefundable application fee of ninety

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dollars for a license under subdivisions (2) and (3) of subsection (a) and subdivision (4) of subsection (e) of section 20-334a, or a nonrefundable application fee of one hundred fifty dollars for a license under subdivision (1) of subsection (a), subdivisions (1) and (2) of subsection (b), subdivision (1) of subsection (c) and subdivisions (1), (2) and (3) of subsection (e) of section 20-334a. Any such application fee shall be waived for persons who present a recommendation for review issued pursuant to section 31-22u.

(b) The department shall conduct such written, oral and practical examinations as the appropriate board, with the consent of the commissioner, deems necessary to test the knowledge of the applicant in the work for which a license is being sought. The department shall allow any applicant, who has not participated in an apprenticeship program but presents a recommendation for review issued pursuant to section 31-22u, to sit for any such examination. Any person completing the required apprentice training program for a journeyman's license under section 20-334a shall, within thirty days following such completion, apply for a licensure examination given by the department. If an applicant does not pass such licensure examination, the commissioner shall provide each failed applicant with information on how to retake the examination and a report describing the applicant's strengths and weaknesses in such examination. Any apprentice permit issued under section 20-334a to an applicant who fails three licensure examinations in any one-year period shall remain in effect if such applicant applies for and takes the first licensure examination given by the department following the one-year period from the date of such applicant's third and last unsuccessful licensure examination. Otherwise, such permit shall be revoked as of the date of the first examination given by the department following expiration of such one-year period.

(c) The Commissioner of Consumer Protection, subject to section 46a-

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80, may deny a license or may issue a license pursuant to a consent order containing conditions that shall be met by the applicant if the applicant reports that he or she has been found guilty or convicted as a result of an act which constitutes a felony under (1) the laws of this state at the time of application for such license, (2) federal law at the time of application for such license, or (3) the laws of another jurisdiction, and which, if committed within this state, would constitute a felony under the laws of this state.

[(c)] (d) When an applicant has qualified for a license, the department shall, upon receipt of the license fee or upon waiver of such fee pursuant to section 20-335, issue to such applicant a license entitling such applicant to engage in the work or occupation for which a license was sought and shall register each successful applicant's name and address in the roster of licensed persons authorized to engage in the work or occupation within the appropriate board's authority. All fees and other moneys collected by the department shall be promptly transmitted to the State Treasurer as provided in section 4-32.

Sec. 6. (*Effective October 1, 2021*) The Departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection and Public Health, the Labor Department, and the Office of Early Childhood shall, not later than January 1, 2022, report to the Secretary of the Office of Policy and Management on (1) the number of employees who perform background checks related to the department's or office's licensing functions, the job classifications of such employees, and the type or level of clearance of the background checks that are being performed, (2) the number of hours each such employee spends on average per week performing background checks, and (3) for any licenses in which some education or training is required of the applicant prior to obtaining a license, the feasibility of establishing a preclearance assessment of criminal history prior to potential applicants beginning such education or training. Such

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recommendations shall additionally assess the feasibility of centralizing and standardizing background checks performed by state government agencies and shall address any related issues of delegation of authority by such agencies.

Approved July 12, 2021