

The Connecticut Board of Examiners for Opticians held a meeting on Wednesday March 25, 2015 at the Department of Public Health, 410 Capitol Avenue, Third Floor, Hearing Room, Hartford, CT.

Board Members Present: René "Skip" Rivard, LO, Chairperson
Daniel Denegre, LO
Donna K. Bojus (Public Member)

Board Members Absent: None

Also Present: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Stephen Carragher, Health Program Supervisor, DPH; Gary Griffin, Practitioner Investigation Unit, DPH; Deborah Brown, DPH Health Program Assistant; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH.

Chairperson René Rivard called the meeting to order at 9:30 a.m.

Chairman Rivard introduced newly appointed member of the Board of Examiners, Daniel Denegre.

I. Minutes -

A. Motion to accept minutes from the meeting of December 8, 2014. **Motion: Bojus; Second, Rivard; Abstain, Denegre.** Motion Passed.

II. Department of Health Updates

A. Investigations Update - *Gary Griffin, Practitioner, Investigation Unit, DPH*

1. Mr. Griffin reported two cases are under investigation. One case has been dismissed. Mr. Rivard requested and Mr. Griffin agreed to present the dismissed case to the Board for review.

B. Examination Update- *Deborah Brown, DPH Health Program Assistant*

1. Ms. Brown requested that dates be set for the June practical exam. She announced the deadline for exam application is April 2.

Mr. Rivard suggested dates during the first two weeks of June to be based on venue availability. Upon verification, he will confirm with Ms. Brown.

III. Office of Licensure Regulation and Compliance

A. No new business

IV. New Business

A. License Reinstatement Applications-*Deborah Brown, DPH Health Program Assistant*

Mr. Denegre requested clarification regarding the reinstatement process. Ms. Brown explained that should a license lapse six months or more, a request for license reinstatement is presented to the Board for its recommendation. Mr. Rivard presented the Board with hard copy of the statutes relating to license reinstatement and continuing education requirements. After clarification, the DPH agreed to inform the Board of the number of DPH administrative reinstatements not presented to the Board for recommendation.

1. Reinstatement request: Corie Citron, LO 1668. Licensed in September 2011, Mr. Citron's license expired in August 2014. Last date of clinical practice: April 2013. There were no pending disciplinary actions. Seven hours of continuing education had recently been completed.

Motion: Recommendation to Approve Reinstatement, **Motion: Denegre, Second Bojus. Motion passes unanimously.**

2. Reinstatement request: Jacqueline A. (West) Lopez, LO1663. Licensed July 2011. Ms. Lopez relocated to Arkansas and her license lapsed in September 2012. Her last date of clinical practice was April 2012. There were no pending disciplinary actions. Seven hours of continuing education had recently been completed.

Motion: Recommendation to Approve Reinstatement, **Motion: Bojus, Second Denegre. Motion passes unanimously**

V. Additional Agenda Items

A. Mr. Rivard addressed his concerns regarding compliance with continuing education requirements prior to license renewal. He remarked that several States perform random audits of continuing education compliance.

Recognizing the workload of the DPH staff to perform audits, he asked if a randomly selected audit could be presented to the Board for review. Mr Carragher advised the Board that it is not its function to audit licenses. Such an audit must be performed by the DPH, which does not have sufficient staff. The DPH would have to audit all professions, not just opticianry.

After lengthy discussion, Mr. Carragher agreed to investigate possible options for periodic random verification of 5% - 10% of optician renewals.

VI. Examination Appeals

A. Motion at 10:15 AM. to go into Executive Session to review examination appeals. **Motion: Denegre, Second, Bojus. Motion Passed unanimously.**

B. Motion to come out of Executive Session at 10:45 AM. **Motion Bojus, Second Bojus. Motion Passed.**

Adjournment:

Motion: Bojus, Second: Denegre Motion passed. Meeting adjourned at 10:46 A.M.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on Wednesday May 18, 2015 at the Department of Public Health, 410 Capitol Avenue, Third Floor, Hearing Room, Hartford, CT.

Board Members Present: René" Skip" Rivard, LO, Chairperson
Daniel Denegre, LO (by remote conference call)
Donna K. Bojus (Public Member)

Board Members Absent: None

Also Present: Gary Griffin, Practitioner Investigation Unit, DPH;
Deborah Brown, DPH Health Program Assistant; Alfreda
Gaither, Esq., Staff Attorney, Hearing Office, DPH;

Invited Guest: James Morris, General Counsel &
Executive Director, ABO/NCLE

Chairperson René Rivard called the meeting to order at 9:20 a.m.

I. Minutes -

A.Motion to accept minutes from the meeting of March 25, 2015. **Motion: Bojus; Second, Denegre.** Motion Passed.

II. Department of Public Health Updates

A.Investigations Update - *Gary Griffin, Practitioner, Investigation Unit, DPH*

1. Mr. Griffin reported two cases are under investigation. A previous case referenced at the last meeting of the Board has been referred to the Office of Licensure Regulation and Compliance and is the hands of a staff attorney who will attempt to negotiate a consent order. He acknowledged that an investigation pertaining to Walmart Optical, first referenced in the minutes of May 2012, is currently under review by Kathleen Boulware, Public Health Services Manager, DPH. It was agreed that a resolution should be presented at the next meeting of the Board.

2. Mr. Griffin explained that a case reported as dismissed at the Board meeting in March 2015, was reported in error due to a computer error.

3. He reported no cases had been dismissed by the Department.

B. Examination Update - *Deborah Brown, DPH Health Program Assistant*

1. Ms. Brown announced the dates of the practical exams:

a.Wednesday, June 3

(1)Contact Lens - 3 retakes, 13 new. Total 16

(2)1 State law retake

b.Tuesday, June 9

(1)Eyewear - 9 retakes, 13 new. Total 22

(2)State law - 13

III. New Business - *James Morris, General Counsel & Executive Director, American Board of Opticianry & National Contact Lens Examiners,*

A. Attorney Morris discussed in detail the virtual practical examinations which have been psychometrically developed by the American Board of Opticianry and the National Contact Lens Examiners. He explained that the new computerized exams were not developed to compete with States which have a practical exam. He explained the multiple high tech methods used to assess candidates' practical skills within a virtual environment. The technology includes audio and video scenarios for problem solving, patient assessments and skills analysis. To be eligible, candidates must first pass current ABO and/or NCLE certification exams. The anticipated application fee is \$75.00.

Starting in November, scores for the computerized ABO and NCLE will be available immediately upon completion. If successful, candidates will have the option to immediately take the virtual practical exam.

All exams will be offered quarterly. However, previously unsuccessful candidates must wait six months for retesting. The same test is not repeated.

Although other agencies have developed so-called virtual exams, Attorney Morris advised the Board that the ABO and the NCLE have been accredited by the International Certification Accreditation Council (ICAC) and psychometrically developed.

Responding to a question from Chairman Rivard, he informed the Board that it's conceivable his organization could also develop a virtual examination to replace our written State Law exam.

If requested, he would make the all exams available to the Board for review and possible implementation.

IV. Additional Agenda Items

A. Continuing Education credits

1. Mr. Rivard asked Attorney Morris if he was aware of any States that audit its required continuing education credits prior to license renewal. Unofficially, he thought seven or eight States might randomly audit or validate require proof of credits.

2. Discussion followed regarding ongoing concerns from the Board that mandated annual continuing education credits for required for license renewal have not been obtained. The Board is looking for methods to validate proof of continuing education through a random audit or other methods.

Through DPH representatives, the Board will attempt to solicit information from States which require continuing education regarding verification of credit hours received.

Adjournment:

Motion: Bojus, Second: Denegre Motion passed. Meeting adjourned at 11:28 A.M.

Respectfully submitted,

René R. Rivard
Connecticut Board of Opticians

The Connecticut Board of Examiners for Opticians held a meeting on Wednesday September 22, 2015 at the Department of Public Health, 410 Capitol Avenue, Second Floor, Law Library, Hartford, CT.

Board Members Present: René "Skip" Rivard, LO, Chairperson
Daniel Denegre, LO
Donna K. Bojus (Public Member)

Board Members Absent: None

Also Present: Stephen Carragher, Health Program Supervisor, DPH; Gary Griffin, Practitioner Investigation Unit, DPH; Kathleen Boulware, Practitioner Licensing and Investigations Section, DPH; Deborah Brown, DPH Health Program Assistant; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH (arrived at 9:30)

Members of the Public

Chairperson René Rivard called the meeting to order at 9:10 a.m.

Mr. Rivard asked to move agenda Item III: **Office of Licensure and Compliance**, to Item II, to allow Attorney Newton an early position on the agenda. **Motion: Bojus, Second Denegre. Motion Passed**

- I. Minutes -
 - A. Motion to accept minutes from the meeting of May 18, 2015. **Motion: Bojus; Second, Rivard; Second, Denegre. Motion Passed.**

- II. Office Of Licensure Regulation And Compliance - Presentation of Consent Order- Joelle Newton, Staff Attorney DPH
 - A. A. Sears Optical (Waterford, CT) - Petition No. 201 3-302
 1. No one was present on behalf of Sears Optical
 2. Discussion followed. **Motion: Denegre, Second, Bojus** to approve the Consent Order, which imposes a reprimand and a \$1,000.00 Civil Penalty. **Motion Passed.** Chairman Rivard signed the consent order.

- III. Department of Health Updates
 - A. Investigations Update - *Gary Griffin, Practitioner, Investigation Unit, DPH*
 1. Mr. Griffin reported one case under investigation. One case has been closed. Mr. Rivard requested and Mr. Griffin agreed to present the dismissed case to the Board for review.
 - B. Examination Update: Deborah Brown, *DPH Health Program Assistant*
 1. Mrs. Brown Updated the Board with exam results from the June licensing exam.
 2. Mr. Rivard will check room availability at Middlesex Community College for the November licensing exams and report back to Mrs. Brown.

- IV. Additional Agenda Items:
 - A. Mr. Carragher will investigate options to out-source the practical license exams. After considerable discussion, the Board agreed to review options.
 1. Mr. Denegre requested that the investigation include testing methods used by other licensed states.
 - B. Continuing Education Credits
 1. Mr. Carragher informed the Board that resources are currently not available to verify compliance with continuing education requirements. Ms. Boulware explained that historically, opticians who come under investigation have been compliant with CECs.

2. Alternative methods to confirm compliance, including statutory changes that might require opticians to maintain national certification with monitoring by a national agency.

C. Walmart Investigation Update

1. From a previous Board request, Kathleen Boulware addressed allegations of so-called optometric assistant duties requested of optical personnel at certain Walmart Opticals which may have a lease agreement with an independent optometrist.

2. Ms. Boulware informed the Board that allegations did not appear to violate statutory regulation pertaining to opticians or optometrist, but might be issues best referred to the State Department of Labor, Walmart Human Services or an individual's attorney.

3. A Declaratory Ruling issued by the Board of Examiners for Optometrists in 2002 was discussed.

4. Mr. Rivard allowed Marvin Key, LO, a member of the public, an opportunity to address the Board regarding his personal lawsuit against Walmart.

5. Ms. Boulware explained that a letter of May 2012, was presented to the Board with questions only. No actual complaint had been submitted. Any situation regarding a violation relating to the scope of practice of an optician or apprentice must be submitted to the DPH as a complaint to warrant further investigation.

6. Mr. Rivard recognized Ohan Karagozian, a member of the public to address the Board.

7. Additional advice might be sought from the Attorney General or considered in a Declaratory Ruling once specific questions are determined.

D. Cease and Desist Order:

1. Citing hypothetical situations regarding unlicensed practice, Mr. Rivard asked Ms. Boulware how a cease and desist order is implemented. Considerable discussion followed.

2. Mr. Rivard allowed Mr. Key to briefly address the Board.

E. Executive Session: Examination appeals.

1. Motion to go into Executive Session: **Bojus, Second, Denegre. Motion Passed.**

2. Motion to come out of Executive Session: **Motion Denegre, Second, Rivard Motion Passed.**

V. Adjourn

A. **Motion Denegre, Second Rivard. Motion Passed.** Meeting adjourned at 12:10 PM.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on Tuesday November 17, 2015 at the Department of Public Health, 410 Capitol Avenue, Third Floor Conference Room "C", Hartford, CT.

Board Members Present: René "Skip" Rivard, LO, Chairperson (Remote call-in)
Daniel Denegre, LO (Remote call-in)
Donna K. Bojus (Public Member) (Remote call-in)

Board Members Absent: None

Also Present: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Gary Griffin, Practitioner Investigation Unit, DPH

Chairperson René Rivard called the meeting to order at 9:08 a.m.

- I. Minutes -
 - A. Motion to accept minutes from the meeting of September 22, 2015 **Motion: Bojus; Second, Denegre. Motion Passed.**

- II. Department of Health Updates
 - A. Investigations Update - *Gary Griffin, Practitioner, Investigation Unit, DPH*
 1. Mr. Griffin reported one case under investigation. No previous cases have been closed.
 2. Mr. Rivard questioned an ongoing allegation within an ophthalmology practice of unlicensed personnel performing opticianry in an unlicensed practice. Mr. Griffin acknowledged that Kathleen Boulware, Practitioner Licensing and Investigations Section, DPH, is conducting an investigation. No conclusions have been reached. Ms. Bojus stated that should the allegations be valid, consumer health and welfare would be jeopardized by unlicensed personnel performing optical service. She questioned the time line required to validate the allegations. An opportunity for an immediate Cease and Desist Order was discussed. Mr. Griffin said he would relay to Ms. Boulware that the Board would like the investigation expedited and will report back to Mr. Rivard.
 - B. Examination Update: Deborah Brown, *DPH Health Program Assistant*
 1. Reporting for Ms. Brown, Mr. Kardys announced scheduling for the upcoming licensing exams.
 - a. Tuesday December 1, 2015
 - (1) twenty two (22) eyewear candidates
 - (2) nine (9) State law candidates
 - b. Tuesday December 8, 2015
 - (1) fourteen (14) contact lens candidates
 2. Schedule Meeting Dates for 2016
 - a. Tuesday Feb. 9; Tuesday May 10; Monday Sept. 12; Monday Nov. 11.

- III. Additional Agenda Items:
 - A. None

- IV. Adjourn
 - A. **Motion DeNegre, Second Bojus. Motion Passed.** Meeting adjourned at 9:19 AM.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians