

AGENDA

CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Tuesday, December 10, 2013, at 9:00 AM
Department of Public Health
410 Capitol Avenue, Hartford CT
Third Floor – Conference Room “C”

CALL TO ORDER

- I. **Minutes**
Review and approval of the minutes from the September 10, 2013 meeting.
- II. **Department of Public Health Updates**
 - A. **Investigations Update**
Gary Griffin, Practitioner Investigation Unit, DPH
 - B. **Examination Update**
Deborah Brown, Health Program Assistant
- III. **Old Business**
Goodwin College – Application for Ophthalmic Science Program
- IV. **Office Of Licensure Regulation And Compliance**
- V. **Additional Agenda Items**
- VI. **Examination Appeals**

ADJOURN

The Department of Public Health is an equal opportunity provider and employer.

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please contact the Public Health Hearing Office at 860-509-7566*

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

The Connecticut Board of Examiners for Opticians held a meeting on Tuesday, September 10, at the Department of Public Health, 410 Capitol Avenue, Third Floor, Conference Room C, Hartford, CT.

BOARD MEMBERS PRESENT: René "Skip" Rivard, LO, Chairperson
Linda Conlin, LO
Donna K. Bojus (Public Member)

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Jennifer Filippone, Chief, Practitioner Licensing and Investigation Section; Gary Griffin, Practitioner Investigation Unit, DPH; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH; Janine Cordero, DPH Licensing and Applications Specialist; Deborah Brown, DPH Health Program Assistant; Daniel Shapiro, Esq., AAG, Office of the Attorney General

RECOGNIZED GUESTS: Sharon J. Koch, Ed.D, Department Chair for General Education and Associate Professor, Goodwin College; Attys. Aaron S. Bayer and Daniel Wiggins, representing Goodwin College;

Chairperson René Rivard called the meeting to order at 9:22 a.m.

Mr. Rivard thanked Ms. Conlin for her years of dedication as Immediate Past Chairperson and a current member and of the Board of Examiners.

I. **Minutes** -

A. May 8, 2013

1. Motion to accept Minutes. Motion: Conlin, Second, Bojus. Motion Passed.

II. **Department of Health Updates**

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

1. One investigation is open involving an eyeglass complaint. It has been sent to an optician consultant for technical review.
2. The ELO case, first reported in the minutes of May 12, 2012, is ready to go to the Legal Department for a Consent Order.
3. Mr. Griffin reported that the Walmart Optical case, also first reported in May 2012, might be ready for presentation at the next meeting of the Board. He explained that investigators are visiting other Walmart stores to take statements from staff.

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

1. June 2013 exam: There were 14 Contact Lens exam participants: 8 passed, 6 failed. One person did not show. For Eyewear: 20 candidates, 5 passed and 15 failed. Five candidates were granted licenses.
2. Tentative dates were set for the Fall Exam: Tuesday, November 12th for Contact Lenses and November 18th for Eyewear. The deadline for applications has passed. The actual number of registered candidates will be provided soon.

III. **New Business**

A. License Reinstatement Application Review - *Janine Cordero, DPH Licensing and Applications Specialist; substituting for Frank Manna, Department of Public Health.*

1. The Board received an application for reinstatement from Linda Doll. Her license was originally issued on June 21, 2000 and lapsed on March 31, 2012. There have been no disciplinary actions, and she holds no license in any other state. Ms. Doll's last day of clinical practice was on March 2, 2008. Since then, she was working in completely different field. Ms. Cordero stated that Ms. Doll did not complete any Continuing Education Credits, but proof is not typically required for reinstatement.

Mr. Rivard asked if CECs since 2008 might be requested. Ms. Cordero replied that only 3 years of credits must be maintained. She explained that Ms. Doll did not have any documents to confirm any continuing education. Mr. Rivard stated that there have been significant technical changes in the profession since 2008.

Ms. Conlin noted that Ms. Doll's license renewal application since 2011 required that she attest to annual continuing education. Ms. Doll's renewal applications were not presented to the Board, but could be made available if requested. Asked if she had attended CEC classes, Ms. Doll replied that she planned on attending classes in October.

For the record, Mr. Rivard stated that he was familiar with Ms. Doll, who was his former student at Middlesex Community College. Citing significant changes in the profession during the last five years, he opened discussion questioning if anyone who had been unlicensed for five years and without CECs, be required to retake the licensing exam. Mr. Rivard asked Ms. Doll if her ABO and NCLE were current, to which she replied she was unsure. (Documented CECS are required to renew.) Ms. Doll stated that she "is pretty sure" she had gone to classes, but had no documentation to prove that she took the classes.

Discussion continued regarding retaking the State licensing examinations. Mr. Rivard noted that the State licensing exam content had not changed significantly in the proceeding four years. Ms. Filippone added that the exam was geared to minimum competencies.

Obviously disappointed with the Board's discussion, Ms. Doll abruptly left the meeting.

Ms. Filippone offered that a stipulated agreement or a restricted license, as determined by the Board, could be granted. Such an agreement could include direct supervised practice, including contact lenses. After much discussion, the Board agreed that a restricted license not be issued.

Ms. Conlin stated that it was reasonable for the Board to request documented CEC's affirmed since Ms. Doll's 2011 license renewal application and if provided, suggested a stipulated agreement. Consensus was reached to allow a stipulated agreement that would require 1000 hours of (optician) supervised hours, 500 hours for eyewear and 500 hours for contact lenses, or in lieu of 500 contact lens hours, 500 supervised eyewear hours and retaking the NCLE examination. Should Ms. Doll agree to retake both the ABO and NCLE exams, their successful completion would void the 1000 hours of supervised training.

B. Petition for Declaratory Ruling - Goodwin College - *Daniel Shapiro, AAG, Office of the Attorney General*

To avoid any potential conflict of interest, Chairman Rivard recused himself from the discussion and turned the meeting over to Ms. Conlin.

1. Goodwin College has requested a Declaratory Ruling pursuant to CGS § 4-176 and 20-146(a) concerning the process and standards for approval by the Board of Examiners of a proposed **opticians program under CGS § 20-146(a)**.
2. AAG Shapiro provided suggested options to the Board for a Conditional approval of the program based on programmatic accreditation and a final review by the Board.

Attorney Bayer concurs with the suggestion, citing that the college wants to move forward with the program but cannot proceed without approval from the Office of Higher Education and whatever would generate approval from the Board of Examiners.

Lengthy discussion followed regarding the process and approvals by both the Office of Higher Education and the Commission on Opticianry Accreditation, which grants programmatic accreditation.

Ms. Conlin stated that out-of-state applications from students who have graduated from an accredited program are permitted to take the licensing exam. She suggested that the same process be applied providing the program has OHE approval and COA accreditation.

Speaking for the Department of Public Health, Ms. Filippone, stated that the DPH would agree to the conditional agreement. OHE process has to approve the program before Goodwin can get accreditation, and OHE needs the approval from this Board to move forward. If this Board conditionally approves the program, it will still come back to Board for review at the end of two years, when the program has graduated is first class. At that time, the Board will decide if students can sit for the licensing exam. She recommended that the Board agree to the conditional agreement.

Discussions continued during which it was made clear that until final approval from the Board, Goodwin College cannot advertise that students can sit for the exam.

Motion: To grant conditional approval of the Opticians program at Goodwin College pending approval from the OHE, graduation of an optician class, and National programmatic accreditation (currently the Commission on Opticianry). Once the conditions are met, Goodwin College must again petition the Board for its final approval of the program.. At that point, Atty. Bayer withdrew his petition for declaratory ruling. **Motion-Conlin; Second-Bojus. In Favor: Conlin; Abstention: Bojus. Motion Passed.**

IV. **Office of Licensure And Compliance (listed in error as agenda Item V)**

- A. No Business

V. **Additional Agenda Items**

- A. Mr. Rivard opened discussion regarding the vagueness of CGS § 20-146(a) which requires that the Board “approve” any two-year educational program before allowing its graduates to sit for the licensing exam. He suggests the Board consider regulations to make clear approval requirements for Optician education programs. He referred to similar regulations in place for nursing programs.

He is also concerned that apprentice optician training requirements, included in the C.G.S. and DPH regulations, are also vague and lack structure. He referred to the unlimited length of time anyone may remain as an apprentice. He recommends the structure and education requirements for apprenticeship also be clearly defined by regulation.

Motion: To add to the agenda: Discussion Regarding Regulation Promulgation for Academic Standards and Training. *Motion-Bojus; Second-Conlin. Motion passed unanimously.*

Discussion followed.

Motion: To draft a letter to the Commissioner requesting a meeting with the Board to discuss and consider making Regulations to address Optician education and training requirements. **Motion-Bojus; Second-Conlin. Motion passed unanimously**

- B. Chairman Rivard requests a motion to add to the agenda discussion pertaining to license reinstatement without proof of mandatory continuing education credits.
Motion-Conlin; Second-Bojus. Motion passed unanimously.

Mr. Rivard discussed several license reinstatements in which the petitioners allegedly fraudulently verified completion of CECs on prior license renewal applications. He asked if the DPH can request verification for three prior years of CECs before reinstatement. Discussion followed. Ms. Filippone informed the Board that the only way to require proof is to amend current regulations. By consensus, the Board agreed to add a request to review current regulations for CEC verification and license reinstatement to the previously agreed upon letter to the Commissioner.

- C. Chairman Rivard recognized members of the audience and answered questions regarding investigations, the examination process and exemptions to Chapter 381.

VI. **Examination Appeals - Deborah Brown, Health Program Assistant.**

- A. Six candidates have appealed their exam results from June 2013. Mr. Rivard allowed an appellant an opportunity to address the Board.

VII. **Examination Review - Eyewear**

- A. **Motion:** To enter Executive Session at 11:20 AM to review examination results. **Motion-Bojus; Second-Conlin. Motion passed unanimously.**
The Board came out of Executive Session at 11:27 AM
1. **Motion:** to come out of Executive Session at 11:27 AM. **Motion-Bojus; Second-Conlin. Motion passed unanimously.**

ADJOURNMENT

Ms. Bojus made a motion, seconded by Ms. Conlin to adjourn the meeting at 12:28 P.M. Motion passed.

Respectfully submitted,

Donna K. Bojus
Connecticut Board of Examiners for Opticians