

AGENDA

CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Monday, May 20, 2019, at 9:00 AM
Department of Public Health
410 Capitol Avenue, Hartford CT
Third Floor – Hearing Room

CALL TO ORDER

- I. **Minutes**
Review and approval of the minutes from the February 11, 2019 meeting.
- II. **Office of Legal Compliance**
National Vision, Inc. d/b/a/ Vision Center #2282– Petition No. 2019-289
Presentation of Consent Order – Linda Fazzina, Staff Attorney DPH
- III. **Old Business**
American Board of Opticianry & National Contact Lens Examiners – Practical Examination

ADJOURN

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

*If you require aid/accommodation to participate fully and fairly,
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.

A meeting of the **Connecticut Board of Examiners for Opticians** was held on **February 11, 2019** at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in third floor Hearing Room.

BOARD MEMBERS PRESENT: Daniel Denegre, LO
Carol Dykas, LO
Alden Mead, JD, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Alfreda Gaither, Hearing Officer
Jeffrey Kardys, Board Liaison

The meeting to order at 9:07 a.m.

I. MINUTES

The minutes from the September 10, 2018 meeting were approved on a motion by Mr. Mead, seconded by Ms. Dykas.

II. OFFICE OF LEGAL COMPLIANCE

Sears Optical Shop #1198 – Petition No. 2018-291

Staff Attorney Brittany Allen, Department of Public Health, presented a Reinstatement Consent Order in this matter.

Respondent was not present but was represented by counsel.

Mr. Mead made a motion, seconded by Ms. Dykas, to adopt the Consent Order. The motion passed unanimously. Mr. Denegre signed the Order which imposes a reprimand and a \$5000.00 civil penalty.

III. Old Business

American Board of Opticianry & National Contact Lens Examiners – Practical Examination

The Board continued discussions with James M. Morris, MPA, JD, General Counsel & Executive Director regarding the practical examination offered by the American Board of Opticianry & National Contact Lens Examiners.

Mr. Morris and the Board entertained questions and comments from members for the public.

Additional public comment will be accepted at the May 20, 2019 meeting.

On a motion by Ms. Dykas, seconded by Mr. Mead, to enter executive session to discuss examination content with Mr. Morris. The motion passed and the Board entered executive session from 10:25 a.m. until 12:05 p.m. No motions were made and no votes were taken during executive session.

IV. Adjourn

As there was no further business, the meeting was adjourned at 12:31 p.m.

Respectfully Submitted,
Daniel Denegre, LO
Connecticut Board of Examiners for Optometrists

CONSENT ORDER COVER SHEET

In re: National Vision, Inc. d/b/a/ Vision Center #2282

Petition No. 2019-289

BACKGROUND

1. On or about November 1, 2013 respondent changed its business location from 69 Prospect Hill Road, East Windsor, Connecticut (“69 Prospect Hill Road”) to 44 Prospect Hills Road, East Windsor, Connecticut (“44 Prospect Hill Road”).
2. From approximately November 1, 2013 through March 2019 respondent operated with an invalid optical permit when said permit named 69 Prospect Hill Road as the one and only address therein instead of the correct address, 44 Prospect Hill Road.

TERMS OF THE CONSENT ORDER:

\$3,500.00 civil penalty.

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: National Vision, Inc. d/b/a/ Vision Center #2282

Petition No. 2019-289

CONSENT ORDER

WHEREAS, National Vision, Inc. d/b/a/ Vision Center #2282 of East Windsor, Connecticut (hereinafter "respondent") has been issued optical selling permit number 001551 by the Department of Public Health (hereinafter "the Department") pursuant to Connecticut General Statutes, Chapter 381, as amended.

WHEREAS, respondent admits:

1. On or about November 1, 2013 respondent changed its business location from 69 Prospect Hill Road, East Windsor, Connecticut ("69 Prospect Hill Road") to 44 Prospect Hills Road, East Windsor, Connecticut ("44 Prospect Hill Road").
2. From approximately November 1, 2013 through March 2019 respondent operated with an invalid optical permit when said permit named 69 Prospect Hill Road as the one and only address therein instead of the correct address, 44 Prospect Hill Road.
3. The above described facts constitute grounds for disciplinary action pursuant to Connecticut General Statutes §20-154 and/or Connecticut State Agencies Regulations for Opticians including, without limitation, §§20-141-11, 20-141-12 and/or 20-141-20.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Board of Examiners for Opticians (hereinafter "the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to Connecticut General Statutes §§19a-10, 19a-14 and 20-154.

NOW THEREFORE, pursuant to Connecticut General Statutes §§19a-14, 19a-17 and 20-154, respondent hereby stipulates and agrees to the following:

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent shall pay a three thousand five hundred dollars (\$3,500.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
3. Respondent shall comply with all state and federal statutes and regulations.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
6. Respondent understands this Consent Order is a public document and evidence of the above admitted violations shall be deemed true in any proceeding before the Board in which its compliance with this Consent Order or with Connecticut General Statutes §§20-150 and/or 20-154 and/or Connecticut State Agencies Regulations for Opticians including, without limitation, §§20-141-11, 20-141-12, 20-141-18 and/or 20-141-20. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank.
7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to Connecticut General Statutes §4-181a. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Order is not subject to appeal or review under the

provisions of Connecticut General Statutes, Chapters 54 or 368a, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.

8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Department's Healthcare Quality and Safety Branch to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
10. Respondent consulted with its attorney prior to signing this document.
11. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
12. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Jared Brandman, am authorized to bind National Vision, Inc. d/b/a/ Vision Center #2282 to the terms set forth in this Consent Order. I have read the above Consent Order and agree to the terms set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

[Signature]
On behalf of National Vision, Inc. d/b/a/
Vision Center #2282

Subscribed and sworn to before me this 22nd day of April, 2019.



Charles R. Mingle
Notary Public/~~Commissioner Superior Court~~

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 29th day of April, 2019, it hereby accepted.

Christian D. Andresen
Christian D. Andresen, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Board of Examiners for Opticians on the _____ day of _____, 2019, it is hereby ordered and accepted.

BY: _____
Connecticut Board of Examiners for Opticians