

## AGENDA

### CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Tuesday, September 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 May 8, 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. **New Business**

A. License Reinstatement Application Review

- Linda Doll

*Presented by Frank Manna, Department of Public Health*

B. Petition For Declaratory Ruling – Goodwin College

IV. **Office Of Licensure Regulation And Compliance**

V. **Additional Agenda Items**

VI. **Examination Appeals**

*Deborah Brown, Health Program Assistant*

VII. **Examination Review - Eyewear**

*Deborah Brown, Health Program Assistant*

#### 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.

The Connecticut Board of Examiners for Opticians held a meeting on Wednesday, May 8, at the Department of Public Health, 410 Capitol Avenue, Second Floor, Law Library, Hartford, CT.

**BOARD MEMBERS**

**PRESENT:**

Linda Conlin, LO, Chairperson  
René "Skip" Rivard, 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; Deborah Brown, DPH Health Program Assistant

**RECOGNIZED GUESTS:**

Raymond P. Dennis, LO, MA, Program Coordinator, Ophthalmic Design & Dispensing Program, Middlesex Community College; Ohan Karagozian, LO.

Chairperson Linda Conlin called the meeting to order at 9:00 a.m.

**I. Minutes -**

A. December 5, 2012

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

B. February 25, 2013

1. Chairperson Conlin read the minutes from the meeting. Motion to accept: Bojus, Second, Rivard. Motion passed.

**II. New Business**

A. Correspondence from Jeffrey Fine.

1. Mr. Fine has requested a payment plan in response to a Memorandum of Decision, Petition No. 2012-1147, Re: Meeting House Opticians, for the amount of \$20,000.

After discussion, the Board requested that Mr. Kardys communicate with Mr. Fine and request a proposal for payment of the fine and present it to the Board at its next meeting.

Referring to her comments from our meeting of February 27, 2013, Chairperson Conlin, again remarked that pending civil charges against Mr. Fine allege the unlicensed practice of Optometry and that charges should be corrected to the unlicensed practice of Opticianry. The court docket indicates two previous postponements also citing the inaccurate charges. Discussion followed with concerns that charges might be dismissed based on a legal technicality of terminology. Attorney Gaither will contact the State's Attorney's office in an attempt to correct the charges.

### III. Old Business

#### A. Program Approval - Goodwin Technical College

1. Jennifer Filippone reported that she had contacted the State Department of Higher Education. A meeting will be set up with the Commissioner of Higher Education and a representative of the Board of Examiners to discuss procedures.
2. Ms. Conlin recognized Professor Dennis who discussed the history of approval for the optician's program at Middlesex Community College. He stated that the Program was not pre-approved at its inception by the Board of Examiners to allow it graduates to apply for the State licensing exam until it had graduated its first class. He was not allowed to advise opticianry students during the first two years of its operation that they would be eligible to apply for the State exam. After the program was approved by the Commission on Opticianry Accreditation, the Board of Examiners for Opticians, allowed graduates to apply for the optician examination.

Discussion followed regarding approval of new degree granting programs which lead to licensing of a profession by the State. Further discussion included that although CGS Sec. 20-146 provides that successful completion of an educational program approved by the Board may be substituted for apprenticeship, there is no criteria in place for such approval.

Future agenda items may include criteria for programmatic approval of educational programs to be approved by the Board.

Ms. Bojus reaffirmed her concerns that a request has been made to approve a program which is essentially only a business plan. She does not feel approval can be granted until after a program is in operation and cannot be based on a conceptual plan.

Discussion also followed that an academic program not located within a State facility, such as Middlesex, might require an Optical Selling Permit to conduct a campus optical clinic.

Discussion also followed regarding criteria for candidates who apply for licensure who apply from out-of-state programs. Currently, graduates of COA accredited programs are allowed to apply.

### IV. Department of Public Health Updates

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

1. Mr. Griffin said that two investigations are in process. No pending cases had been resolved since our last meeting.
2. Mr. Rivard once again questioned the investigation status of ELO Optical, Torrington, CT. The Board minutes of May 10, 2012 state that an Optical Selling Permit had been reinstated to ELO Optical. Those minutes reflect that the ELO Optical permit had been inactive for several years. It was questioned if it had been operating without a valid OSP. Mr. Rivard noted that minutes from the Board meeting on September 12, 2012 and February 27, 2013 also indicate that the investigation was ongoing. Mr. Griffin reported that the investigation is still in progress.

3. Mr. Rivard asked if the investigation pertaining to Walmart Optical and Independent Doctors of Optometry was still ongoing. The request for investigation was first presented to the Board at its May 10, 2012 meeting and was referred to the DPH for investigation. The status of the ongoing investigation was referenced in Board minutes of September 12, 2012 and February 27, 2013. Mr. Griffin reported that the investigation is still ongoing.

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

1. Ms. Brown reported eighteen candidates are scheduled for the Contact Lens examination on June 6. Twenty-four candidates are scheduled for the Eyewear exam on June 13 and 15 candidates for State Law. Fourteen candidates are first time takers. There are 10 retakes for Eyewear; 4 retakes for Contact Lenses.
2. Sufficient supplies have been ordered for the exam. Proctors have been selected. Mr. Rivard will supply names of proctors to Ms. Brown.

V. **Office of Licensure Regulation and Compliance**

- A. No Business

VI. **Additional Agenda Items**

1. Having no other agenda items, Chairperson Conlin asked the guests if they wished to address the Board.
  - a. Professor Dennis announced that he is the appointed liaison between the Connecticut Opticians Association and the Board of Examiners. He addressed both his concerns and those of the COA regarding the ordering and dispensing of prescription eyewear by unlicensed online retailers located in and doing business within the State of Connecticut.  
Lively discussion followed regarding the online sales of eyewear, contact lenses and other (non-optical) prescription goods.
  - b. Professor Dennis asked for confirmation that should the optician of record, as listed on an Optical Selling Permit, disassociates from the establishment, a new Optical Selling Permit must be applied for. He also questioned whether any additional opticians who may be listed as employees on the permit, and remain in the employ of the establishment, would eliminate the need to reapply for a permit.  
The Board and Ms. Filippone agreed that when the optician of record disassociates from the practice, the permit is terminated. A new optical selling permit must be applied for, regardless if additional opticians remain. Only one optician, the optician of record, is personally responsible for all acts and omissions, by himself or others, pertaining to the optician's law. [Department of Public Health Regulations: Sec. 20-141-12 Optical Selling Permits; Sec. 20-141-18 Disassociation of Licensed Optician from Establishment; Sec. 20-141-20. Licensed Optician Responsible for all Establishments for which he is granted an Optical License Permit.]

**ADJOURNMENT**

Ms. Bojus made a motion, seconded by Mr. Rivard to adjourn the meeting at 10:40 P.M. Motion passed.  
Respectfully submitted,

René R. Rivard  
Connecticut Board of Examiners for Opticians