

The Connecticut Board of Examiners for Opticians held a meeting on March 27, 2000 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room F Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, L.O., Chairman
Albert Winnick, LO

BOARD MEMBERS ABSENT: Ann Tosca, Public Member

ALSO PRESENT: Richard Ouellet, Licensing Examination Assistant
Kathleen Boulware, RN, Supervising Nurse Consultant
Jennifer Filippone, Health Program Supervisor

The meeting was called to order at 9:15 AM by Chairperson Raymond Dennis.

MINUTES-DECEMBER 8, 1999

The Board reviewed the minutes of December 8, 1999. Albert Winnick moved and Raymond Dennis seconded that these minutes be accepted. The motion passed unanimously.

OLD BUSINESS

A. INVESTIGATIONS UPDATE

Raymond Dennis, LO, Chairman, asked Kathleen Boulware, RN, Supervising Nurse Consultant, to explain the process of investigations.

B. CONTINUING EDUCATION REQUIREMENTS

Continuing Education Credits (CEC) have been required since November of 1998. Each licensee is required to have seven contact hours of qualifying Continuing Education from the preceding year. Mr. Dennis feels that it is very necessary to have the State audit CEC's.

C. BOARD OF EXAMINERS-OPTOMETRIST

Raymond Dennis will call the Attorney General's Office to see if the Board of Opticians can attend the Optometrist's declaratory ruling hearing on April 14, 2000 without petitioning the Board of Optometrists.

ADJOURNMENT

Albert Winnick moved and Raymond Dennis seconded that this meeting be adjourned at 10:14 AM. The motion passed unanimously.

Respectfully submitted,

Raymond P. Dennis, LO, Chairman
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on May 15, 2000 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, L.O., Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Richard Ouellet, Licensing Examination Assistant
Stanley Peck, Director, Legal Office
Jennifer Filippone, Health Program Supervisor
Gary Griffin, Investigations Specialist
Rose McGovern, Assistant Attorney General

Chairperson Raymond Dennis called the meeting to order at 9:08 AM.

MINUTES-MARCH 27, 2000

The Board reviewed the minutes of March 27, 2000. Albert Winnick moved and Ann Tosca seconded that these minutes be accepted. The motion passed unanimously.

NEW BUSINESS

A.. **DISCIPLINARY HEARING PROCESS**

Stanley Peck, Director, Legal Office, explained in detail the disciplinary hearing process and the appeal process. The Board had some questions and there was some discussion following Attorney Peck's presentation.

B. **INVESTIGATIONS UPDATE-GARY GRIFFIN**

Gary Griffin, Investigations Supervisor, gave the Board an update of investigations. He indicated that to date only one case is pending and this is still in the investigative stage. Therefore, he was not at liberty to discuss details of the case.

C. **CONNECTICUT BOARD OF EXAMINERS FOR OPTOMETRISTS-DECLARATORY RULING PROCEEDING**

The Board of Examiners for Optometry has given notice of its intention to hold a Declaratory Ruling proceeding pursuant to Connecticut General Statutes, §4-176 on the following issue:

Under what set of circumstances would an optometrist be considered to be practicing his profession "as an employee of any unlicensed person, firm or organization" as that phrase is used in Connecticut General Statutes Section 20-132a.

Rose McGovern, Assistant Attorney General, was present and members of the Board expressed their concerns regarding this issue and its impact on the Board of Examiners for Opticians. A hearing regarding this issue is scheduled for June 28, 2000 and members of the Board requested that they be allowed to attend this meeting. Ms. McGovern indicated that they certainly could attend the hearing.

D. **RICHARD OUELLET - EXAMINATION PREPARATION**

Richard Ouellet, Licensing Examination Assistant, and the Board members reviewed and discussed plans for the upcoming licensing exams in June: Eyewear - June 5, 2000 and Contact Lenses - June 12. The Board agreed to one change in the directions for candidates taking the eyewear exam. Letters will be sent out to candidates at a later date.

ADDITIONAL AGENDA ITEMS

There was some discussion regarding the dispensing of contact lenses in a “supermarket” setting. The Board went into Executive Session at 10:25 AM to discuss an investigation regarding a complaint.

ADJOURNMENT

Raymond Dennis moved and Albert Winnick seconded that the Executive Session and meeting be adjourned at 10:35 AM. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 9, 2000 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room I, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, L.O., Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Richard Ouellet, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison
Davis Tilles, Staff Attorney
Kathleen Boulware, HSR, Investigations
Roberta Swafford, Staff Attorney
Peter Brown, Assistant Attorney General

Chairperson Raymond Dennis called the meeting to order at 9:10 AM.

MINUTES-MAY 15, 2000

The Board reviewed the minutes of May 15, 2000. Raymond Dennis moved and Ann Tosca seconded that these minutes be accepted. The motion passed unanimously.

LEGAL OFFICE BUSINESS

MOTION FOR SUMMARY SUSPENSION

LAWRENCE THORNTON, LO, PETITION NO. 2000-0621-038-002

David Tilles, Staff Attorney presented the motion for Summary Suspension of Lawrence Thornton, LO, a licensed optician in the State of Connecticut since 1982. On January 13, 1998, the respondent was convicted of a Class C felony and sentenced to ten years in prison, suspended after four years, followed by thirty years of probation. There was lengthy discussion by the Board, Assistant Attorney General Peter Brown and Staff Attorney David Tilles. Mr. Brown advised the Board that since the respondent is presently incarcerated, members not grant the Summary Suspension until he has been given an opportunity to have a hearing before the Board. The Board agreed. Ann Tosca made a motion and Albert Winnick seconded not to allow the Summary Suspension at this time and to tentatively schedule a hearing for October 18, 2000. The motion passed unanimously.

CONSENT ORDER-MARTIN SCHULMAN, LO AND TRAPP OPTICAL

Legal Office Attorney Roberta Swafford presented Consent Orders for Martin Schulman , LO and Trapp Optical. Albert Winnick moved and Ann Tosca seconded that these Consent Orders be approved. The motion passed unanimously and Chairperson Raymond Dennis signed the Orders.

NEW BUSINESS

INVESTIGATIONS UPDATE

Kathleen Boulware gave an update of current investigations indicating that there are five open cases. All but one are in the legal office and one is in the process of being reviewed. Otherwise, there is no information since the last meeting.

OPTICAL SELLING PERMITS

The Board discussed Optical Selling Permit (Opticians operating under Optometry laws). This is based on the fact that at one time these companies were owned and operated by an Optometrist. Members of the Board indicated that they would like to schedule a meeting with Richard Lynch, Assistant Attorney General regarding this matter in order to try and resolve this issue. Raymond Dennis indicated he would contact Richard Lynch regarding same.

EXAMINATION APPEALS

Richard Ouellet, Licensing Examination Assistant, indicated that several candidates appealed the results of their examinations taken in June. One candidate appeared before the Board to appeal. The Board went into Executive Session at 10:45 a.m. to review examinations. The Executive Session adjourned at 11:00 A.M. It was determined by the Board that there would be no change in the grades on these examinations and that the candidates will be required to retake the examinations in November.

ADJOURNMENT

Ann Tosca made a motion and Albert Winnick seconded to adjourn the meeting at 11:25 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on October 18, 2000 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room I, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Janine Cordero, Licensing Examination Assistant
Jennifer Filippone, Health Program Supervisor
Jeffrey Kardys, Board Liaison
Kathleen Boulware, RN, Supervising Nurse Consultant
Gary Griffin, Investigations Supervisor
Stanley Peck, Director, Legal Office

Chairperson Raymond Dennis called the meeting to order at 9:10 AM.

MINUTES-AUGUST 9, 2000

The Board reviewed the minutes of August 9, 2000. Mr. Winnick moved and Ms. Tosca seconded that these minutes be accepted. The motion passed unanimously.

EXAMINATION PREPARATION

Jeffrey Kardys, Board Liaison reported that Richard Ouellet, Licensing Examination Assistant has retired from State service and that Janine Cordero will be taking over Mr. Ouelett's responsibilities.

The following dates have been scheduled for the November examination: November 6, 2000 for contact lenses and November 13, 2000 for Optical. Prior to the dates of examinations, the Board will prepare guidelines and other pertinent information for proctors. This will be discussed with Jennifer Filippone, Health Program Supervisor.

OLD BUSINESS

Optical Selling Permits

Mr. Dennis apprised the Board of his meeting with the Assistant Attorney General regarding the following:

- a. Opticare
- b. Ophthalmologists dispensing eyewear
- c. Pharmacies selling contact lenses

Mr. Dennis indicated that the Opticare and Ophthalmologist issues are still pending. At this time, there is no law that prohibits pharmacies from selling contact lenses. Stanley Peck, Director, Legal Office indicated that any change in the law would require statutory changes. The Department of Public Health does not have any jurisdiction over the selling of contact lenses by pharmacies. There was some discussion by the Board regarding these three issues and if there is more definitive information regarding same, the Board will notify the Attorney General's Office.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported there is currently one case under investigation by the Department of Public Health.

B. Meeting dates for 2001

The Board scheduled the following meeting dates for the year 2001:

February 7, 2001
May 9, 2001
August 1, 2001
October 10, 2001

All meetings will be scheduled for 9:00 AM at the Department of Public Health Complex, 410 Capitol Avenue, Hartford, Connecticut.

ADJOURNMENT

Ann Tosca made a motion and Albert Winnick seconded to adjourn the meeting at 10:00 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on March 14, 2001 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: Albert Winnick, LO

ALSO PRESENT: Janine Cordero, Licensing Examination Assistant
Raizy Wilk, Licensing Examination Assistant
Gary Griffin, Investigations Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:20 AM.

MINUTES-OCTOBER 18, 2000

The Board reviewed the minutes of October 18, 2000. Ms. Tosca moved and Mr. Dennis seconded that these minutes be accepted. The motion passed unanimously.

OLD BUSINESS

Mr. Dennis advised the Board that he had contacted the Attorney General's Office regarding Optical Selling Permits. The Department of Public Health is trying to get some legal opinions regarding Ophthalmologists dispensing eyewear and pharmacies selling contact lenses. The Opticare issue is also continuing to be looked into. Mr. Dennis indicated it has been some time since the Attorney General's Office was asked to investigate these issues. The Board would like some kind of resolution of these matters in the near future.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported there is currently one case under investigation by the Department of Public Health and a second case which has been sent to the Department's Legal Office and assigned to a staff attorney.

B. Bill No. 730 - An Act Concerning the Sunset Law

There was discussion regarding Raised Bill No. 730 - An Act Concerning the Sunset Law. Mr. Kardys indicated that this bill is introduced every five years. It is not anticipated that the Connecticut Board of Examiners for Opticians will be terminated. If the Board wishes to track this bill, it can do so at the Legislative web-site.

C. Memorandum of Decision - Lawrence Thornton, L.O. - Petition No. 2000-0621-038-002

The Board reviewed the Memorandum of Decision in the matter of Lawrence Thornton, L.O. The Board determined that the decision contained the all the conditions outlined by the Board. Ms. Tosca moved and Mr. Dennis seconded that the Memorandum of Decision be approved. The motion passed unanimously and Mr. Dennis signed the Memorandum of Decision.

EXAMINATION APPEALS

Janine Cordero, Licensing Examination Assistant, Department of Public Health, indicated that one person requested a review of the November, 2000 Optician licensure examination. The concern raised by the candidate was regarding the amount of time allowed for sections of the examination. The Board determined that there would be no change in the grades on this examination and authorized Ms. Cordero to communicate with the candidate indicating that the Board, after reviewing these concerns, would consider a change in the time factor.

ADDITIONAL AGENDA ITEM

Examinations

There was further discussion by the Board relative to changes in the examinations. It was suggested that a computer program be part of the examination. Mr. Dennis proposed that a group of professionals be convened to review the current structure of the examinations and the time element for same, as well as the addition of a computer program. The Board agreed to convene such a group prior to the June examinations.

The following dates have been scheduled for the June 2001 examinations.

June 4, 2001 for Contact Lenses.

June 11, 2001 for Eyewear and Problem Solving.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 10:15 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on June 1, 2001 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member
Albert Winnick, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Assistant Attorney General, Rosemary McGovern
Assistant Attorney General, Peter Brown
David Tilles, Staff Attorney, Department of Public Health
Stephen Carragher, Health Program Supervisor
Janine Cordero, Licensing Examination Assistant
Raizy Wilk, Licensing Examination Assistant
Gary Griffin, Investigations Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES-March 14, 2001

The minutes of March 14, 2001 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be accepted. The motion passed unanimously.

OLD BUSINESS

Update regarding a) Opticare; b) Ophthalmologists dispensing eyewear; and c) Pharmacies selling contact lenses.

The Board expressed concern regarding the fact that there has been no progress relative to the investigation of the Opticare issue. Members requested Mr. Kardys to contact the attorney General's Office regarding disposition of this matter.

The issue of Ophthalmologists dispensing eyewear is still being investigated. There has been no specific names of persons dispensing eyewear at this time.

Regarding pharmacies selling contact lenses, investigation has been completed and the case has been forwarded to the legal office for action.

NEW BUSINESS

A. Request for Reconsideration of Memorandum of Decision

David Tilles presented the Department of Public Health request for reconsideration of the Memorandum of Decision in the matter of Lawrence Thornton, LO, Petition No. 2000-0621-038-002. Assistant Attorney General Peter Brown was present to provide counsel to the Board. Mr. Tilles indicated it is essential that that revisions and modifications to the Memorandum of Decision be made in order to protect the public once respondent is released from prison and resumes his employment as an Optician. The Board reviewed a written reply from the respondent's attorney. After lengthy discussion Mr. Brown made some recommendations to the Board. The Board agreed to several revisions. Mr. Winnick made a motion, seconded by Ms. Tosca to accept proposed changes to the Memorandum of Decision. The motion passed unanimously.

B. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that there are currently two cases under investigation by the Department of Public Health.

C. Declaratory Ruling - Connecticut Board of Examiners for Optometrists

Assistant Attorney General Rosemary McGovern updated the Board on the declaratory ruling proceeding by the Connecticut Board of Examiners for Optometrists. Ms. McGovern indicated that any comments and/or proposals should be sent to the Board by July 18, 2001 in preparation for its July 25, 2001 Board meeting. Mr. Dennis will draft comments and submit them to the optometry Board.

EXAMINATION PREPARATION

Janine Cordero, Licensing Examination Assistant, Department of Public Health, reported that there will be 21 candidates for the June examination. There was discussion regarding the examinations which will be held on June 4 and 11, 2001.

Jennifer Filippone reported that effective June 1, 2001 she will be replaced in her duties as a Health Program Supervisor for the examinations section by Stephen Carragher.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 10:43 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 1, 2001 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room C, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member
Albert Winnick, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Stephen Carragher, Health Program Supervisor
Raizy Wilk, Licensing Examination Assistant
Gary Griffin, Investigations Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES-June 1, 2001

The minutes of June 1, 2001 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be accepted as edited. The motion passed unanimously.

OLD BUSINESS

Gary Griffin, Investigations Supervisor updated the Board regarding the following.

A. Opticare

The Department of Public Health is in the process of requesting a legal opinion from Dick Lynch, Assistant Attorney General. Mr. Dennis will contact Mr. Lynch regarding the status of this situation.

B. Ophthalmologists Dispensing Eyewear

There have been no specific names of ophthalmologist dispensing eyewear at this time.

C. Pharmacies Selling Contact Lenses

Notification has been received from Shaw's Supermarkets agreeing to stop selling contact lenses.

NEW BUSINESS

A. Amended Memorandum of Decision Re Lawrence Thornton

The Board reviewed the Amended Memorandum of Decision the matter of Lawrence Thornton, LO, Petition No. 2000-0621-038-002. The Board determined that the decision contained all of the conditions outlined by the Board at its last meeting. Mr. Winnick moved and Ms. Tosca seconded that the Memorandum of Decision be approved. The motion passed unanimously and Mr. Dennis signed the Memorandum of Decision.

B. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health, reported that currently one case is being sent to the Department's Legal Office. There is a possibility that this case will come before the Board for a pre-hearing review.

EXAMINATION APPEALS

Stephen Carragher, Health Program Supervisor and Raizy Wilk, Licensing Examination Assistant reported that three candidates have appealed the results of their examinations taken in June 2001. One candidate appeared before the Board to appeal. The Board went into Executive Session at 10:00 A.M. to review these examinations. The Executive Session adjourned at 10:30 A.M. The Board determined that there would be no change in the grades on two of the examinations and that these candidates will be required to retake the examinations in November 2001. Upon reviewing the results of the third examination, the Board determined that since there may have been a discrepancy, in all fairness to the candidate, the examination would be re-evaluated and additional points granted. All three candidates will be notified regarding the decision of the Board.

It was agreed by the Board that at its next meeting scheduled for October 10, 2001, the current examination structure will be reviewed and changes made as deemed necessary.

DECLARATORY RULING, CONNECTICUT BOARD OF EXAMINERS FOR OPTOMETRISTS

Discussion ensued regarding the Declaratory Ruling process before the Connecticut Board of Examinations for Optometrists. Mr. Dennis shared with members of the Board his comments, which he submitted to the Connecticut Board of Examiners for Optometrists indicating his concerns. A Public Hearing on this matter will be held on September 12, 2001 at the Legislative Office Building. At that time the Board of Examiners for Opticians as an Intervenor, will be represented by Dick Lynch, Assistant Attorney General. Members of the Board agreed that they would also attend. Prior to the Public Hearing, Mr. Dennis will try to schedule a meeting between the Board and Mr. Lynch regarding this matter.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 10:45 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on October 1, 2001 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room C, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Marianne Horn, Assistant Attorney General
Melissa B. Kimmel, Esq. Howrey Simon Arnold & White, LLP
Janine Cordero, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:02 AM.

MINUTES-August 1, 2001

The minutes of August 1, 2001 meeting were reviewed. Mr. Winnick moved and Ms. Tosca seconded that these minutes be approved. The motion passed unanimously.

NEW BUSINESS

A. Petition for Declaratory Ruling - Johnson & Johnson Vision Care, Inc.

Pursuant to Connecticut General Statutes § 4-176 and Regulations of Connecticut State Agencies §§ 19a-9-6 and 19a-9-12 Johnson & Johnson Vision Care, Inc. ("Johnson & Johnson") has petitioned the Connecticut Board of Examiners for Opticians to issue a declaratory ruling with regard to the applicability of certain statutes and regulations to the sale of contact lenses to consumers in Connecticut by entities located both inside and outside the State of Connecticut. There was lengthy discussion by members of the Board and Marianne Horn, Assistant Attorney General, who will represent the Board during this entire process.

Ms. Tosca moved and Mr. Winnick seconded that the Board go into Executive Session at 9:34 in order to receive legal advice of Attorney Horn. The Executive Session adjourned at 9:42.

After further discussion, Mr. Winnick moved and Ms. Tosca seconded that the Board proceed with the Declaratory Ruling process. Attorney Horn indicated that she would start the process, which would take approximately 180 days. She will proceed to have the Intent published in the Connecticut Law Journal and indicated that interested parties would be notified.

B. Investigations Update

Gary Griffin, Investigations Supervisor, apprised the Board that there are no current complaints. Investigations have been completed on two cases and the results have been sent to the legal office. That office will decide whether to bring these to the Board as either a consent order or a hearing.

C. Meeting Dates for 2002

The Board agreed on the following meeting dates for 2002.

February 6, 2002

May 15, 2002

September 4, 2002

December 4, 2002

The meetings will be held at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut beginning at 9:00 a.m.

EXAMINATION PREPARATION

Janine Cordero reported on the preparation of the November examination. The examinations will be held on November 5, 2001 (Contact Lenses) and November 13, 2001 (Eyewear).

ADJOURNMENT

Mr. Winnick made a motion and Ms. Tosca seconded to adjourn the meeting at 10:10 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on February 13, 2002 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room C, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Steven M. Rutstein, Assistant Attorney General
Marianne Horn, Assistant Attorney General
Barbara McCallum, Attorney for Johnson & Johnson Vision Care
William M. Rubinstein, Esq for 1-800 Contacts
Peter Soulsby, Attorney for Jeffrey Fine
Leslie Scoville, Staff Attorney, Department of Public Health
Roberta Swafford, Staff Attorney, Department of Public Health
Richard Goldman, Paralegal Specialist, Department of Public Health

Health

Janine Cordero, Licensing Examination Assistant
Stephen Carragher, Health Program Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES-October10, 2001

The minutes of October 10, 2001 meeting were reviewed. Mr. Winnick moved and Ms. Tosca seconded that these minutes be approved. The motion passed unanimously.

OLD BUSINESS

Petition for Declaratory Ruling - Johnson & Johnson Vision Care, Inc.

A. Status Requests

Declaratory Ruling Status Requests were received from the following and those representatives present made a short presentation.

1. Richard Blumenthal, Attorney General. (Steven M. Rutstein, Assistant Attorney General, Representative)
2. Connecticut Board of Examiners for Optometrists. (No representative present.)
3. Federal Trade Commission (No representative present.)
4. 1-800 Contacts, Inc. (name of representative present.?)
5. Connecticut State Medical Society. (No representative present.)
6. Connecticut Opticians Association. (name of representative present?)
7. American Academy of Ophthalmology. (No representative present.)
8. Connecticut Society of Eye Physicians. (No representative present.)
9. Johnson & Johnson Vision Care, Inc. (Barbara McCallum, Esq., Representative)

There was a discussion regarding the statutory ruling requirement of scheduling a Public Hearing within 180 days after filing. The board requested that this requirement be waived and asked those present if there would be any objection. Since there was no objection to the request, the hearing will be tentatively set for early June, 2002. Board Liaison Jeffrey Kardys will make arrangements for the hearing date and place.

At 9:35 a.m., Ms. Tosca made a motion and Mr. Winnick seconded that the Board go into Executive Session to review the Status requests. The Executive Session adjourned at 9:50 a.m.

The Board declared the following status requests would be granted.

1. Richard Blumenthal, Attorney General - Party Status
2. Connecticut Board of Examiners for Optometrists - Intervenor Status
3. Federal Trade Commission - Intervenor Status
4. 1-800 Contacts, Inc. - Party Status
5. Connecticut State Medical Society - Intervenor Status
6. Connecticut Opticians Association - Intervenor Status
7. American Academy of Ophthalmology - Intervenor Status
8. Connecticut Society of Eye Physicians - Intervenor Status
9. Since Johnson & Johnson Vision Care initiated the issuance of the Declaratory Ruling, they are automatically granted Party Status.

The Board indicated that all Parties and Intervenors are required to pre-file their testimony by March 27, 2002. Any rebuttal testimony shall be filed by April 15, 2002. Parties and Intervenors should appear at the public hearing to adopt their testimony/documents under oath, to be cross-examined and questioned by the Board. Parties and Intervenors will be permitted to make brief position statements when adopting their testimony/documents under oath. Intervenors will not be allowed to conduct cross-examination. All Parties and Intervenors will receive written notification.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, apprised the Board that there are no ongoing investigations and no new cases have been sent to the Legal Office. He indicated that the Department of Public Health is continuing to do some random inspections of Optical Shops as requested by the Board regarding staffing and appropriately licensed individuals. These inspections have been conducted during evening hours and on weekends.

B. Monitoring and Compliance Update - Lawrence Thornton, LO

Richard Goldman, Paralegal Specialist reported that Lawrence Thornton, LO has been released from prison and currently is not employed. He is undergoing rehabilitation therapy and counseling and is under the care of two programs. He will continue a random drug screening once a week. The Board reiterated that it be notified when Mr. Thornton commences employment and his employer will be fully informed of the nature of his offense. The Board will require written confirmation that his employer has received a copy of the Memorandum of Decision.

LEGAL OFFICE BUSINESS

A. Jeffrey Fine, LO - Consent Order

Leslie Scoville, Staff Attorney presented the Consent Order regarding Jeffrey Fine, LO. The Board had several questions regarding the validity of the Consent Order. Jeffrey Kardys presented information to the Board regarding previous disciplinary action taken by the Department of Public Health several years ago. Peter Soulsby, Attorney for Mr. Fine and Ms. Scoville indicated they had no prior knowledge of this action. Mr. Winnick made a motion and Ms. Tosca seconded that in light of this information, the Consent Order not be signed. The Board determined that this matter be postponed until further investigation is made.

B. Cease and Desist Consent Orders - Eyeglasses.com and Glen Bemus, LO

Roberta Swafford, Staff Attorney presented Cease and Desist Consent Orders in the matter of Eyeglasses.com, Petition No. 2000-0725-057-001 and Glen Bemus, LO, Petition No. 2000-0522-038-001. Ms. Tosca made a motion and Mr. Winnick seconded that these Consent Orders be approved. The motion passed unanimously and Chairperson Raymond Dennis signed the Orders.

EXAMINATION REVIEW

Janine Cordero, Licensing Examination assistant and Stephen Carragher, Health Program Supervisor reported that five candidates have appealed the results of their examinations taken in November, 2001. The Board went into Executive Session at 10:35 a.m. to review these examinations. The Executive Session adjourned at 11:00 a.m. The Board determined that there would be no change in the grades and these candidates will be required to retake the examinations in June, 2002.

The following dates have been scheduled for the June, 2002 examinations.

June 3, 2002 for Eyewear and Problem Solving

June 10, 2002 for Contact Lenses

Applications for the examinations should be received by April 15, 2002.

The board determined that a meeting would be scheduled to review portions of the Eyewear and Problem Solving Examinations.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 11:02 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on May 29, 2002 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room C, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Steven M. Rutstein, Assistant Attorney General
Gary Griffin, Investigations Supervisor
Leslie Scoville, Staff Attorney, Department of Public Health
Stephen Miltimore, Staff Attorney, Department of Public Health
Eric Pomfret, 1-800 Contacts, Inc.
Janine Cordero, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:08 AM.

MINUTES-February 13, 2002

The minutes of February 13, 2002 meeting were reviewed. Mr. Winnick moved and Ms. Tosca seconded that these minutes be approved as edited. William M. Rubinstein, Esq., representing 1-800 Contacts, Inc., will be added to the list of those present. The motion passed unanimously.

OLD BUSINESS

Petition for Declaratory Ruling - Johnson & Johnson Vision Care, Inc.

Marianne Horn, Assistant Attorney General, updated the Board on the Declaratory Ruling Hearing scheduled for June 12, 2002. She indicated that Assistant Attorney General Steven Rutstein has expressed concern regarding the appearance at the hearing of legal counsel not being licensed in Connecticut. Attorney General Horn recommended that this be allowed but only for purposes of this hearing and that should any out of state legal counsel appear, they should do so only when accompanied by a member of the Bar from Connecticut. Ms. Tosca made a motion and Mr. Winnick seconded to accept the recommendation. Eric Pomfret, representing 1-800 Contacts, Inc. presented a Motion in Limine. Assistant Attorney General Marianne Horn will review the pre-filed testimony and assist the Board in ruling on this motion.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, apprised the Board that there are two cases open. One is still under investigation and the other has been sent to the Department's Legal Office. Members of the Board requested an update from the Department of Public Health regarding: a) Opticare; and b) Ophthalmologists Dispensing Eyewear. Gary Griffin indicated that to date, there has been no resolution regarding these matters. A previous concern of the Board, Pharmacies Selling Contact Lenses, has been dealt with. A report will be made to the Board at the next meeting.

LEGAL OFFICE BUSINESS

A. Jeffrey Fine, LO - Petition No. 990428-038-002

Leslie Scoville, Staff Attorney presented the modified Consent Order regarding Jeffrey Fine, LO. At the last meeting the Board had several questions regarding the validity of the Consent Order. A number of stipulations were made and included in the Consent Order. The proposed Consent Order requires a reprimand of the respondent's license and a two-year probation with sixteen hours of course work in ethics and boundary issues. Ms. Tosca moved and Mr. Winnick seconded that the Consent Order be approved. The motion passed unanimously and Chairperson Raymond Dennis signed the Order.

B. Spiro Berdebes, L.O. - Petition No. 990428-038-002

Stephen Miltimore, Staff Attorney presented a Cease and Desist Consent Order for Spiro Berdebes. Mr. Berdebes has never been issued a license in Connecticut as an optician. The respondent acknowledged to the Department that he owned and operated an optical shop in Connecticut. He also admitted that he did not employ a licensed optician. The Consent Order requires that the respondent cease and desist operating an optical shop without an optical selling permit or engaging in any other practice that requires a license without obtaining the appropriate license. Discussion ensued by the Board regarding this matter. Members of the Board expressed concern that in all probability the respondent was aware of the laws in the State of Connecticut and chose to ignore same. The Board felt that there should be a more rigid penalty for this type of activity in the future. However, Attorney Miltimore indicated that if the Board wishes to pursue this matter, it would require a statutory change, since the Board does not have authority over these matters. Ms. Tosca moved and Mr. Winnick seconded that the Cease and Desist Consent Order be approved. The motion was passed unanimously and Chairperson Raymond Dennis signed the Order.

EXAMINATION REVIEW

Janine Cordero, Licensing Examination Assistant reported on the preparation of the June examination. The examinations will be held on June 3, 2002 (Eyewear and Problem Solving) and June 10, 2002 (Contact Lenses). There will be 39 candidates taking the examinations. The Board reviewed the Candidate Instruction Sheet and Scoring Sheet and made changes accordingly.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 10:15 a.m.. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on September 4, 2002 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room C, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Kathleen Boulware, RN, Supervising Nurse Consultant, DPH
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH
Janine Cordero, Licensing Examination Assistant, DPH
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:12 AM.

MINUTES-May 29, 2002

The minutes of May 29, 2002 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written.

OLD BUSINESS

Department of Public Health Update - Opticare.

Kathleen Boulware, RN, Supervising Nurse Consultant had nothing new to report regarding the Opticare issue. She indicated that there will be a formal investigation regarding this matter and she will have something definitive to present at the next meeting.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, apprised the Board that there were no new investigations to report at this time. He reported on recent openings of Optical shops in Norwalk, Bridgeport, Glastonbury, Stratford (Wal-Mart), and Enfield.

B. Examinations

A. Appeals

Janine Cordero, Licensing Examination Assistant indicated that one candidate was present to appeal the results of this examination taken in June. The Board went into Executive Session at 9:23 A.M. to review the examination. Mr. Dennis, Chairman, indicated that it would not be appropriate for him to be included in the discussion because of his personal and professional relationship with the candidate. Therefore, he asked to be excused from the discussion. The Executive Session adjourned at 9:30 A.M. It was determined by the Board that there would be no additional points added to the candidate's examination score and he would be required to retake the examination in November. It was indicated that the candidate would receive this information in writing.

B. Examination Preparation

Janine Cordero, Licensing Examination Assistant, Stephen Carragher, Health Program Supervision and the Board members reviewed and discussed plans for the upcoming licensing examinations in November. Thus far, there are 14 candidates scheduled to take the examinations. The following dates have been scheduled for the November, 2002 examinations.
November 4, 2002 for Eyewear and Problem Solving
November 12, 2002 for Contact Lenses

There was discussion regarding the possibility of convening a group of professional Opticians to review certain elements of the examinations. There have been particular concerns by the Connecticut Opticians Association regarding problem solving in the Contact Lens portion of the examinations.. At the present time there is a problem-solving element in the Eyewear portion of the exam but not the Contact Lens portion. There are also certain legal issues to be considered which need to be investigated. Mr. Carragher indicated he would look into the matter and report to the Board at its next meeting..

ADJOURNMENT

Mr. Winnick made a motion and Ms. Tosca seconded to adjourn the meeting at 10:58 a.m..
The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The **Connecticut Board of Examiners for Opticians** held a meeting on December 4, 2002 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room E, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Kathleen Boulware, RN, Supervising Nurse Consultant, DPH
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH
Janine Cordero, Licensing Examination Assistant, DPH
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:10 AM.

MINUTES-September 4, 2002

The minutes of September 4, 2002 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare.

Kathleen Boulware, RN, Supervising Nurse Consultant reported that there is no change in the status of the Opticare issue. Ms. Boulware apprised the Board that there have been conflicting reports regarding the statutes and indicated that a decision needs to be made by the Attorney General's Office. She will make every effort to have more information available at the next meeting.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, apprised the Board that there is one new investigation regarding the switching of some very expensive contact lenses. He reported on recent openings of Optical shops in Manchester (Sam's Club), Waterbury (Wal-Mart) and Vernon (Perfect Vision).

It was brought to the Board's attention that Lawrence Thornton has surrendered his Optician's license due to the fact that he did not comply with the restrictions placed on him by the Board. Mr. Thornton was convicted in January, 1998 of a Class C felony and sentenced to ten years in prison, suspended after four years followed by 30 years of probation. If, at a future time, Mr. Thornton wishes to have his license reinstated, the Board will have to review the case again.

B. Meeting Dates 2003

The following meeting dates have been scheduled for the year 2003:

March 12, 2003

May 21, 2003

August 27, 2003

October 29, 2003

All meetings will be scheduled for 9:00 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

EXAMINATIONS

A. Appeals

Janine Cordero, Licensing Examination Assistant and Stephen Carragher, Health Program Supervisor indicated that there were four appeals regarding the results of the examinations taken in November. One candidate was present to appeal the results of this examination. Following a motion made by Mr. Dennis seconded by Mr. Winnick the Board went into Executive Session at 9:22 A.M. to review examination results. Mr. Winnick asked to be excused from the discussion on one of the appeals since he was familiar with the case. The Executive Session adjourned at 10:25 A.M. The Board determined that there would be no additional points added to the candidates' examination scores and they would be required to retake the examination in June. It was indicated that the candidates would receive this information in writing.

B. Examination Preparation

Janine Cordero, Licensing Examination Assistant, Stephen Carragher, Health Program Supervisor and the Board members reviewed and discussed plans for examinations. The Board expressed concern about certain comments regarding proctors and agreed to an assessment and evaluation of proctors for future examinations. The Board agreed to review the process of selecting proctors as well as to review other matters pertaining to examinations at their next meeting.

The following dates have been scheduled for the 2003 examinations.

June 3, 2003 for Eyewear and Problem Solving

June 10, 2003 for Contact Lenses

November 11, 2003 for Eyewear and Problem Solving

November 18, 2003 for Contact Lenses

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 10:40 a.m.. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on March 12, 2003 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room E, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor, DPH
Janine Cordero, Licensing Examination Assistant
Diana Lejardi,
Thomas Aceto, LO
Ralph Barbagello, LO
Peter Morrissey, LO
Rene "Skip" Rivard, LO
Joseph Strizalkow, LO
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES-December 4, 2002

The minutes of December 4, 2002 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare.

Gary Griffin, Investigations Supervisor indicated that Kathleen Boulware, RN, Supervising Nursing Consultant was not present since she had nothing to report on the Opticare issue. She is still awaiting information from the Attorney General's Office. Hopefully, she will have something to report at the next meeting.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, apprised the Board that there are two cases under investigation at this time. He indicated that Department of Public Health Consultant Brendan Walsh is reviewing one of the cases. Mr. Griffin shared with the Board a breakdown of complaints since 1998. There were two complaints in 1998, four complaints in 1999, three complaints in 2000, none in 2001 and four in 2002.

The Board had a brief discussion regarding the **Health Insurance Portability and Accountability Act (HIPAA)**. This is a law protecting patient privacy, which will become effective in April 2003.

There was some discussion by the Board regarding medical records as well as Optician record retention. There was a question as to whether or not there are any restrictions regarding records stored on computers. However, it was noted that there is nothing in the statutes regarding this matter.

EXAMINATIONS

Following a motion by Mr. Winnick, seconded by Ms. Tosca, the Board went into Executive Session at 9:25 A.M. with the group of professional Opticians present to review components of the examinations and to discuss proposed changes.

The Executive Session adjourned at 11:30 A.M. Janine Cordero, Licensing Examination Assistant will consolidate these proposals and this panel of Opticians will review them at a future meeting.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 11:45 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on May 21, 2003 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room E, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor, DPH
Diana Lejardi, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:03 AM.

MINUTES-March 12, 2003

The minutes of the March 12, 2003 meeting were reviewed. Mr. Winnick moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare.

Gary Griffin, Investigations Supervisor indicated that Kathleen Boulware, RN, Supervising Nursing Consultant was not present since there is still nothing to report on the Opticare issue. The Attorney General's Office still has not come to a determination.

EXAMINATION PREPARATION/REVIEW

The Board discussed the upcoming examinations. Diane Lejardi, Licensing Examination Assistant reported that to date, 26 candidates have applied for examinations in June. The examinations will be held on June 2 (Contact Lenses) and June 9 (Eyewear and Problem Solving).

ADDITIONAL AGENDA ITEM:

Declaratory Ruling

Eileen Meskill, Assistant Attorney General indicated that process for the Declaratory Ruling is ongoing. The Board scheduled a meeting for June 24, 2003 at 9:00 A.M. to discuss the proposed draft.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 10:20 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on June 24, 2003 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Eileen Meskill, Assistant Attorney General
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:00 AM.

MINUTES-May 21, 2003

The minutes of the May 21, 2003 meeting were reviewed. Mr. Winnick moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed unanimously.

DECLARATORY RULING

The Board reviewed the proposed draft of the Declaratory Ruling Memorandum of Decision. Following a motion by Mr. Winnick, seconded by Ms. Tosca, the Board went into Executive Session at 9:15 A.M. to obtain advice from Eileen Meskill, Assistant Attorney General.

The Executive Session adjourned at 9:25 A.M. After a brief discussion, a motion was made by Mr. Winnick and seconded by Ms. Tosca that the Board would adopt and accept the document after the following changes were made. In three instances the term "lens" was used. The proper term should be "contact lens." After these corrections were made the Board approved the document and Chairman Dennis proceeded to sign the Declaratory Ruling Memorandum of Decision.

Mr. Kardys indicated that copies of the decision would be sent to all Parties and Intervenors.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 9:40 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 27, 2003 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Kathleen Boulware, RN, Supervising Nurse Consultant
Gary Griffin, Investigations Supervisor
Diana Lejardi, Licensing Examination Assistant
Stephen Carragher, Health Program Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES-June 24, 2003

The minutes of the June 24, 2003 meeting were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare.

Kathleen Boulware, RN, Supervising Nurse Consultant reported that there still has been no response from the Attorney General's office regarding Opticare. The Board expressed concern regarding the fact that there has been no progress relative to the investigation of the Opticare issue since the Board requested a legal opinion in August, 2001. Mr. Dennis requested that Ms. Boulware contact the Attorney General's Office as soon as possible to obtain the name of the person responsible for reviewing this matter so that a determination can be made regarding the legal implications.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported on one open investigation involving an Optician. One of the Department of Public Health Consultants reviewed the case and indicated that it did not warrant any disciplinary action.

B. Examination Appeals

Diana Lejardi, Licensing Examination Assistant, indicated that there were four appeals regarding the results of the examinations taken in June 2003.

Three candidates were present to appeal the results of this examination. Following a motion made by Ms. Tosca and seconded by Mr. Winnick, the Board went into Executive Session at 9:25 A.M. to review the examination results. After careful review by members of the Board, it was determined that there would be an adjustment on one candidate's results adding additional points since it was marked incorrectly. As a result, the candidate would achieve a passing score on the examination. The Board determined that there would be no additional

points added to the other three candidates' examination scores and they would be required to retake the examination in November. It was indicated that the candidates would receive this information in writing. The Executive Session adjourned at 10:10 A.M.

C. Examination Preparation and Review

Diana Lejardi, Licensing Examination Assistant and Stephen Carragher, Health Program Supervisor reviewed with the Board the results of the June examinations and discussed plans for the November examinations.

The following dates have been scheduled for the November, 2003 examinations.

Monday, November 3, 2003 for Contact Lenses

Wednesday, November 12, 2003 for Eyewear and Problem Solving

ADJOURNMENT

Mr. Winnick made a motion and Ms. Tosca seconded to adjourn the meeting at 10:30 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on October 29, 2003 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room E, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Diana Lejardi, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:10 AM.

MINUTES-August 27, 2003

The minutes of the August 27, 2003 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare.

Since Kathleen Boulware, RN, Supervising Nurse Consultant was not present, Gary Griffin, Investigations Supervisor, reported on the Opticare issue. Mr. Griffin advised the Board that various stores and businesses have refused to answer questions posed by Department of Public Health staff which was sent out to obtain information. He indicated that Ms. Boulware has contacted the Attorney General's Office and that Richard Lynch, Assistant Attorney General will contact Chairman Dennis to discuss further action.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported that there are no complaints at the present time. He did report that the Department has received several applications for new businesses in the **State**.

B. Examination Preparation

Diana Lejardi, Licensing Examination Assistant, reported on preparation for the November examinations. Twelve (12) candidates have applied to take the contact lens examination on November 3, 2003 and five (5) candidates will be retaking this examination. Seven (7) candidates have applied to take the Eyewear examination on November 12, 2003.

C. Meeting Dates for 2004

Following are the meeting dates scheduled for 2004.

March 3, 2004

May 12, 2004

July 28, 2004

October 27, 2004

All meetings will be scheduled for 9:00 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 9:28 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on March 31, 2004 at the Department of Public Health, Capitol Avenue, Second Floor Conference Room E, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Diana Lejardi, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:10 AM.

MINUTES-October 29, 2003

The minutes of the October 29, 2003 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare.

Kathleen Boulware, RN, Supervising Nurse Consultant reported on the Opticare issue. She indicated that the reason for the long delay regarding this issue was because of staffing problems at the Attorney General's office. She will make a final presentation at the next Board meeting.

NEW BUSINESS

A. Investigations Update

In the absence of Gary Griffin, Investigations Supervisor, Ms. Boulware reported that there have been no complaints since the last meeting of the Board.

B. Examination Preparation

Diana Lejardi, Licensing Examination Assistant, reported on preparation for the June examinations. She indicated that the deadline for the examination is April 16, 2004.

The following dates have been scheduled for the June, 2004 examinations.

Tuesday, June 1, 2004 for Contact Lenses

Monday, June 7, 2004 for Eyewear and Problem Solving.

C. Examination Appeals

Diana Lejardi, Licensing Examination Assistant, indicated that there were three appeals regarding the results of the examinations taken in November, 2003.

Two candidates appeared before the Board to appeal the results of this examination. Following a motion made by Ms. Tosca and seconded by Mr. Winnick, the Board went into Executive Session at 9:10 A.M. to review the examination results. After careful review and discussion by members of the Board, it was determined that there would be an adjustment on one candidate's results adding additional points. As a result, the candidate would achieve a passing score on the examination. The Board determined that there would be no additional points added to the other two candidates' examination scores and they would be required to retake the examination in June. It was indicated that the candidates would receive this information in writing. Following a motion made by Ms. Tosca, and seconded by Mr. Winnick, the Executive Session adjourned at 9:30 A.M.

ADDITIONAL BUSINESS

Since Chairman Dennis will not be available for the next Board meeting scheduled for May 12, 2004, the meeting will be rescheduled to May 19, 2004.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 9:50 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on June 29, 2004 at the Department of Public Health, Capitol Avenue, Second Floor Law Library, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Albert Winnick, LO
Ann Tosca, Public Member (via telephone)

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Diana Lejardi, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES-March 31, 2004

The minutes of the March 31, 2004 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update - Opticare

In the absence of Kathleen Boulware, RN, Supervising Nurse Consultant, Gary Griffin, Investigations Supervisor reported on the Opticare issue. He indicated that the Attorney General's Office is putting together a final report regarding this issue. Kathleen Boulware will present the report at the next Board meeting.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there have been no complaints or investigations since the last meeting of the Board.

Mr. Griffin reported that several new Optical Shops have opened in Connecticut – Stamford, Marlborough, Darien, Taftville and Dayville.

B. Examination Update

Diana Lejardi, Licensing Examination Assistant, reported on the results of the June Examinations. A total of 24 candidates took the examinations and 13 passed: Contact Lens exam - 22 candidates/16 passed; Eyewear exam - 19 candidates/16 passed; State Law exam- 15 candidates/13 passed.

Ms. Lejardi indicated she would send the Board a list of the newly licensed Opticians.

ADDITIONAL BUSINESS

A. Discussion Regarding Examination Content

There was discussion by members of the Board regarding the addition of problem solving to the contact lens portion of the examination. It was agreed that a group of professional Opticians who have expertise in the area of contact lenses be convened to review this issue. There are also legal aspects regarding this change that need to be investigated as well as the possibility of a change in statutes.

B. Reschedule Meeting Date

The next Board meeting, scheduled for July 28, 2004, will be rescheduled to August 25, 2004.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 9:50 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 25, 2004 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
 Albert Winnick, LO
 Ann Tosca, Public Member

ALSO PRESENT: Gary Griffin, Investigations Supervisor
 Diana Lejardi, Licensing Examination Assistant
 Kathleen Boulware, RN, Supervising Nurse Consultant

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES - June 29, 2004

The minutes of the June 29, 2004 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update Regarding Opticare

Kathleen Boulware, RN, Supervising Nurse Consultant, reported on the Opticare issue. She indicated that she had a final meeting with Richard Lynch, Assistant Attorney General. It appears that, according to the Attorney General's Office, there appears to be an appropriate separation of activities, therefore, this does not seem to be an issue. There will not be a formal decision regarding this matter. Ms. Boulware indicated that they are awaiting one more piece of information, after which time the Attorney General's Office will issue a statement. She will report the findings at the next meeting of the Board.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there have been no complaints or investigations since the last meeting of the Board.

B. Examination Appeals

Diana Lejardi, Licensing Examination Assistant, indicated that there were three appeals regarding the results of the examinations taken in June, 2004.

One candidate appeared before the Board to appeal the results of this examination. Following a motion made by Ms. Tosca and seconded by Mr. Winnick, the Board went into Executive Session at 9:15A.M. to review the examination results. After careful review and discussion by members of the Board, it was determined that the results would remain the same and that the three candidates would be required to retake the examination in November, 2004. The candidates will receive this information in writing as soon as possible. Following a motion made by Mr. Winnick and seconded by Ms. Tosca, the Executive Session adjourned at 9:25 A.M.

C. Examination Dates

The following dates have been scheduled for the November, 2004 examinations.

Monday, November 1, 2004 for Contact Lenses

Tuesday, November 9, 2004 for Eyewear and Problem Solving

ADJOURNMENT

Mr. Winnick made a motion and Ms. Tosca seconded to adjourn the meeting at 9:40 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on October 27, 2004 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT:	Raymond P. Dennis, LO, Chairman Albert Winnick, LO Ann Tosca, Public Member
BOARD MEMBERS ABSENT:	None
ALSO PRESENT:	Gary Griffin, Investigations Supervisor Diana Lejardi, Licensing Examination Assistant Stephen Carragher, Health Program Supervisor Kathleen Boulware, RN, Supervising Nurse Consultant Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:05 AM.

MINUTES – August 25, 2004

The minutes of the August 25, 2004 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed unanimously.

OLD BUSINESS

Department of Public Health Update Regarding Opticare

Kathleen Boulware, RN, Supervising Nurse Consultant, reported on the Opticare issue. She indicated that Dick Lynch, Assistant Attorney General, has completed the final report on this issue, however it has not yet been approved. Hopefully, she will present this report at the next Board meeting.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there are two ongoing investigations. He also reported on several new Optical Shops opening in Connecticut. There was some discussion regarding the Pharmacy law in Connecticut and its relevance to Optical Shops opening in super stores and wholesale clubs in the state.

B. Examination Appeals

Diana Lejardi, Licensing Examination Assistant, reported on preparation for the November examinations. To date, fifteen (15) candidates have applied to take the contact lens examination on November 1, 2004 and seven (7) candidates will be retaking this examination. Sixteen (16) candidates have applied to take the Eyewear examination on November 9 and seven (7) candidates will be retaking this examination. She also indicated that all the proctors have been notified of the time and place of the examinations. The Board discussed the possibility of convening a work-group in the early part of 2005 regarding modifications and changes to the examinations.

C. Meeting Dates for 2005

Following are the meeting dates scheduled for 2005.

March 9, 2005

May 11, 2005

August 31, 2005

October 19, 2005

All meetings will be scheduled for 9:00 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

ADJOURNMENT

Mr. Winnick made a motion and Ms. Tosca seconded to adjourn the meeting at 9:45 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on March 9, 2005 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: Albert Winnick, LO

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Diana Lejardi, Licensing Examination Assistant
Stephen Carragher, Health Program Supervisor
Kathleen Boulware, RN, Supervising Nurse Consultant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:20 AM.

MINUTES – October 27, 2004

The minutes of the October 27, 2004 meeting were reviewed. Ms. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

OLD BUSINESS

Department of Public Health Update Regarding Opticare

Kathleen Boulware, R.N., Supervising Nurse Consultant, and Gary Griffin, Investigations Supervisor reported on the Opticare issue.

Several months ago the Board requested the Department of Public Health and the Attorney General's Office to review the legality of Opticare operating retail optical shops without an optical shop permit. The Board had pointed out that Opticare is a multi-office corporation, not an optometry office and maintains that it is a violation of state statute for a corporation to operate retail optical shops without an optical shop permit. The Opticare Corporation maintains that their stores are operating under the license of an optometrist; therefore an optical shop permit is not required. There is also a question of whether the optometrists employed by the Opticare Corporation are in violation of Connecticut General Statutes, which prohibits licensed optometrists from practicing their profession as an employee of any unlicensed person, firm or corporation. Opticare has submitted information which they believe justifies their claim that they are not operating illegally. Members of the Board indicated that they have not changed their stand regarding this issue and Chairman Dennis will schedule a meeting with Richard Lynch, Assistant Attorney General to discuss this matter and to request a legal opinion.

EXAMINATION APPEALS

Diana Lejardi, Licensing Examination Assistant, indicated that there were four appeals regarding the results of the examinations taken in November, 2004.

Two candidates appeared before the Board to appeal the results of this examination. Following a motion made by Ms. Tosca and seconded by Mr. Dennis, the Board went into Executive Session at 9:35 A.M. to review the examination results. After careful review and discussion by members of the Board, it was determined that there would be an adjustment on one candidate's results adding additional points. As a result, the candidate would achieve a passing score on the examination. The Board determined that there would be no additional points added to the other three candidates' examination scores and they would be required to retake the examination in June. It was indicated that the candidates would receive this information in writing. Following a motion made by Ms. Tosca, and seconded by Mr. Dennis, the Executive Session adjourned at 10:00 A.M.

NEW BUSINESS**A. Examination Preparation**

Diana Lejardi, Licensing Examination Assistant, reported on preparation for the next licensure examination.

The Board suggested the following dates for the next contact lens and eyewear examinations:

May 26 or 27 for contact lens

June 1, 2, or 3 for eyewear

There was some discussion regarding the contact lens portion of the examination and the possibility of a new format and proposed modifications to the examinations. This matter will be discussed in depth at the next meeting of the Board after which time a formal request will be presented to the Commissioner of the Department of Public Health.

B. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there is one case pending at this time.

C. Proposed Legislation

There was some discussion regarding the Proposed Bill No. 6302 – An Act Restricting the Sale of Cosmetic Contact Lenses. The purpose of this bill is to increase vision safety by requiring consumers to purchase cosmetic contact lenses from licensed professionals. Mr. Kardys will keep the Board apprised of any action by the Legislature regarding the bill.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 10:45 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on May 4, 2005 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: Albert Winnick, LO

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Diana Lejardi, Licensing Examination Assistant
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:17 AM.

MINUTES – March 9, 2005

The minutes of the March 9, 2005 meeting were reviewed. Ms. Tosca moved and Ms. Dennis seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Examination Preparation

Diana Lejardi, Licensing Examination Assistant, reported on preparation for the June examination.

She indicated that 19 candidates are scheduled to take the examination for contact lenses on May 26, 2005 and 22 candidates are scheduled to take the examination for eyewear on June 1, 2005.

There was some discussion regarding examination modifications and the addition of problem solving elements to the examination. Mr. Dennis proposed that a group of Opticians (including representatives from the Opticians Association) be convened to explore whether or not the development of problem solving elements is feasible. The expansion of the space at the examination site will also be considered.

B. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there is one case pending at this time, which involves an Optical Shop. He also reported on several new Optical Shops opening in Connecticut.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 9:37 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 31, 2005 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member
Albert Winnick, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Maritsa Morales, Licensing and Examination Analyst
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:10 AM.

MINUTES – May 4, 2005

The minutes of the May 4, 2005 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A Resolution regarding compliance meetings.

At the request of the Office of the Attorney General, the Board has been asked to adopt a resolution regarding compliance meetings.

Mr. Winnick made a motion to adopt the following resolution. Ms. Tosca seconded the motion.

The motion passed unanimously. Mr. Dennis signed the resolution.

RESOLUTION

In accordance with past practice and the Supreme Court's decision in Tele Tech of Connecticut Corporation v. Department of Public Utility Control, 270 Conn. 778 (2004), it is hereby acknowledged that the Department of Public Health has the authority to hold compliance meetings as required by Conn. Gen. Stat § 4-182(c).

B Investigations Update

Gary Griffin, Investigations Supervisor, reported that there is one case pending at this time which involves an Optical Shop.

C Statement of Charges

The Board reviewed Statement of Charges regarding Cohen Fashion Optical. This Statement alleges grounds for disciplinary action pursuant to the General Statutes of Connecticut. A hearing will be scheduled regarding this matter. Since it is not necessary to schedule a special date for this hearing, it will be included in the next regular meeting of the Board. Therefore, the meeting of the Board scheduled for October 19, 2005 has been rescheduled to October 26, 2005 in order to incorporate the hearing into this meeting.

D. Questions Regarding the Duplication of Eyeglasses

Gary Griffin shared with Members of the Board a memo he received from Miranda Burris, Legal Intern at Wal-Mart Stores regarding the following Optical questions. 1) Can an Optician duplicate eyeglasses without the prescription? 2) Can an Optician make ready-made readers without the prescription? 3) Can an Optician make eyeglasses without the prescription? After discussion by the Board, the answers were: Question 1 - Yes; Question 2 - No; Question 3 - No. The Board referred to the Optometric statutes regarding Questions 2 and 3. Mr. Griffin will communicate this information to Ms. Burris.

E. Examination Update

Maritsa Morales, Licensing and Examination Analyst, reported on the results of the June 2005 examination. She indicated that 7 candidates passed the examination for contact lenses and 8 candidates failed. 13 candidates passed the eyewear examination and 5 candidates failed.

EXAMINATION APPEAL

Ms. Morales indicated that one candidate appealed the results of the examination. After careful review and discussion by members of the Board, it was determined that the results would remain the same and that the candidate would be required to retake the examination. The candidate will receive this information in writing as soon as possible.

EXAMINATION MODIFICATIONS

There was ongoing discussion regarding examination modifications and the addition of problem solving elements to the examination. Mr. Dennis proposed convening a group, including members of the two State Associations, to develop ideas regarding these modifications.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 9:37 A.M. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on October 26, 2005 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member
Albert Winnick, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Maritsa Morales, Licensing and Examination Analyst
Jeffrey Kardys, Board Liaison
Diane Wilan, Staff attorney

Chairperson Raymond Dennis called the meeting to order at 9:00 AM.

MINUTES – August 31, 2005

The minutes of the August 31, 2005 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there were no complaints or cases pending at this time. He reported that one new Optical shop opened in Simsbury.

B. Examination Update

Maritsa Morales, Licensing and Examination Analyst reported on the November examinations. She indicated that there were 14 candidates for the Contact Lens portion of the examinations and 13 candidates for the Eyewear portion of the examinations. There was some discussion by Members of the Board regarding proctors for future examinations.

C. Optician Apprenticeships – Wal-Mart Stores

The Board expressed concern about business practice being conducted as some Wal-Mart stores regarding Optician and Optometric apprenticeships. After some discussion by members of the Board it was suggested that perhaps a letter should be drafted from the Department of Public Health outlining the legal requirements for licensure in the State of Connecticut. The letter would also outline requirements for accurate reporting of apprenticeships.

D. Monitoring of Continuing Education Requirements

The Board discussed the question of monitoring continuing education requirements. It was pointed out that the monitoring of these requirements is not regulated by Statute. It was suggested that the State Opticians Association could be utilized for making Opticians aware of the importance of continuing education.

E. Discussion Regarding Development of a New Licensing Examination

The Board discussed plans for a meeting regarding the feasibility of the development of a new licensing examination. Chairman Dennis indicated that he will contact the Attorney General's Office regarding convening a group to discuss this matter.

F. Meeting Dates for 2006

Board meetings for 2006 are scheduled as follows:

February 1, 2006

May 3, 2006

September 6, 2006

November 15, 2006

All meetings will be scheduled for 9:00 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

LEGAL OFFICE BUSINESS

Cohen Fashion Optical - Petition No. 2004-1026-057-003

Staff Attorney Diane Wilan presented a Consent Order in the matter of Cohen Fashion Optical, Danbury, Connecticut

The Board was apprised that a Request for a Continuance of the hearing scheduled for today, filed by the Department of Public Health in the above-referenced matter, was granted.

Mr. Winnick made a motion seconded by Ms. Tosca to approve the Consent Order. The motion passed unanimously. Chairman Dennis signed the Order.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Winnick seconded to adjourn the meeting at 9:43 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on February 1, 2006 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member
Albert Winnick, LO – *via telephone*

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Maritsa Morales, Licensing and Examination Analyst
Stephen Carragher, Health Program Supervisor
Kathleen Boulware, RN, Supervising Nurse Consultant
Jennifer Filippone, Chief Practitioner, Licensing and Investigation
Daniel Shapiro, Assistant Attorney General
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:00 AM.

MINUTES – October 26, 2005

The minutes of the October 26, 2005 meeting were reviewed. Ms. Tosca moved and Mr. Winnick seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A Investigations Update

Gary Griffin, Investigations Supervisor, reported that there were no complaints or cases pending at this time.

B Wal-Mart Stores, Inc. – Petition 2003-0321-003-003

The Board reviewed the Cease and Desist Order regarding Wal-Mart Stores, Inc. presented by Assistant Attorney General Daniel Shapiro. Members of the Board expressed concern regarding a paragraph contained in the Order pertaining to the implication of a violation of the Connecticut General Statutes. Attorney Shapiro, upon conferring with a representative of Wal-Mart Stores, agreed with members of the Board that this paragraph be deleted from the Order. A motion was made by Ms. Tosca and seconded by Mr. Winnick to approve a revised Order, which will be re-written and sent to Chairman Dennis for his signature.

Mr. Winnick excused himself from the meeting at 9:25 a.m.

C Examinations Update

Maritsa Morales, Licensing and Examination Analyst, reported that two candidates have appealed the results of their examinations taken in November. One candidate appeared before the Board.

Mr. Dennis made a motion seconded by Ms. Tosca to enter executive session for review of examination results and to discuss examination development. The motion passed and the Board went into Executive Session from 9:30 a.m. until 10:25 a.m. to review these examinations.

Following executive session it was determined that the Connecticut Opticians Association and the Society of Connecticut Opticians will be asked to participate in examination development. Each organization will be asked to send representatives – one for eyewear and one for contact lenses. There will also be recommendations for additional professionals to participate.

The Board determined that the first meeting of this group will be held on May 17, 2006 at the Department of Public Health. Since the quarterly meeting of the Board is scheduled for May 3, 2006, the Board agreed to reschedule the quarterly meeting to May 17, 2006.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 10:30 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on May 17, 2006 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: Albert Winnick, LO

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Maritsa Morales, Licensing and Examination Analyst
Stephen Carragher, Health Program Supervisor
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:00 AM.

Mr. Kardys announced that Board member Albert Winnick has tendered his resignation as a member of the Board due to new work responsibilities. The Office of the Governor will be notified upon receipt of Mr. Winnick's letter of resignation.

MINUTES – February 1, 2006

The minutes of the February 1, 2006 meeting were reviewed. Ms. Tosca moved and Mr. Dennis seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there were no complaints or cases pending at this time. He reported that two new Optical shops opened in Connecticut – one in Cheshire and one in Middlebury.

Mr. Griffin also advised the Board that he has received an inquiry regarding the legality of eyeglasses being sold via the internet at a website: "Eyeglasses.com." He indicated that he has contacted the Attorney General's office regarding this matter. He also said that there had been a Consent Order issued some time ago and that he would research the information and report to the Board at the next meeting.

B. Examination Update

Maritsa Morales, Licensing and Examination Analyst, reported on the preparation of the June examinations. She indicated that there are 25 to 30 candidates scheduled – approximately 13 for the contact lens portion and 15 for the optical portion. There was also discussion regarding the set-up of the exams and appointment of proctors.

OLD BUSINESS

Development of a New Licensing Examination

A plan for the development of a new licensing examination has been pushed back to the next meeting of the Board.

ADJOURNMENT

Ms. Tosca made a motion and Mr. Dennis seconded to adjourn the meeting at 9:45 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on September 6, 2006 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Maritsa Morales, Licensing and Examination Analyst
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:03 AM.

MINUTES – May 17, 2006

The minutes of the May 17, 2006 meeting were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported that there were no complaints or cases pending at this time. He reported that one new Optical shop opened in Milford, Connecticut. He indicated that there has been a change of ownership in an Optical shop located in Darien, Connecticut. Chairman Dennis raised the question as to whether or not Stop and Shop Super Markets had requested permission to sell contact lenses. Mr. Griffin advised the Board that the application had been withdrawn and that at the present time the sale of contact lenses in super markets is not permitted in Connecticut. There was some discussion regarding the interpretation of this law. Any complaints received regarding this matter will be referred to the Department of Public Health or the Attorney General's Office.

B. Examination Update

Maritsa Morales, Licensing and Examination Analyst, reported on the results of the June licensing examinations. She indicated that 28 candidates wrote the examinations – 22 passed and 6 failed. Ms. Morales indicated that 3 candidates appealed the results of the examination and one candidate appeared before the Board. Following a motion by Ms. Tosca and seconded by Mr. Dennis, the Board went into Executive Session at 9:20 A.M. to review the examination results of the three candidates. After careful review and discussion by members of the Board, it was determined that the results would remain the same and that the three candidates would be required to retake the examination in November, 2006. The candidates will receive this information in writing as soon as possible. Following a motion made by Mr. Dennis and seconded by Ms. Tosca, the Executive Session adjourned at 9:35 A.M.

OLD BUSINESS

Development of a New Licensing Examination

The plan for the development of a new licensing examination was discussed. However, since the vacancy on the Board created by the resignation of Albert Winnick, has not been filled, it was decided to postpone this matter until a new member is appointed. Mr. Kardys indicated that he has not received information as yet from the Governor's Office regarding a new appointment to the Board.

ADJOURNMENT

Mr. Dennis made a motion and Ms. Tosca seconded to adjourn the meeting at 9:45 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on November 15, 2006 at the Department of Public Health, Capitol Avenue, Conference Room E, Second Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Raymond P. Dennis, LO, Chairman
Ann Tosca, Public Member

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Investigations Supervisor
Jennifer Filippone, Chief Practitioner, Licensing and Registration
Maritsa Morales, Licensing and Examination Analyst
Jeffrey Kardys, Board Liaison

Chairperson Raymond Dennis called the meeting to order at 9:04 AM.

MINUTES – September 6, 2006

The minutes of the September 6, 2006 meeting were reviewed. Mr. Dennis moved and Ms. Tosca seconded that these minutes be approved as written. The motion passed.

NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, reported the possibility that an Optical shop in Connecticut is operating illegally. There is no proof at the present time but he indicated that the Department will observe the shop closely and keep the Board apprised regarding this matter.

Ms. Fillippone, Chief Practitioner, Licensing and Registration advised the Board that a letter dated October 25, 2006 from the Connecticut Opticians Association was sent to Chairman Raymond Dennis, Board of Examiners for Opticians at Department of Public Health. Since the letter was sent directly to the Department of Public Health, Mr. Dennis had not seen this letter until today. The letter referred to a complaint (Petition #2005-1027-000-062) filed on October 27, 2005. Since there had been no response since that date, the Opticians Association was asked to investigate the status of the complaint which is still active. Ms Tosca made a motion that since this investigation is not complete, it would be appropriate for the Department to respond to this letter on behalf of the Board. Mr. Dennis seconded the motion.

Mr. Griffin also posed a question to the Board regarding the legality of a manufacturing company distributing safety glasses to their employees. Mr. Dennis indicated that if there is no prescription involved, this would not be a problem. However if there is a prescription required a valid prescription would have to be given by a licensed professional. If not, this may be a violation of Statutes. Mr. Griffin will get more information regarding this matter and report his findings to the Board.

B. Examination Update

Maritsa Morales, Licensing and Examination Analyst, reported on the results of the June licensing examinations. She indicated that 28 candidates wrote the examinations – 22 passed and 6 failed. Ms. Morales indicated that 3 candidates appealed the results of the examination and one candidate appeared before the Board. Following a motion by Ms. Tosca and seconded by Mr. Dennis, the Board went into Executive Session at 9:20 A.M. to review the examination results of the three candidates. After careful review and discussion by members of the Board, it was determined that the results would remain the same and that the three candidates would be required to retake the examination in November, 2006. The candidates will receive this information in writing as soon as possible. Following a motion made by Mr. Dennis and seconded by Ms. Tosca, the Executive Session adjourned at 9:35 A.M.

C Meeting Dates for 2007

Board meetings for 2007 are scheduled as follows:

January 31, 2007
May 2, 2007
August 29, 2007
October 31, 2007

All meetings will be scheduled for 9:00 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

OLD BUSINESS

Development of a New Licensing Examination

The plan for the development of a new licensing examination was discussed. Since the vacancy on the Board has not been filled, this matter will be postponed until a new member is appointed. Mr. Kardys indicated that as soon as information is received from the Governor's Office regarding a new appointment he will notify the Board. If a new member is appointed prior to the next meeting of the Board in January, Mr. Dennis indicated that he will convene a group to discuss changes in the licensing examination at that meeting.

ADJOURNMENT

Mr. Dennis made a motion and Ms. Tosca seconded to adjourn the meeting at 9:31 a.m. The motion passed unanimously.

Respectfully submitted,

Ann Tosca, Public Member
Connecticut Board of Examiners for Opticians