

The Connecticut Board of Examiners for Opticians held a meeting on March 2, 2011, at the Department of Public Health, Capitol Avenue, Third Floor Conference Room, Hartford, CT.

BOARD MEMBERS PRESENT: Linda Conlin, LO, Chairperson
René "Skip" Rivard, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Gary Griffin, Practitioner Investigation Unit, DPH
Maritsa Morales, Licensing and Examination Analyst, DPH
Alfreda Gaither, Hearing Officer, Public Health Hearing Section, DPH
Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH
Linda Fazzina, Staff Attorney, Legal Office, DPH

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

MINUTES – December 8, 2010

The minutes from the regularly scheduled meeting of the Board of Examiners were read by Chairperson Conlin. A motion made by Mr. Rivard and seconded by Ms. Conlin was passed to accept the minutes.

OLD BUSINESS

- A. Practical Examination – Contact Lens Problem Solving: Mr. Rivard reports that the images for the proposed Contact Lens Problem Solving section for the State licensing exam is still under development. Progress has been slower than expected. He doesn't expect completion in time for the upcoming exam.
- B. Jeffrey Panella, #001196-Apprentice Training status: At its meeting on December 8, 2010, the Board approved a plan for license reinstatement. It was noted that a previous request for reinstatement from August 2009 had expired. Also noted was that a previous request to renew his license was approved in August 1999. To date the Department has not received an answer from Mr. Panella to accept the current proposed plan for reinstatement.

DEPARTMENT OF PUBLIC HEALTH UPDATES

- A. Investigation Update: Gary Griffin reported that there are six cases under investigation.
- B. Exam Updates: Maritsa Morales reported that the DPH was accepting applications for the upcoming licensing exams. The deadline for application submission will be set for early April 2011. It was noted that the exams scheduled for November 2010 had been cancelled due to a low number of applicants.
- Discussion was held that should applications remain low, the Department may consider scheduling future exams on an annual rather than semi-annually basis.
- Mr. Rivard requested and received confirmation that it is unnecessary for an application submitted by any candidate having graduated from an approved Opticianry college or school to include work experience obtained as an optician apprentice.
- The dates for the June exams were set:
- June 6, 2011 – Contact Lens Practical
 - June 13, 2011 – Eyewear Practical and State Statutes
- Mr. Rivard will reserve the rooms for the exams at Middlesex Community College in Middletown.

NEW BUSINESS

- A. Sunset Legislation: Mr. Rivard reported that proposed Senate Bill 1027 will delay the Program Termination dates in the Sunset Law to July 1, 2014. Ms. Conlin requested that the Board be informed immediately should the DPH receive any information or amendments to the proposal which may impact Opticians.

- B. Senate Bill 537: An Act Concerning the Practice of Opticianry in the State: Mr. Rivard reported that this proposal was a constituent friendly proposal to allow opticians *to engage in their profession beyond the confines of a registered optical establishment, office or store.* To his understanding, its intent is to allow an optician to deliver and dispense eyewear outside of the premises which has had issued to it, a valid optical selling permit.

Mr. Rivard presented minutes from a Board of Examiners meeting dated February 17, 1994 and a subsequent letter from the Board to Mr. George Hatsian, dated February 18, 1994. Ms. Conlin reported that similar services are currently allowed by the DPH. HealthDrive Eye Care Group of Wallingford has been providing this type of service since 1996 and holds a valid optical selling permit.

The Board reaffirmed the previous Board interpretation that such services are within the optician statutes so long as the services are conducted by an optician who is included under the permit of a duly registered optical shop.

The current Board agreed that the proposed Senate Bill is superfluous and redundant

LEGAL OFFICE BUSINESS

- A. Paul Beckert – Petition No. 2010-5674

Ms. Fazzina reported that Mr. Beckert has not fully complied with his Consent Order. Discussion was held regarding Mr. Beckert's work status pending completion of the Order. Reviewing the Consent Order, it was determined that the respondent cannot work in a position which requires the responsibilities of an optician nor in an optical environment which requires an optician.

Ms. Fazzina informed the Board that on January 28, 2011, Mr. Beckert reported that he is not working in the capacity of an optician. The Board requests that the information be confirmed as reliable.

ADJOURNMENT

Mr. Rivard made a motion, seconded by Ms. Conlin to adjourn the meeting at 9:45 a.m. The motion passed unanimously.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on June 1, 2011, at the Department of Public Health, Capitol Avenue, Third Floor Conference Room, Hartford, CT.

BOARD MEMBERS PRESENT: Linda Conlin, LO, Chairperson
René "Skip" Rivard, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Steve Carragher, Health Program Supervisor, DPH;
Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH;
Gary Griffin, Practitioner Investigation Unit, DPH;
Maritsa Morales, Licensing and Examination Analyst, DPH;
Alfreda Gaither, Esq., Staff Attorney, Legal Office, DPH;
Rosemary M. McGovern, Esq., Assistant Attorney General, State of CT;
Maureen Dinnan, representing HAVEN (Health Assistance interVention Education Network)

Chairperson Linda Conlin called the meeting to order at 9:15 a.m.

I. **MINUTES – March 2, 2011**

- A. The minutes from the regularly scheduled meeting of the Board of Examiners were read by Chairperson Conlin. A motion made by Mr. Rivard and seconded by Ms. Conlin was passed to accept the minutes.

II. **OLD BUSINESS**

- A. **Request for Advice from the Assistant Attorney General Concerning Optical Shop Permits:** Assistant Attorney General McGovern addressed the Board in response to its inquiry in a letter dated September 26, 2010. Specifically, the Board asked that should an optician who only fits and dispenses contact lenses as an employee of an ophthalmology practice, be required to hold an optical selling (shop) permit? AAG McGovern responded that it was not necessary to obtain a permit if the optician did not dispense eyewear or other optical goods. AAG McGovern further stated that the optician must be an employee³⁴ of the ophthalmology practice and not be an independent provider nor employed by an independent firm or company which provides service on the premises of the ophthalmology practice.

In addition, all payment for goods and services must be made directly to the practice. She explained that should the optician dispense eyewear or if payments were made to the name of the optician or a provider independent of the medical practice, an Optical Selling Permit would be necessary.

- B. **Practical Examination – Images for Problem Solving:** Mr. Rivard again reported that images for the proposed Contact Lens Problem Solving section for the State licensing exam is still under development. He is hopeful, for their completion in time for the fall licensing exam.
- C. **Jeffrey Panella, #001196-Apprentice Training status:** The still has been no response from Mr. Panella regarding a proposed plan for reinstatement of his license. The Board approved the plan at its meeting on December 8, 2010. A previous request for reinstatement from August 2009 had previously expired. It was further noted that an earlier request for license reinstatement approved in August 1999, also went unanswered.
- D. **Paul Beckert – Petition No. 2010-5674** Attorney Gaither reported that Mr. Beckert has still not complied with his Consent Order. [Petition No. 2010-5674] He has not completed a required course in Ethics.
At its meeting of January 28, 2011, Attorney Gaither informed the Board that Mr. Beckert reported that he is not working in the capacity of an optician. The Board requested that the information be confirmed as reliable.
Discussion was held regarding Mr. Beckert's work status. He is apparently in the employ of an optometric practice. That status and compliance with the Consent Order is still under investigation.

III. **NEW BUSINESS**

- A. **Reinstatement Application - Debra Thelen, Lic. № 00119** Deb Brown presented a request for reinstatement Ms. Thelen. Having moved out-of-state, she last practiced in CT in 2003. Her Connecticut license expired in 2007. She had obtained 7 continuing education credits in October 2010.
Upon advice of the Department a motion was made and seconded to require refresher training in the form of three months full-time (30 hours per week) or six month part-time (15 hours per week) employment supervised by an optician in an establishment which has had issued to it an Optical Selling Permit. The training plan must be based on the full scope of opticians apprentice training and be accepted in writing by the optician employer. Upon proof of completion, her license will be reinstated. Motion passed.

IV. **DEPARTMENT OF PUBLIC HEALTH UPDATES:**

- A. Mr. Griffin reported that four cases are under investigation. In addition, one case has been referred to the legal office for review and one case has been dismissed. At the request of Mr. Rivard, Mr. Griffin will provide information pertaining to the dismissed case at the next meeting of the Board.
A Cease and Desist Order pertaining to Plano contact lens dispensing at a 7-11 will also be presented at the next Board meeting.

- B. Ms. Morales reported that eighteen candidates had applied for the upcoming licensing examinations. Sufficient supplies were available and reminder notifications will be sent to all proctors.

V. **ADDITIONAL AGENDA ITEMS**

- A. Ms. Maureen Dinnan presented an updated update from HAVEN, a confidential assistance program for health care professionals suffering from physical or mental illness, emotional disorder or chemical dependency. HAVEN is a resource for the health care professionals to seek help before patient harm occurs without fear of public disclosure or public regulatory action. Following a comprehensive report, the Board commended Ms. Dinnan on the significant benefits this program has created for both professionals and the public.

ADJOURNMENT

Mr. Rivard made a motion, seconded by Ms. Conlin to adjourn the meeting at 10:15 a.m. The motion passed unanimously.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on August 10, 2011 at the Department of Public Health, Capitol Avenue, Third Floor Conference Room, Hartford, CT.

BOARD MEMBERS PRESENT:	Linda Conlin, LO, Chairperson René"Skip" Rivard, LO
BOARD MEMBERS ABSENT:	None
ALSO PRESENT:	Jeffrey Kardys, Admin. Hearings Specialist/Board Liaison, DPH; Gary Griffin, Practitioner Investigation Unit, DPH; Maritsa Morales, Licensing and Examination Analyst, DPH; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH; Joelle Newton, Esq., Staff Attorney, DPH Johana Sanchez, Public Guest; Krista Annecharico, Public Guest

Chairperson Linda Conlin called the meeting to order at 9:10 a.m.

I. **MINUTES – June 1, 2011**

A. The minutes from the regularly scheduled meeting of the Board of Examiners were read by Chairperson Conlin. A motion made by Mr. Rivard and seconded by Ms. Conlin was passed to accept the minutes.

II. **OLD BUSINESS**

A. **Practical Examination – Images for Problem Solving:** Mr. Rivard reported that development of the proposed Contact Lens Problem Solving section for the State licensing exam had been postponed. He contemplated completion in time for implementation into the Spring 2012 exam.

B. **Update: Paul Beckert – Petition Nos. 2008-1105-038-003 and 2010-5674**

Background: At its meetings of January 28 and June 1, 2011 the Board requested confirmation that Mr. Beckert is not employed as, nor acting in the capacity of an optician.]

Mr. Griffin reported that Mr. Beckert stated he is not working in the capacity of an optician. He claimed to be working strictly as support staff for an optometric practice, ordering lenses, etc. He denied any direct patient/client interaction pertaining to the dispensing of eyewear or contact lenses to the ultimate wearer.

Attorney Gaither reported that Mr. Beckert has still not complied with his Consent Order. He still has not completed a required course in Ethics.

Due to the on-going non-compliance with the original Memorandum of Decision dated August 26, 2009 as well as the Consent Order of January 28, 2011, the Board now requests sworn affidavits from both Mr. Beckert and his optometrist employer verifying his job description. The documents must confirm that he not acting in any capacity as an optician as described in C.G.S. Chapter 381 or Department of Public Health Regulations. 20-141-1 thru 20-146.

III. **DEPARTMENT OF PUBLIC HEALTH UPDATES**

Investigations Update: _____

A. Mr. Griffin reported that four cases are under investigation. Two of the four pertain to Optical Selling Permits. In response to a Board request from its June 2011, Mr. Griffin, reported on a previously dismissed case.

IV. LEGAL OFFICE BUSINESS

A. Seven-Eleven, Vernon, CT - Petition № 2011-559

Attorney Newton presented a Cease and Desist Oder halting the sale of non-prescription [Plano] contact lenses at the above referenced convenience store. After review and discussion, it was approved and signed by Chairperson Conlin

V. NEW BUSINESS

A. License Reinstatement Application - Susan Manchester, Lic. № 01108

Ms. Morales reported that this request had been withdrawn.

B. November Licensing Examination

Examination dates of November 7 for Contact Lenses and November 15, 2011 for Eyewear were confirmed.

After discussion, it was decided to include Progressive Addition Lens neutralization and layout into the next Eyewear examination. Prior to this implementation, changes will be made to the candidate template and proctor scoring sheet.

C. Revise Instructions to Examination Candidates

All candidate instructions will be reviewed before the Spring 2012 exams.

VI. EXAMINATION APPEALS

A. Ms. Morales reported that three unsuccessful candidates from the June exam had appealed their exam results. Chair Conlin recognized the two candidates present and allowed them to testify on their own behalf.

Mr. Rivard acknowledged that he was familiar with both appellants and would recuse himself in the review if appropriate. After discussion, including input from the candidates, it was determined there was no conflict.

B. EXECUTIVE SESSION 10:00 AM

Mr. Rivard made a motion, seconded by Chair Conlin to go into Executive Session to review and discuss the examination results.

The Board came out of Executive Session at 11:00 AM.

ADJOURNMENT

Mr. Rivard made a motion, seconded by Ms. Conlin to adjourn the meeting at 11:05 A.M. The motion passed unanimously.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on December 15, 2011 at the Department of Public Health, Capitol Avenue, Third Floor Conference Room, Hartford, CT.

BOARD MEMBERS PRESENT: Linda Conlin, LO, Chairperson
René"Skip" Rivard, LO

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH;
Gary Griffin, Practitioner Investigation Unit, DPH;
Maritsa Morales, Licensing and Examination Analyst, DPH;
Deborah Brown, Heath Program Assistant, DPH;
Alfreda Gaither, Esq., Staff Attorney, Hearingl Office, DPH
(arrived at 9:30a.m.)

Chairperson Linda Conlin called the meeting to order at 9:05 a.m.

I. MINUTES – August 10, 2011

- A. Having been previously reviewed by the members, a reading of the minutes from the regularly scheduled meeting of the Board of Examiners was waived. Motion: Rivard, Second: Conlin. A motion made by Mr. Rivard and seconded by Ms. Conlin was passed to accept the minutes.

II. OLD BUSINESS

- A. **Update: Paul Beckert – Petition Nos. 2008-1105-038-003 and 2010-5674**

[Background: At its meetings of January 28, June 1, Aug. 10, 2011, the Board requested confirmation that Mr. Beckert is not employed as, nor acting in the capacity of an optician. At its meeting of August 10, the Board requested sworn affidavits from both Mr. Beckert and his optometrist employer verifying his job description. It was requested that the documents must confirm that he not acting in any capacity as an optician as described in C.G.S. Chapter 381 or Department of Public Health Regulations. 20-141-1 thru 20-146.]

The members referenced Petition # 2008-1105-038-003 [August 26, 2009] which allowed Mr. Beckert six months during his probationary period to "successfully complete a course in medical ethics".

Reference was also made to Petition # 2010-5674.[March 2, 2011]. Stipulation 6(c) repeats an allowance of fifteen (15) days to demonstrate compliance with the Consent Order, and 6(d) which stipulates that if Mr. Beckert, ".....does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notice of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken."

The Department reported that no affidavits regarding his employment were available. Attorney Gaither reported that Mr. Beckert has still not complied with his Consent Order. He still has not completed a required course in Ethics.

Chairperson Conlin requested that the Department follow-up with Mr. Beckert's compliance with the issued Consent Order(s).

III. DEPARTMENT OF PUBLIC HEALTH UPDATES

Investigations Update:

- A. Mr. Griffin reported that five (5) cases are under investigation. One (1) case is currently with the legal office.

IV. NEW BUSINESS

A. License Reinstatement Application - Susan (Smith) Manchester, Lic. № 01108

Deborah Brown presented a application for reinstatement. She reported that although Ms. (Smith) Manchester allowed her license to lapse in 2009, she had been actively employed up to October 31, 2010. It became unclear to the Board as to the number of continuous education credits Ms. (Smith) Manchester has obtained during the previous three years.

Mr. Rivard motioned to table pending further information. Second: Conlin.

C. Requirements for Optical Shop Permit and Apprentice Registration.

To address concerns of the Board, Mr. Kardys presented the Application for Optical Selling Permit and a copy of a completed OSP from the State database. The Board wanted to confirm that the LO of record was included in the database and on the annual renewal form. Both the application and the renewal form included the required information. The Board also confirmed that the Supervising LO is included on Apprentice Registration Renewal.

The Board requested that the online State License Verification database include the physical address at which an Optical Selling Permit is issued.

V. EXAMINATIONS

A. State of Connecticut, Practical Licensing Exam Results, November 7 & 15, 2011

Ms. Morales reported the results of the Practical Examinations for Opticians. Seven (7) new licences were issued.

B. Item Review-Eyewear and Contact Lens examinations

The template and instructions for the eyewear and contact lens practical exams were reviewed. Proctor instructions regarding lid inversion were updated for the contact lens exam.

The Board has agreed to include Progressive Add lenses into the practical exam for eyewear. Prior to their inclusion, a new template must be developed and score items weighted.

VI. ADDITIONAL AGENDA ITEMS

A. Review of the American Board of Opticianry (ABO) and the National Contact Lens Examiners (NCLE) Competency Exams.

Mr. Rivard thought it appropriate that the Board periodically review the content of the certification exams administered by the ABO and NCLE. Because the State eligibility requirement for Optician licensing includes successful completion of both exams as a prerequisite, he expressed concern that the Board and the State has endorsed its content without diligence. It was his opinion, that without periodic review, the exams should not be accepted as meeting the standards of opticianry competence in Connecticut.

After long discussion, the Board was unable to come to an agreement pending investigation into available information regarding exam content without making a formal request to review to the certifying agencies to review the exams.

B. Board Meeting Dates FY 2012:

Meeting dates for the Board of Examiners were set FY 2012:

March 8

May 10

September 12

December 5

VII. EXECUTIVE SESSION 10:00 AM

Mr. Rivard made a motion, seconded by Chair Conlin to go into Executive Session to review and discuss the examination results.

The Board came out of Executive Session at 10:45 AM.

ADJOURNMENT

Mr. Rivard made a motion, seconded by Ms. Conlin to adjourn the meeting at 10:46 A.M.

Respectfully submitted,

René R. Rivard
Connecticut Board of Examiners for Opticians