

AGENDA

CONNECTICUT BOARD OF EXAMINERS FOR OPTICIANS

Tuesday, May 6, 2014, at 9:00 AM
Department of Public Health
410 Capitol Avenue, Hartford CT
Third Floor – Hearing Room

CALL TO ORDER

I. **Minutes**

Review and approval of the minutes from the March 27, 2014 meeting.

II. **Department of Public Health Updates**

A. **Investigations Update**

Gary Griffin, Practitioner Investigation Unit, DPH

B. **Examination Update**

Deborah Brown, Health Program Assistant

III. **Old Business**

IV. **New Business**

Legislative update.-H.B. No. 5537.

Jennifer Filippone, Section Chief, Practitioner Licensing and Investigation

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

VI. **Additional Agenda Items**

VII. **Examination Appeals**

ADJOURN

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

*If you require aid/accommodation to participate fully and fairly,
please contact the Public Health Hearing Office at 860-509-7566*

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

The Connecticut Board of Examiners for Opticians held a meeting on Thursday March 27, 2014, at the Department of Public Health, 410 Capitol Avenue, Third Floor, Hearing Room, Hartford, CT.

Board Members Present: René "Skip" Rivard, LO, Chairperson
Linda Conlin, LO
Donna K. Bojus (Public Member)

Board Members Absent: None

Also Present: Stephen Carragher, Health Program Supervisor, DPH;
Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison,
DPH; Gary Griffin, Practitioner Investigation Unit, DPH; Alfreda
Gaither, Esq., Staff Attorney, Hearing Office, DPH; Janine
Cordero, DPH Licensing and Applications Specialist; Deborah
Brown, DPH Health Program Assistant; Jennifer Filippone, Chief,
Practitioner Licensing and Investigation Section (arrived at 9:21).

Chairperson René Rivard called the meeting to order at 9:07 a.m.

- I. Minutes -
 - A. Motion to accept minutes from the meeting of December 10, 2013. Motion: Conlin, Second, Bojus. Motion Passed
- II. Department of Health Updates
 - A. Investigations Update - *Gary Griffin, Practitioner, Investigation Unit, DPH*
 1. One investigation is currently pending.
 2. Mr. Rivard inquired about the ELO case, first reported in the minutes of May 12, 2012. Mr. Rivard reminded Mr. Griffin he reported at the meeting of September 15, 2013 that the case was ready to go to the Legal Department for a Consent Order. Mr. Griffin reported that the case was still pending.
 3. Mr. Rivard also questioned the status of the Walmart Optical case, first reported in May 2012. The Board minutes of September 15, 2013, reflect that the case might be ready for presentation during this (December 10) meeting. Mr. Griffin reported that the case was still pending.
 - B. Examination Update- *Janine Cordero, DPH Licensing and Applications Specialist; Deborah Brown, Health Program Assistant*
 1. Ms. Brown reported that the application deadline for the upcoming exams is Friday, April 4. Pending the deadline, number of candidates are not yet available.
 2. Examination dates have been set for Wednesday, June 11 (Contact Lens) and Tuesday June 17 (Eyewear and State Law). The exams will be held at Middlesex Community College.
- III. Old Business
 - A. Goodwin College: Ophthalmic Science Program. Chairman Rivard presented copies from the program's mail promotions and its website. The web page states, "Students will be prepared to sit for [the] both the American Board of Opticianry's (ABO) and the National Contact Lens Examination (NCLE). Once passed, students will be eligible to take the state exam to be an optician in Connecticut."

The mail promotion, over the signature of the Program Director, Maryann Santos,

similarly states, "Graduates will be prepared to sit for [the] both the American Board of Opticianry's (ABO) and the National Contact Lens Examination (NCLE). Once passed, students will be eligible to take the state exam to be an optician in Connecticut."

Mr. Rivard referenced minutes from the Board meeting of September 10, which declared, ". . . it was made clear that until final approval from the Board, Goodwin College cannot advertise that students can sit for the exam." He then opened discussion from the Board. Consensus was reached that the promotions were misleading and in violation of the intent of the Conditional Approval of the Program as approved by the Board at its meeting of September 10, 2013.

Further discussion was tabled pending the arrival of Jennifer Filippone.

Discussion continued following Agenda IV.

It was questioned which agency might have authority regulating the advertising of the program. Ms. Filippone suggested that she and Attorney Gaither will investigate the laws and have discussion with the Office of Higher Education.

In discussion, the Board requested that a formal Notice of Correction be sent to all previously contacted. The Board also asks that a formal correction be included on the program website. Ms. Filippone and Attorney Gaither will investigate as to what the Board may legally request. Ms. Filippone will also share our collective concerns with the Office of Higher Education to determine if it might have a suggestion to correct the misleading advertising.

- IV. Office of Licensure Regulation And Compliance. *Joelle Newton, Staff Attorney DPH*
 - A. Lisa Azinheira, L.O. No. 1476 - Petition 2013-925 - Consent Order
 - 1. From approximately 2004 through August 2013, Lisa Azinheira operated L.A. Vision, an optical shop in Hartford, without an optical selling permit.
 - 2. Having previously stipulated to the terms of a Prelicense Consent Order executed on January 7, 2014 and accepted by the Department of Public Health on January 9, 2014, Ms. Azinheira agreed to a reprimand against her Optical Selling Permit and paid a civil penalty of seven thousand five hundred dollars (\$7,500).
 - a. No apprentices were registered during the time of the lapsed permit.
 - 3. The terms of the current Consent Order provide for a professional Reprimand against her Optician's license.
 - a. After considerable discussion questioning how fines were derived, a motion to accept the consent order was made. Motion: Conlin, Second Bojus. Motion Passed.
- V. Additional Agenda Items
 - A. Civil penalties and fines. - Jennifer Filippone, Chief, Practitioner Licensing and Investigation Section
 - 1. Ms. Filippone explained how the Department determines how civil penalties and fines are imposed.
 - B. Reinstatement Consent Order - Edward Thornton - Petition No. 2013-1055
 - 1. Mr. Rivard questioned why the Board had not been consulted nor advised of the above referenced Consent Order.
 - a. The respondent's license expired on June 30, 2008.
 - b. Subsequent to the expiration, he continued to practice as an optician, an excess of 5.5 years.
 - c. By agreeing to the terms of the Consent Order, which included payment of a civil penalty of Two thousand Dollars (\$2,000) his license was reinstated on December 20, 2013.

2. Mr Carragher explained the Department had historically agreements with several Boards that when an expired licensee had been inactive for less than six months, the Department would exercise an administrative reinstatement. For an excess of six months inactive practice, the Department usually seeks the advice of the appropriate Boards or Commissions.
 - a. Apparently, although Mr. Thornton's license had expired, he continued to work as an optician. The Department has greater concerns regarding the reasonable skill and safety of an licensee who has been inactive for a long period of time.
 - b. Ms. Filippone also confirmed that agreements with past Boards brought a reinstatement to the Board when the applicant had not been clinically practicing for greater than six months. Mr. Carragher suggested that Department reinstatement allowed the applicant to continue working rather than waiting for the quarterly meeting of the Board for action.
 - c. Discussion followed. Agreement was reached that Consent Orders for reinstatement of a license with an expiration in excess of six months will be presented to the Board for advice. When necessary, a telephone meeting, properly noticed, may be arranged. All administrative reinstatements and consent orders will also be brought to the attention of the Board.
 - d. The DPH will work with the Board to update regulations regarding license reinstatement and proof of continuing education credits.
3. Mr. Rivard recognized Ohan Karagozian from the audience. He questioned how a penalty for unlicensed practice is determined by the Department. Ms. Filippone and Mr. Carragher provided a detailed explanation.

VI. Examination Appeals

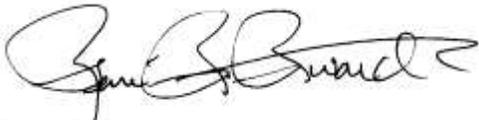
- A. Two candidates appeared to address the Board. Chairman Rivard explained the blind format of the exam. He advised the appellants they need not identify themselves. One appellant insisted on identification.
 1. The chair thanked the appellants. He advised them that their concerns would be taken under advisement during a review of their exam results. He informed them that the Department would notify them of the review results.

VII. Executive Session to Review Examination Appeals

- A. Motion to add Executive Session to the agenda to review Exam Appeals. Motion: Bojus Second: Conlin. Motion passed.
 1. The Board went into Executive Session at 10:12 A.M.
- B. Motion to come out of Executive Session. Motion: Conlin, Second Bojus. Motion passed.
 1. 10:50 A.M.

Adjournment: Hearing no other business, a motion was made to adjourn the meeting. Motion: Bojus, Second: Conlin Motion passed. Meeting adjourned at 10:51 A.M.

Respectfully submitted,



René R. Rivard
Connecticut Board of Examiners for Opticians