

A meeting of the **Connecticut Board of Examiners for Optometrists** was held on January 12, 2000 at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Patricia Gerner, Assistant Attorney General
Jeffrey Kardys, Board Liaison
Florian Safner, O.D.
Joseph Neville, Esq.
Grace Nome
Carrie Rand
Kenneth Przybysz

The meeting was called to order at 9:25 a.m. by Dr. Pinn.

I. **MINUTES SEPTEMBER 15, 1999 AND NOVEMBER 17, 1999**

- A. The Board reviewed the minutes of September 15, 1999. It was the unanimous decision of the Board to accept these minutes as written.
- B. The Board reviewed the minutes of November 17, 1999. Dr. Berns made a motion, seconded by Dr. Winakor to amend the minutes by removing "NBEO is within time frame" from item VI. It was the unanimous decision of the Board to accept these minutes as edited

II. **DISCUSSION OF LETTER FROM LAWRENCE LEFLAND, OD**

Dr. Lefland is the President of the Connecticut Association of Optometrists. He has several questions he requested the Board to address in reference to Connecticut General Statutes §20-133a. The questions were read and reviewed by the Board with the assistance of Assistant Attorney General Patricia Gerner. Attorney Gerner discussed the use of a declaratory ruling as a way of dealing with the issues raised in Dr. Lefland's letter.

Discussion followed to determine what questions in the letter dealt with professional practice issues and business practice issues. Each Board member is to review the issues for the next meeting on February 9, 2000. The Board will decide whether to proceed with a declaratory ruling, and if so, what the question will be. Dr. Berns made a motion, seconded by Dr. Sienko, to carry this matter over to the February 9, 2000 meeting. The motion passed with all in favor.

III. **DISCUSSION OF LETTER FROM ROBERT ROSS, OD**

Dr. Ross's letter on "free" eye exams was reviewed. Assistant Attorney General Patricia Gerner indicated that this issue can be considered along with the issue of employer/employee status raised in the letter of Dr. Lefland. In some cases this "free" exam may involve a situation of an optometrist who examines only, and the glasses are dispensed by another individual at the same location

IV. **ADJOURNMENT**

It was the unanimous decision of the Board to adjourn this meeting at 10:30 AM.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 9, 2000 at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Henry Siegrist
Patricia Henrietta Simmons

ALSO PRESENT: Patricia Gerner, Assistant Attorney General
Jennifer Filippone, Health Program Supervisor

Dr. Pinn called the meeting to order at 9:25 AM.

I. **MINUTES - JANUARY 12, 2000**

The Board reviewed the minutes of January 12, 2000. Dr. Berns moved to accept the minutes and Dr. Sienko seconded the motion which passed unanimously.

II. **JENNIFER FILLIPONE - UPDATE ON FOREIGN TRAINED APPLICANT**

Dr. Ballin's transcript was received from South Africa, but we have not received an acceptable credentials evaluation. We have also had difficulty obtaining individual scores for all of Part III of his examination. There is probably a need to repeat one part and Dr. Ballin would prefer not to repeat all of Part III, just to pass the one section. Dr. Berns offered to assist in acquiring further information about individual scores from the NBEO.

III. **GARY GRIFFIN - INVESTIGATIONS UPDATE**

Two new cases are being investigated. The ARBO requirements are being met with regard to the release of information for cases that result in disciplinary action following investigation.

IV. **PATRICIA GERNER, ASSISTANT ATTORNEY GENERAL – DECLARATORY RULING
CT GENERAL STATUTES 20-133A**

With the guidance of Assistant Attorney General Patricia Gerner, the Board discussed the need for a Declaratory Ruling and the issues to be addressed. Attorney Gerner will compile a list of issues to be considered at the next Board meeting. The Board also discussed the necessity for creating a timetable that includes dates for (1) publishing the Public Notice; (2) submitting Requests for Intervenor or Party Status; (3) filing prefiled testimony; and, (4) holding the hearing. Dr. Berns requested that a specific timetable be established that would also describe the required Board participation. The Board will review the listing of issues and the timetable at the next meeting.

V. **ADJOURMENT**

Dr. Berns made a motion and Dr. Winakor seconded to end the meeting at 11:00 AM. The motion passed unanimously.

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 10, 2000 at the Department of Public Health, 410 Capitol Avenue, Conference Room F, 2nd Floor, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Patricia Gerner, Assistant Attorney General
Gary Griffin, Investigations Supervisor
Tresti Quiller, Licensing Examinations Assistant

Dr. Pinn called the meeting to order at 9:18 AM.

I. MINUTES – FEBRUARY 9, 2000

The Board reviewed the minutes of February 9, 2000. The Board noted that Dr. Sienko wrote the minutes of the last Board meeting, not Dr. Winakor. The modification was approved and the motion passed unanimously.

II. DECLARATORY RULING-PATRICIA GERNER, ASSISTANT ATTORNEY GENERAL

Attorney Gerner reported that a notice was published in the Connecticut Law Journal on March 7, 2000. Numerous requests for participation have been received. Attorney Gerner explained the three levels of participation:

- (1) Party Status: This would apply to an individual O.D. who will be specifically affected by a Ruling.
- (2) Intervenor Status: This generally involves the right to submit information and can be “expanded” or “limited” at the Board’s discretion. Expanded rights include the right to cross-examine and to automatically receive copies of all information. Limited rights restrict an intervenor to submitting only written material.
- (3) Informal participant: This would apply to a member of the public who wants to provide information or an opinion

The Board discussed carefully the list of individuals filing for party status/intervenor status, as summarized by Diane Buzzetti, Hearing Liaison for DPH. The following have been granted expanded intervenor rights: Dr. Lawrence Lefland, as President of the Connecticut Association of Optometrists; Renee R. Rivard, as President, Connecticut Opticians Association; National Association of Optometrists and Opticians, represented by Edward F. Spinella, Esq.

All other filers have been granted limited intervenor status: Joshua Oren, OD, Dana L. Shaped, OD, Andrew J. Packer, M.D., Mark D. Yorgensen, OD, Maria I. Diaz, OD, Richard L. Kennedy, James Lewis, Cole Vision Corporation and the Board of Examiners of Opticians.

The Board orders that all information to be presented at the hearing be pre-filed with the Board at least ten days before the hearing. All Board members are to receive copies of these documents at least five days before the hearing.

The hearing date has been set for June 28, 2000 and will begin at 9:00 a.m.

III. DR. BALLIN

Information received by the DPH from International Credentialing Associates, Inc. relating to Dr. Ballin's education at the Optometry program in South Africa, indicated that "the education completed is not consistent in level and purpose to the U.S. awarded degree Doctor of Optometry." Therefore, it is the Department's intention to deny Dr. Ballin's request for a license

With all sympathy for Dr. Ballin, the Board accepts the recommendation of the Department that he does not meet the State's requirements for licensure.

IV. INVESTIGATIONS-GARY GRIFFIN

Four cases are currently under investigation. Two have been sent to consultants, information is still being gathered on the other two.

Dr. Pinn noted that an Optician who was sanctioned by the Board of Opticianry was identified as an Optometrist by both the Regulatory Reports and by the local newspaper. The Board would like to see both these errors corrected.

The Department is developing a physician profile web site that will list medical malpractice cases which have been resolved over the previous ten years, all disciplinary actions by the Medical Board against its licensees, as well as the educational background and residency of all physicians.

The Department is currently reporting to the Healthcare Integrity and Protection Data Bank (HIPDB) any actions by the Optometry Board.

V. BOARD CERTIFICATION/ABOP

The American Optometric Association created an entity called the American Board of Optometric practice. Many state Boards feel that this usurps the prerogatives of the licensing Boards to determine an optometrist's status. There was much discussion amongst Board members. Dr. Sienko moved, and Ms. Simmons, seconded that the Board adopt the following position regarding ABOP, as adapted from the statement of the North Carolina Board. The motion passed unanimously.

The Board declares and reaffirms that the responsibility for the continuing education competency, certification, recertification, credentialing and recredentialing of this Board's licensees reside solely with and in the Connecticut Board of Examiners in Optometry at this time.

VI. OTHER BUSINESS

Dr. Pinn requested the Dr. Berns respond to the request of the president of the American Regulatory Boards of Optometry for a summary of our years activities, to be presented at the annual meeting in June.

Dr. Pinn presented a copy of a newsletter that is sent to all licensees in the State of Missouri by its Board of Optometry. There was much discussion by the Board of ways in which we could better serve the people of Connecticut by communication with the optometrists whose licenses the Board regulate.

VII. ADJOURNMENT

The meeting adjourned at 11:00 a.m.

Respectfully Submitted,

Leora A, Berns, O.D.
Connecticut Board of Examiners for Optometrists

A meeting of the **Connecticut Board of Examiners for Optometrists** was held on June 28, 2000 at the Legislative Office Building, Conference Room 2-A, Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Patricia Gerner, Assistant Attorney General
Jeffrey Kardys, Board Liaison

The special meeting was called to order at 8:20 AM by Dr. Pinn.

Dr. Pinn called the meeting to order to set protocol for the public hearing to follow at 9:00 AM. Assistant Attorney Patricia Gerner addressed what to expect during testimony. She also set guidelines for the hearing involving hearing testimony and cross-examination. Attorney Gerner suggested closing the special meeting and to discuss new legal material at the official public hearing. Leora Berns moved and John Sienko seconded that the special meeting be adjourned at 8:50 AM. The motion passed with all in favor.

Ms. Simmons was not present for the portion of the meeting from 8:20 a.m. to 8:50 AM.

The Board reconvened the special meeting at 10:10 AM and entered into Executive Session to discuss legal issues raised during the hearing with respect to continuing with the hearing as opposed to deferring the hearing to see if the Board ends up in litigation over issues raised. It was the unanimous decision of the Board to close the Executive Session at 10:15 AM.

The Board reconvened the Special Board Meeting at 10:30 AM. Henry Siegrist moved and Dr. Sienko seconded that the Board have a hearing on the Declaratory Ruling as previously scheduled and published in the Connecticut Law Journal on March 7, 2000. The motion passed with all members present, voting in favor.

If anyone has information, which is pertinent to this hearing, they should be instructed to mail this information to the Board prior to the next Board meeting and prior to the notice in the Connecticut Law Journal.

Henry Siegrist moved and Dr. Sienko seconded that the Board schedule a special meeting for July 26, 2000 to discuss declaratory ruling procedures and to review any written documents. The motion passed unanimously.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Special Meeting of the **Connecticut Board of Examiners for Optometrists** was held on July 26, 2000 at the Legislative Office Building, Conference Room 2-A, Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist

ALSO PRESENT: Patricia Gerner, Assistant Attorney General
Jeffrey Kardys, Board Liaison

Dr. Pinn called the special meeting to order at 9:28 AM.

I. MINUTES – MAY 10, 2000 AND JUNE 28, 2000

The Board reviewed the minutes of May 10, 2000 and June 28, 2000. The Board noted that the May 10, 2000 minutes should be edited to reflect that Mr. Siegrist was present.

The Board noted that the first paragraph of the June 28, 2000 minutes be edited by replacing the “closed at 8:50 AM” with “adjourned at 8:50 AM”. It was further noted that with reference to the Declaratory Ruling Proceeding, the minutes should reflect that all the members present, voted in favor of the motion to proceed with the hearing process.

Dr. Berns moved and Dr. Sienko seconded, to approve the minutes of May 10, 2000 and June 28, 2000 as amended. The motion passed unanimously.

II. EXECUTIVE SESSION

Dr. Winokar made motion, seconded by Dr. Berns, to enter into Executive Session to confer with the Assistant Attorney General. The motion passed unanimously and the Board went into Executive Session from 9:24 AM to 10:00 AM.

III. MOTION TO RECUSE BOARD MEMBERS

Dr. Sienko moved and Dr. Winokar seconded, to table the decision on the Motion to Recuse Board Members which was filed in the Declaratory Ruling proceeding. The motion passed unanimously.

IV. DECLARATORY RULING PROCEEDING

Dr. Berns made motion, seconded by Dr. Winokar, to reschedule the Declaratory Ruling hearing to Wednesday, September 13, 2000 at 10:00 AM following the regularly scheduled 9:15 AM Board meeting. The motion passed unanimously.

During the regular meeting on September 13, 2000 the Board may need to discuss ethics issues and the Motion to Recuse Board Members.

Individuals who were previously granted intervenor status for the declaratory ruling proceeding do not have to re-file their requests for status. Any new requests for status will be accepted and reviewed.

V. ADJOURNMENT

Dr. Berns moved and Dr. Sienko seconded that this meeting be adjourned at 10:45 AM. The motion passed unanimously.

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 13, 2000 at the Legislative Office Building, Conference Room 1-E, Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Jeffrey Kardys, Board Liaison

Dr. Pinn called the meeting to order at 9:22 a.m.

I. MINUTES –JULY 26, 2000

The Board reviewed the minutes of the July 26, 2000. It was noted that the minutes should be edited to reflect that Dr. Sienko was the author of the minutes.
Dr. Berns moved and Dr. Sienko seconded, to approve the minutes of July 26, 2000 as amended. The motion passed unanimously.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported that there are currently three ongoing investigations involving Optometrists. All three cases involve quality of care issues
There was a question regarding complaints that involve business practices. Complaints that are strictly business practice in nature are referred to the Department of Consumer Protection.

There was discussion regarding communications with licensees concerning issues involving regulatory or statutory changes. Assistant Attorney General Marianne Horn stated it is the licensee's responsibility to keep up to date on any changes. The licensee can access this information by contacting the Department of Public Health or the professional organizations.

III. DECLARATORY RULING PROCEEDING

Assistant Attorney General Marianne Horn reported that attorneys representing Intervenors are working on a possible agreement in this matter, therefore, she recommended that the public hearing in this matter be continued. Dr. Pinn commented that the Motion to Recuse Board Members, which was filed in this matter, was denied after he consulted with the members of the Board.

Dr. Winakor made a motion seconded by Dr. Sienko to enter Executive Session to confer with the Assistant Attorney General. The motion passed unanimously and the Board went into Executive Session from 9:35 a.m. to 10:02 a.m.

Following Executive Session Dr. Sienko made a motion, seconded by Dr. Winakor, that the Board keep October 25, 2000 available for a possible meeting date if needed. The motion passed unanimously.

IV. LETTER FROM JACQUELINE CAMPISI, OD

Dr. Pinn received a letter from Jacqueline Campisi, OD who is a 1990 graduated. Dr. Campisi asks whether a particular course she took would entitle her to practice Advanced Optometric Care. Dr. Pinn requests that the Department of Public Health review her application file to make this determination. Dr. Pinn questions whether Dr. Campisi satisfies the necessary requirements.

V. ADJOURNMENT

Dr. Sienko moved and Ms. Simmons seconded that this meeting be adjourned at 10:11 AM. The motion passed unanimously.

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on December 6, 2000 at the Legislative Office Building, Conference Room 1-C, Capitol Avenue, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Donna Brewer, Director, Public Health Hearing Office
Marianne Horn, Assistant Attorney General
Jennifer Filippone, Health Program Supervisor
Gary Griffin, Investigations Supervisor
Jeffrey Kardys, Board Liaison
Michael Wade, Esq.
Edward Heath, Esq.

Dr. Pinn called the meeting to order at 9:17 AM.

I. MINUTES –SEPTEMBER 13, 2000

The minutes of the September 13, 2000 meeting were reviewed. Dr. Sienko made a motion, seconded by Ms. Simmons, to accept the minutes as written. The motion passed unanimously.

II. INVESTIGATIONS UPDATE

Gary Griffin, Investigations Supervisor, Department of Public Health, reported there are three cases currently under investigation. Two of the cases involve standard of care, the third involves fraud. The Board will receive further updates at future meetings.

III. MEETING DATES 2001

The following meeting dates have been scheduled for the year 2001:

February 7, 2001

May 9, 2001

September 12, 2001

November 7, 2001

All meetings will be scheduled for 9:15 AM, at the Department of Public Health Complex, 410 Capitol Avenue, Hartford, Connecticut.

IV. NEW BUSINESS

None

V **OLD BUSINESS**

Declaratory Ruling Update

Assistant Attorney General Marianne Horn reported some progress is being made in discussions between representatives of the Connecticut Association of Optometrists and the National Association of Optometrists and Opticians. A draft is being distributed to intervenors who are being asked to comment. The Board will not proceed any further at this time. The Board will receive an update at the next meeting. The Board reviewed a letter from Lawrence Lefland, OD, Connecticut Association of Optometrists, in which he waives the 180 day timeframe for the Board to issue the Declaratory Ruling. Dr. Sienko made a motion, seconded by Dr. Berns, that the Board go beyond the 180 day deadline for issuing the Declaratory Ruling. The motion passed unanimously.

VI **ADDITIONAL AGENDA ITEMS**

Dr. Pinn commented that the new Commissioner of Public Health has not yet been to a meeting with the Board. Donna Brewer, Director, Public Health Hearing Office, will try to get the Commissioner to meet with the Board.

VII. **ADJOURNMENT**

Dr. Sienko moved and Dr. Berns seconded that this meeting be adjourned at 9:35 AM. The motion passed unanimously.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 7, 2001 at the Department of Public Health, 410 Capitol Avenue, Conference Room I, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Gary Griffin, Investigations Supervisor
Jeffrey Kardys, Board Liaison
Lawrence Lefland, OD
Michael Wade, Esq.

Dr. Pinn called the meeting to order at 9:15 AM.

I. MINUTES – December 6, 2000

The minutes of the December 6, 2000 meeting were reviewed. Dr. Sienko made a motion, seconded by Dr. Berns, to accept the minutes with the following correction. The Board meeting in May 2001 is on the ninth not the fifth. The motion passed unanimously.

II. DECLARATORY RULING UPDATE

Assistant Attorney General Marianne Horn was present for this discussion. Attorney Michael Wade who represents the N.A.O.O claims that negotiations are close to producing a document which should be presented to the Board prior to the May 9, 2001 Board meeting. This document will not preclude the possibility of a hearing. The Board will have the final say on the issues.

III. INVESTIGATIONS UPDATE

Gary Griffin, Investigations Supervisor, Department of Public Health, reported there are two optometrist cases currently under investigation by the Department of Public Health. The Board will receive further updates at future meetings.

Dr. Pinn commented that the Connecticut Association of Optometrists should publish a notice to all optometrists about the privacy of patient information.

IV. PHARMACIES SELLING CONTACT LENSES

This issue is currently being investigated by the Department of Public Health. The Board will be given an update at the May 9, 2001 meeting.

V. DISCIPLINARY DATA BASE

Dr. Pinn noted that sanctions to a license should be reported to the Association of Regulatory Boards of Optometry, Inc. (ARBO) disciplinary database.

VI. EMERGENCY CARE IN AN OPTOMETRIC OFFICE

A protocol checklist for in-office medical emergencies was sent to the Board from Pennsylvania College of Optometry. The checklist was completed and returned.

VII. COPE REQUESTS REVIEWERS

Dr. Pinn reported that reviewers are needed by the COPE.

VIII. MEETING WITH COMMISSIONER OF THE DEPARTMENT OF PUBLIC HEALTH

Donna Brewer, Director, Public Health Hearing Office, will attempt to arrange for the Commissioner to attend the next Board meeting.

IX. HEALTH DRIVE

Dr. Pinn questioned who is being paid for the services that are provided. Is payment made to Health Drive as a corporation or to the Optometrist directly? Dr. Pinn will obtain information from Medicare as to who is being paid. This issue may be part of the declaratory ruling proceeding.

X. GEORGE FLEISHER, OD

Dr. Winakor asked for an update on the status of Dr. Fleisher's license. An update will be given to the Board at the May 9, 2001 meeting.

XI. ADJOURNMENT

Dr. Berns moved and Dr. Winakor seconded that this meeting be adjourned at 9:40 AM. The motion passed unanimously.

Respectfully Submitted,

John Sienko, O.D
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 9, 2001 at the Department of Public Health, 410 Capitol Avenue, Conference Room F, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Richard Goldman, Department of Public Health
Gary Griffin, Investigations Supervisor
Jeffrey Kardys, Board Liaison
Raymond Dennis, LO, Board of Examiners for Opticians
Robert Frankel, Esq
Edward Heath, Esq.
Rene Rivard, LO, Connecticut Opticians Association
Kenneth Pryzbyz
Michael Wade, Esq.

Dr. Pinn called the meeting to order at 9:20 AM.

I. MINUTES – February 7, 2000

The minutes of the February 7, 2001 meeting were reviewed. Dr. Winakor made a motion, seconded by Dr. Sienko, to accept the minutes with the following corrections:

- I. Change “Mr. Berns” to “Dr. Berns.”
- III. Change “privacy of information” to “privacy of patient information.”
- IV. Change “issues” to “issue.”
- V. Change “American Optometric Association disciplinary database” to “Association of Regulatory Boards of Optometry, Inc. (ARBO) disciplinary database.”
- VI. Change “P.C.O.” to “Pennsylvania College of Optometry.”
- IX. Strike the third sentence.

The motion passed unanimously.

II. DECLARATORY RULING UPDATE

Assistant Attorney General Marianne Horn was present for this discussion. The Board reviewed a letter from Rene Rivard, LO, Connecticut Opticians Association in which he expressed his concerns that the National Association of Optometrists (NAOO) and the Connecticut Association of Optometrists (CAO) have negotiated language regarding this issue without informing other intervenors. Robert Frankel, Esq. for the CAO reports that an accord has been reached with the NAOO. Michael Wade, Esq. for the NAOO stated there was no intent to eliminate anyone from the process. Raymond Dennis, LO, Chairman, Connecticut Board of Examiners for Opticians and Mr. Rivard protested that only intervenor neglected was the Board of Examiners for Opticians.

Mr. Wade submitted a “proposed declaratory ruling” agreed to by the NAOO and the CAO. The “proposed declaratory ruling” shall be sent to all the intervenors for comment. The Board requests that a consensus document be prepared by July 18, 2001 addressing the issues which are agreed to by all intervenors and the issues for which consensus could not be reached. This document will be sent to all interested parties. The Board will hold a meeting on July 25, 2001 to review the document. The Board’s September 12, 2001 meeting will be the tentative date for the public hearing in this matter.

III. GEORGE FLEISHER, OD - LICENSE STATUS

Richard Goldman, Department of Public Health reported that Dr. Fleisher’s license is currently under suspension pursuant to a Memorandum of Decision issued by the Board. Dr. Fleisher claims that course work he is required to take pursuant to the Memorandum of Decision is not available in the Cayman Islands. Dr. Fleisher has taken courses at the Academy of Optometry and intends to take course in Boston at the American Optometric Associations annual meeting. Dr. Fleisher has not paid the civil penalty as ordered by the Memorandum of Decision. Dr. Fleisher has requested a ruling on whether his course work will be deemed acceptable before he pays the fine. The Board stated that Dr. Fleisher must comply with the Memorandum of Decision and the fine must be paid. The Board requests that the Department make efforts to collect the fine. The Board feels that Dr. Fleisher needs to apply to become re-licensed in Connecticut. If the Department brings this matter before the Board again, Dr. Fleisher’s history should be included.

IV. PHARMACIES SELLING CONTACT LENSES

The Connecticut Board of Examiners for Opticians is also concerned about unprescribed contact lenses being dispensed by pharmacies. The Attorney General’s Office states that if lenses are mailed to a patient from out of state, Connecticut does not have jurisdiction. The Board requests that it be given an update by the Investigations Unit on this issue at the next Board meeting.

V. NEW BUSINESS

A. Definition of “complete eye examination.”

Dr. Pinn received a letter from the Pacific College of Optometry asking what Connecticut considers a “complete eye examination.” Discussion on a definition of a “complete eye examination” will be on the agenda for the September 12, 2001 meeting.

B. Association of Regulatory Boards of Optometry, Inc. - Annual Meeting.

The “Association of Regulatory Boards of Optometry, Inc. (ARBO) will be holding its annual meeting in Boston, June 24-26,2001. The ARBO offers a stipend for attending. the NBEO training session.. The Board will not be sending a representative to the ARBO meeting.

VI. ADJOURNMENT

Dr. Winakor moved and Dr. Sienko seconded that this meeting be adjourned at 10:25 a.m. The motion passed unanimously.

Respectfully Submitted,

Leora Berns, O.D
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on July 25, 2001 at the Legislative Office Building, Capitol Avenue, Conference Room 1-B, Hartford, Connecticut.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Henry W. Siegrist
Anthony Manzella

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor
Raymond Dennis, LO, Board of Examiners for Opticians
Lawrence Lefland, OD.
James Lewis, LO
Lisa Fecke
Carrie Rand
Michael Wade, Esq.
Edward Spinella, Esq.

Dr. Pinn called the meeting to order at 9:18 AM.

I. MINUTES – May 9, 2001

The minutes of the May 9, 2001 meeting were reviewed. Dr. Winakor made a motion, seconded by Dr. Sienko, to accept the minutes as corrected. The motion passed unanimously.

II. DECLARATORY RULING UPDATE

Assistant Attorney General Marianne Horn was present for this discussion. The Board reviewed written comments from Connecticut Opticians Association and the Connecticut Board of Examiners for Opticians. No other comments were received.

Attorney Horn indicated that a global compromise has not been forthcoming. A public hearing in this matter will be scheduled for the September meeting date.

Intervenors will be asked to submit written testimony within thirty days and this testimony will be adopted under oath at the hearing. The pre-filed comments of an intervenor who is not present at the hearing for cross examination may carry less weight than if they are present to adopt their testimony under oath.

A notice of hearing will be sent to all intervenors and interested persons.

The Board discussed the potential for additional intervenor requests and other public comments.

Ms. Simmons arrived at 9:28 a.m.

Dr. Berns made a motion, seconded by Dr. Sienko, that the Board proceed with a public hearing on September 12, 2001 and that the deadline for pre-filed testimony be August 24, 2001.

The motion passed unanimously.

III. ADJOURNMENT

Dr. Berns moved and Dr. Sienko seconded that this meeting be adjourned at 9:30 a.m. The motion passed unanimously.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 12, 2001 at the Legislative Office Building, Capitol Avenue, Conference Room 2-A, Hartford, Connecticut..

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Jeffrey Kardys, Board Liaison
Jennifer Filippone, Public Health Services Manager
Lawrence Lefland, OD.
Edward Spinella, Esq.
Michael Wade, Esq.

Dr. Pinn called the meeting to order at 9:05 a.m.

I. MINUTES – July 25, 2001

The minutes of the July 25, 2001 meeting were reviewed. Dr. Sienko made a motion, seconded by Mr. Siegrist, to accept the minutes as corrected. The motion passed unanimously.

II. OLD BUSINESS

A. Definition of “complete vision examination.”

Dr. Winakor made a motion, seconded by Dr. Berns, to table this item to the November Board meeting. The motion passed unanimously.

B. Pharmacies Selling Contact Lenses

A letter was received by Gary Griffin of the Department of Public Health in response to his letter to Shaw’s Supermarkets dated June 5, 2001. Shaw’s Supermarkets reports that its store pharmacies have stopped distributing contact lenses in Connecticut as of June 6, 2001. Dr. Pinn noted that he had an opinion letter from Assistant Attorney General Felicia Suggs, dated May 31, 1995, stating that pharmacies could not sell contact lenses.

C. George Fleisher, OD

Dr. Pinn reported that he has information that Dr. Fleisher may be practicing in the Chestnut Hill area of Massachusetts.

III. NEW BUSINESS

Robert DeMayo, OD

Jennifer Filippone, Public Health Services Manager, Department of Public Health reported that Dr. DeMayo would like to be certified to use diagnostic pharmaceutical agents, however the course work he would like the Board to approve may not meet current requirements.

The course which Dr. DeMayo would like approved includes text book reading and viewing video tape lectures. This course does not fit the definition of classroom learning in which there is face-to-face learning by student teacher interaction.

The Board has not previously accepted Continuing Education given in this fashion.

Dr. Winakor noted that Dr. DeMayo has never been compliant over the past years and has not taken the prescribed course when it was given.

The Department of Public Health will pursue the definition of classroom course work.

This matter will brought back to the Board at the November meeting.

IV. ADJOURNMENT

Dr. Sienko moved and Dr. Winakor seconded that this meeting be adjourned at 9:20 a.m. The motion passed unanimously.

Respectfully Submitted,

John Sienko, O.D.

Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on November 7, 2001 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Patricia Henrietta Simmons

BOARD MEMBERS ABSENT: Anthony Manzella
Eugene Winakor, O.D.
Henry W. Siegrist

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Jeffrey Kardys, Board Liaison
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH.
Carrie Rand
Lisa Fecke

Dr. Pinn called the meeting to order at 9:04 a.m.

I. MINUTES – SEPTEMBER 12., 2001

The minutes of the September 12, 2001 meeting were reviewed. Dr. Sienko made a motion, seconded by Ms. Simmons, to accept the minutes as corrected. The motion passed unanimously.

II. OLD BUSINESS

A. Definition of “complete vision examination.”

Dr. Pinn proposed that the Board adopt the definitions used in the Current Procedural Technology (CPT) codes for Intermediate and Comprehensive Examination.

Dr. Pinn made a motion, seconded by Dr. Sienko, to table this item to the next Board meeting. The motion passed unanimously.

B. Meeting Dates 2002

The following meeting dates have been scheduled for the year 2002:

February 6, 2002

May 1, 2002

September 4, 2002

November 6, 2002

All meetings will be scheduled for 9:15 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

C. Robert DeMayo, OD - DPA Certification

Stephen Carragher, Health Program Supervisor, Department of Public Health reported that the passing of the Treatment and Management of Ocular Disease (TMOD) examination is a current requirement for use of diagnostic pharmaceutical agents as well as 45 classroom and 15 clinical hours

The course which Dr. DeMayo would like approved includes 25 hours of home self-study; 21 hours of clinical grand rounds ; and 8 hours of clinical work. plus a CPR course. Dr. DeMayo would need to make up seven hours at The State University of New York (SUNY). SUNY has someone available who is an approved supervisor for this course work..

A motion was made by Dr. Sienko to accept Dr. DeMayo's proposed work to certify for DPA. Dr. Berns seconded the motion and it passed unanimously.

D. George Fleisher, OD

Dr. Sienko reported that he has information that Dr. Fleisher may be buying a practice in Springfield, Massachusetts. The Board would like the Department of Public Health to update the Massachusetts Board of Registration in Optometry regarding Dr. Fleisher's status in Connecticut.

III. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported there is one case currently under investigation. The case involves standard of care issues.

B. Blood Glucose Monitoring

The Board received an inquiry from Michael Duenas, OD asking for an opinion regarding blood glucose monitoring. Dr. Pinn received a memo from Assistant Attorney General Richard Lynch advising that the letter from Dr. Duenas does not conform to the requirements for requesting a declaratory ruling by the Board. This will be communicated to Dr. Duenas by the Board Liaison.

C. Connecticut Board of Examiners for Opticians - Notice of Declaratory Ruling

Johnson and Johnson Vision Care, Inc. has asked the Connecticut Board of Examiners for Opticians for a declaratory ruling regarding the sale of contact lenses. Ms. Simmons made a motion, seconded by Dr. Sienko, that the Board ask for intervenor status in this proceeding. The motion passed unanimously.

The Board Liaison will notify the Office of the Attorney General of the Board's request.

IV. ADJOURNMENT

Dr. Sienko moved and Dr. Berns seconded that this meeting be adjourned at 9:50 a.m. The motion passed unanimously.

Respectfully Submitted,

Leora Berns, O.D.

Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 6, 2002 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Henry W. Siegrist
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH.
Richard Goldman, Paralegal Specialist, DPH
Carrie Rand, Nome Associates

Dr. Pinn called the meeting to order at 9:17 a.m.

I. MINUTES – November 7, 2001

The minutes of the November 7, 2001 meeting were reviewed. Dr. Sienko made a motion, seconded by Mr. Siegrist, to accept the minutes as corrected. The motion passed unanimously.

II. OLD BUSINESS

A. George Fleisher, OD

Richard Goldman, Paralegal Specialist, Department of Public Health reported that Dr. Fleisher has paid the civil penalty ordered by the Board but still has not completed all the required hours of continuing education. The status of Dr. Fleisher's license is suspension. If Dr. Fleisher is interested in reinstating his license, he will have to make a written request to the Board.

B. Declaratory Ruling Update

The written ruling is still being worked on the Assistant Attorney General. Once the draft is completed, copies will be distributed to the Board for review and comment. The Board would like to act on the ruling at the May 1, 2002 Board meeting.

C. Definition of "complete vision examination."

The Board had a general discussion concerning the a definition of a complete eye exam. Dr. Pinn received a letter from the Pacific College of Optometry asking about Connecticut's requirements.

III. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported there are two cases currently under investigation. The cases involve standard of care issues.

B. Diagnostic Pharmaceutical Agent (DPA) Certification Examination

Stephen Carragher, Health Program Supervisor, Department of Public Health provided the Board with the names of potential examiners for the clinical skills examination.

There was discussion that the DPA is now included in the TMOD (Treatment and Management of Ocular Disease) examination. There was also discussion about alternative examinations. The statutes require that applicants for licensure must pass an examination prescribed by the Board with the consent of the Department. Dr. Sienko made a motion, seconded by Dr. Winakor, recommending the passing of an examination administered by an approved school upon completion of course work, with the consent of the Department of Public Health. The motion passed unanimously.

C. Connecticut Board of Examiners for Opticians - Declaratory Ruling Proceeding

The Connecticut Board of Examiners for Opticians will be holding declaratory ruling proceeding on the interpretation and applicability of various statutes and regulations concerning the sale of contact lenses. The Connecticut Board of Examiners for Optometrists has been granted intervenor status in this proceeding. Assistant Attorney General Daniel Shapiro will be representing the Board. The date for the public hearing has not been scheduled.

IV. ADDITIONAL AGENDA ITEM

A. The Board discussed the potential merger of the Association of Regulatory Boards of Optometry (ARBO) and the National Board of Examiners in Optometry (NBEO). Dr. Berns will communicate the Connecticut Board's opposition to a ARBO/NBEO merger.

B. The annual meeting of the Association of Regulatory Boards of Optometry is scheduled for June 23-25, 2002 in New Orleans, Louisiana. No Board members are expected to attend at this time.

V. ADJOURNMENT

Dr. Sienko moved and Dr. Berns seconded that this meeting be adjourned at 9:50 a.m. The motion passed unanimously.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 1, 2002 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist

ALSO PRESENT: Marianne Horn, Assistant Attorney General
Jeffrey Kardys, Board Liaison
Jennifer Filippone, Public Health Services Manager, DPH
Gary Griffin, Investigations Supervisor, DPH.
Richard Goldman, Paralegal Specialist, DPH
Carrie Rand, Nome Associates
Edward Spinella, Esq.
Deborah Osborn, Connecticut Society of Eye Physicians

Dr. Pinn called the meeting to order at 9:15 a.m.

I. MINUTES – February 6, 2002

The minutes of the February 6, 2002 meeting were reviewed. Dr. Sienko made a motion, seconded by Dr. Berns, to accept the minutes as modified. Carrie Rand from Nome Associates was added to the list of those present. The motion passed unanimously.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor reported there are four cases currently under investigation by the Department of Public Health. The cases involve standard of care issues.

B. Declaratory Ruling

The Board reviewed its Declaratory Ruling regarding the issue of 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 Statute §20-133a. Assistant Attorney General Marianne Horn was present to provide counsel to the Board. Dr. Winakor, made a motion seconded by Dr. Berns, to approve the Declaratory Ruling as written. The motion passed unanimously. Dr. Pinn signed the Ruling.

C. George Fleisher, OD -Request for Reinstatement

The Board reviewed Dr. Fleisher's request for reinstatement of his license to practice optometry. Discussion occurred concerning Dr. Fleisher's activities during the time period since his license was suspended by the Board in 1998. The Board requests further information from the Department of Public Health as to Dr. Fleisher's compliance with the Board's Memorandum of Decision and a chronological order of events. Dr. Pinn made a motion, seconded by Dr. Berns, to table this matter until additional information is presented by the Department of Public Health. The motion passed unanimously. The Board requests that an Assistant Attorney General be present for any further discussion regarding this matter.

III. NEW BUSINESS

Connecticut Board of Examiners for Opticians - Declaratory Ruling Proceeding

The Connecticut Board of Examiners for Opticians will be holding a public hearing on June 12, 2002 concerning the interpretation and applicability of various statutes and regulations concerning the sale of contact lenses. Dr. Berns will be attending the hearing on behalf of the Board.

IV. ADDITIONAL AGENDA ITEM

Continuing Education Credits

The began discussion regarding the issue as to how many, if any, continuing education credits should be awarded to a lecturer for researching , writing and presenting a lecture. Dr. Winakor made a motion, seconded by Ms. Simmons, to table this issue until Dr. Berns is able to provide the Board with information regarding this matter. The motion passed unanimously.

V. ADJOURNMENT

Dr. Winakor moved and Dr. Berns seconded that this meeting be adjourned at 9:50 a.m. The motion passed unanimously.

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 4, 2002 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Patrick Kwanashie, Assistant Attorney General
Daniel Shapiro, Assistant Attorney General
Lynn Rioux, Paralegal Specialist, Office of the Attorney General
Jennifer Filippone, Public Health Services Manager, DPH
Stephen Carragher, Health Program Supervisor, DPH
Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH.
Paul Rothchild, Esq.
George Fleisher, OD
Lisa Fecke, Gaffney, Bennett & Associates

Dr. Pinn called the meeting to order at 9:15 a.m.

I. MINUTES – May 1, 2002

Dr. Berns made a motion, seconded by Dr. Winakor to amend the minutes to read in II.C that Dr. Winakor, not Dr. Pinn, moved to table. The motion passed unanimously.

II. NEW BUSINESS

A. Investigations Update

Report from Gary Griffin, Investigations Supervisor, Department of Public Health. There is only one open complaint. It has been reviewed by a consultant. It has not been referred to the legal office, who will meet with the respondent. The complaint may either be dismissed or it may come before the Board.

III. OLD BUSINESS

A. Reinstatement Request - George Fleisher, OD

Jennifer Filippone from the Department of Public Health and Patrick Kwanashie of the Attorney General's office proposed that a reinstatement hearing was not necessary. At the time of the Board's last action in November 1999, the Board imposed a six-month suspension of Dr. Fleischer's license. Legally his license should have been returned at the end of the six-month suspension. The Board questioned the fact that the conditions of the concurrent probation were not met. Attorney Kwanashie explained that Dr. Fleischer's license should not have been both suspended and put on probation.

The Board went into executive session at 9:35 a.m. to confer with the Assistant Attorney General. The meeting reconvened at 10:00 a.m.

Dr. Fleisher has submitted proof of attendance at a large number of continuing education courses. The courses were not pre-approved by the Board, in defiance of the terms imposed. However, the Board will accept any legitimate CE courses submitted. The Board acknowledges that the Department has the right to allow Dr. Fleischer's licenses to be reinstated. He will apply and the department will review his application. If his license is reinstated, it will be at the same level as previously held: Basic Optometry, with no diagnostic or therapeutic privileges.

B. Connecticut Board of Examiners for Opticians - Declaratory Ruling Update

The Board went into executive session at 10:10 a.m. to confer with Assistant Attorney General, Daniel Shapiro. The meeting reconvened at 10:17 a.m.

Dr. Berns' testimony before the Connecticut Board of Examiners for Opticians regarding the Declaratory Ruling was discussed again. A formal motion to accept Dr. Berns' testimony as the position of the Board was made by Dr. Winakor and seconded by Mr. Siegrist. The motion was approved unanimously. Assistant Attorney General Daniel Shapiro will draft a letter indicating the Board's support. The letter will be signed by Dr. Pinn and forwarded to the Connecticut Board of Examiners for Opticians.

C. Continuing Education Credits for Lecturers

Dr. Berns submitted summaries of the way a number of other State Boards handle this issue and a proposal for Connecticut. After some discussion, Dr. Berns moved to adopt the following policy. The motion was seconded by Dr. Winakor, and unanimously approved by the Board:

- One hour of Continuing Education credit will be allowed for each hour of lecture presented before a live audience of health professionals, or for COPE-approved Internet, audio and audiovisual taped programs, and other program materials specifically designed for instruction.
- Two hours of credit for the preparation of each hour of lecture, granted one time only for each course.
- Three hours of credit for an article published in an optometric, medical or related journal.
- Three hours of credit for authorship of a chapter in a published optometric, medical or related book.
- Nine hours of credit for the authorship of a book on optometry-related subjects.
- The credit for the course taught would be in the same category that the attendees of the course would be awarded (e.g., general, therapeutic, practice management).
- A maximum of 50% of any year's CE can be obtained by the preceding methods.

IV. ADDITIONAL ITEMS

A. The date of the next meeting of the Board will be November 13, 2002, as approved by the Board in a motion made by Dr. Berns, and approved by Dr. Winakor.

B. Dr. Berns reported that the potential merger of the Association of Regulatory Boards of Optometry with the National Board of Examiners in Optometry was rejected by the executive Board of ARBO.

Dr. Pinn adjourned the meeting at 10:45 am, following a motion by Dr. Winakor, and seconded by Ms. Simmons and approved by the Board.

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on November 13, 2002 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH

Dr. Pinn called the meeting to order at 9:15 a.m.

I. MINUTES – September 4, 2002

Dr. Sienko made a motion, seconded by Mr. Siegrist, to approve the minutes with corrections to spelling errors. The motion passed unanimously.

II. NEW BUSINESS

A. Investigations Update

Report from Gary Griffin, Investigations Supervisor, Department of Public Health. There is only one open complaint currently being investigated by the Department. A general discussion followed on the information received by the Board on cases which are under investigation. Quality of care issues as opposed to patients just not happy with their glasses were discussed. The Department of Public Health must investigate a complaint before it can determine a course of action.

B. Meeting Dates 2003

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

February 26, 2003

May 7, 2003

September 10, 2003

November 12, 2003

All meetings will be scheduled for 9:15 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

III. OLD BUSINESS

Reinstatement Request - George Fleisher, OD

There is no new information for the Department of Public Health to report at this time according to Stephen Carragher, Health Program Supervisor. Dr. Fleisher is on track to get his Connecticut licensed reinstated once the Department is certain he has no infractions in Massachusetts.

IV. ADDITIONAL ITEMS

The Board discussed the procedures they follow for the review and approval CEU programs and courses.

Mr. Kardys informed the Board that the Department is in the process of reviewing the issues of distanced based learning. The Department proceeding with a regulatory change which would require legislative approval.

Dr. Berns raised the issue of CEU credits for educators giving their own programs. The Board authorized Dr. Berns to place an article in the Connecticut Association of Optometrists newsletter outlining the Board's views on this issue.

Dr. Pinn asked if Lawrence Lefland, OD, Connecticut Association of Optometrists had received a list of all licensed optometrists in Connecticut. Mr. Kardys reported that Dr. Lefland's request had been referred to the licensing office, but did not know the status of the request.

Dr. Pinn adjourned the meeting at 9:45 am, following a motion by Dr. Berns, seconded by Dr. Sienko, and approved by the Board.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 26, 2003 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH

Dr. Pinn called the meeting to order at 9:15 a.m.

I. MINUTES – November 13, 2002

Dr. Berns made a motion, seconded by Dr. Sienko, to approve the minutes. The motion passed with all in favor.

II. NEW BUSINESS

A. Investigations Update

Report from Gary Griffin, Investigations Supervisor, Department of Public Health. There are currently two complaints being investigated by the Department.

Mr. Griffin reported that there were a total of four optometrist complaints received and investigated during 2002. The number of optometry complaints over the past few years have been consistently low whereas other professions have shown an increase in complaints to the Department.

B. Letter from Lawrence Lefland, OD

The Board reviewed a letter from Lawrence Lefland, OD in which he proposes 1) that licensees participate in a jurisprudence course as part of required continuing education and 2) that applicants for licensure be provide with copies of the statutes and the Board's declaratory ruling and that determining an applicant's knowledge of the statutes and regulations be made part of the licensing examination process.

Stephen Carragher, Health Program Supervisor for the Department of Public Health indicated there is no statutory requirement for such a course or examination.

The Board requested that all license applicants be given copies of statutes and regulations as well as the Board's May 1, 2002 Declaratory Ruling. Mr. Carragher indicated this would be done soon.

The Board also requested that language be included in the license application packet by which an applicant would attest they have read an understood the statutes, regulation and the declaratory ruling. Mr. Carragher will report back to the Board at the May 7, 2003 meeting with proposed language. Any action regarding Dr. Lefland's letter is deferred to the May meeting.

III. OLD BUSINESS

Reinstatement Request - George Fleisher, OD

Stephen Carragher reported that Dr. Fleisher's license was reinstated on January 27, 2003 with an expiration date of March 31, 2004.

IV. ADDITIONAL ITEMS

Distanced Based Learning

Stephen Carragher informed the Board that the Department of Public Health is evaluating current continuing education regulations so as to allow for continuing education via the Internet. This Board takes the position that only Council on Optometric Practitioner Education (COPE) approved courses should be used for distanced based learning.

Restasis

The Board discussed a request by Allergan, Inc concerning the use of Restasis by optometrists. The Board commented that optometrists practicing at the advanced care level can medically treat the lacrimal system. The Connecticut optometry statues have no formulary requirements. Prescriptions in Connecticut are regulated by the Department of Consumer Protection.

Dr. Pinn adjourned the meeting at 10:00 am, following a motion by Dr. Sienko, seconded by Dr. Berns, and approved by the Board.

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 7, 2003 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist
John Sienko, O.D.

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH

The meeting was called to order at 9:15 by Dr. Pinn

I. MINUTES – February 26, 2002

The minutes of the February 26, 2003 meeting were reviewed. There were no substantive changes. Dr. Winakor moved to accept the minutes as edited, Dr. Berns seconded, and all were in favor.

II. OLD BUSINESS

Letter from Lawrence Lefland, OD

Steve Carragher, Health Program Supervisor, Department of Public Health reported that the application for licensure as an optometrist has been revised.

The Board reviewed the new application. On page 3, the first paragraph includes a statement that the applicant must be aware of Connecticut statutes, regulations and the Declaratory Ruling. In addition, a copy of each of these is included with the application.

The Board feels that for now this step should make new optometrists aware of their obligations to the people of Connecticut. We will not mandate either a jurisprudence course or an examination at this time.

A copy of these minutes will be sent to Dr. Lefland, along with a copy of the updated application package.

III. NEW BUSINESS

A. Investigations Update

Mr. Griffin reported that there are three on-going investigations. Two are of the routine type where a patient is unhappy with eyeglasses. One is an allegation of an optometrist missing a diagnosis of retinal detachment.

There are two additional cases which have been referred to the legal office. The attorney will review the complaints for possible violations, and may hold a compliance conference. It is possible that either of these cases might come before the Board. If so, following our September meeting would be an appropriate time to schedule a hearing.

Mr. Griffin also passed out a list of consultants currently used by the Department to review cases. The Department is always looking for additional consultants.

IV. ADDITIONAL BUSINESS

A. Mr. Kardys explained the letter from Mr. Stanley Peck , Director, Legal Office, Department of Public Health which included a memorandum of understanding between the Department of Public Health, Office of the Attorney General, and the Division of Criminal Justice which directs the parties to cooperate and share information regarding health care investigations.

B. A letter from Dr. Norman Wallis of the National Board of Examiners, inviting members of our Board to attend the annual meeting of the Association of Regulatory Boards of Optometry, was reviewed. Unfortunately none of our Board members can attend the meeting.

Dr. Pinn adjourned the meeting at 10:00 am, following a motion by Dr. Sienko, seconded by Dr. Berns, and approved by the Board.

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 10, 2003 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Peter Brown, Assistant Attorney General
Stanley Peck, Director, Legal Office, DPH
Stephen Carragher, Health Program Supervisor, DPH
Gary Griffin, Investigations Supervisor, DPH
Thomas Wagner, OD
Joseph Turro, LO

The meeting was called to order at 9:17 by Dr. Pinn

I. MINUTES – May 7, 2003

The minutes of the May 7, 2003 meeting were reviewed. A correction was made to reflect that Dr. Winakor made a motion to adjourn the meeting, not Dr. Sienko. Motion by Dr. Berns and seconded by Dr. Sienko to accept the minutes as corrected. All voted in favor of the motion.

II. NEW BUSINESS

Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that there are four cases under investigation by the Department. Three cases involve patients not happy with glasses contacts, etc. Two of the cases have been referred to the Department's Legal Office.

Mr. Griffin also reported that Lee Mellinger, OD has been added to the Department's list of consultants.

III. LEGAL OFFICE BUSINESS

Consent Order – Thomas Wagner, OD Petition No. 2001-0531-003-002

Staff Attorney Matthew Antonetti presented a Consent Order in the matter of Thomas Wagner, OD. Dr. Wagner was present but was not represented.

Mr. Antonetti provided a synopsis of the complaint against Dr. Wagner. The case involves a standard of care issue.

Dr. Wagner commented that the punishment detailed in the Consent Order was quite severe for the level of infraction. Dr. Wagner signed the Consent Order to avoid a hearing. Dr. Wagner stated he disclosed information to the Department of Public Health, which then could have been used against him at a hearing.

Dr. Wagner feels much of this occurred because he did not have an attorney representing him.

Mr. Antonetti reviewed the phases of the complaint process and the types of action which may result in standard of care cases.

Dr. Pinn stated that the Board should have had more input into this case.

A review of the Consent Order indicated Dr. Wagner would undergo record review, continuing CEU's etc. The Department of Public Health would make the final decision on the reviewer of Dr. Wagner's records and would also have final approval of the education requirement which requires record keeping and ethics.

Dr. Wagner, has not yet asked another optometrist to review his records but has someone in mind. Following discussion by the Department and the Board, Dr. Wagner stated he was unaware he could negotiate the terms in the Consent Order. Mr. Antonetti stated modifications to the Order could be recommended by the Board, or requested by Dr. Wagner in the future.

Stanley Peck, Director, Legal Office, Department of Public Health also addressed the Board. He made it quite clear that Dr. Wagner had every opportunity to retain counsel.

Dr. Berns asked why the Consent Order has no guidelines spelled out for the responsibilities of the record reviewer. Mr. Antonetti stated that Bonnie Pinkerton of the Department, who is responsible for monitoring probations, would work out the details once the record reviewer was chosen. In a record review, the reviewer would primarily look at the documentation of findings in the records, and secondly ethics (doctor/patient communications and follow-up).

Dr. Berns made a motion seconded by Dr. Sienko to enter executive session to obtain legal advice. The Board entered executive session from 10:15 a.m. to 10:34 a.m. to obtain advice from Peter Brown, Assistant Attorney General.

Following executive session. Dr. Pinn and Dr. Sienko reiterated their concerns about the severity of the sanctions based on the actions of Dr. Wagner. The Board presented various recommendations for modifying this Consent Order. The final recommendation presented to Mr. Antonetti calls for a three month probation; review of 10- 20 records; and 4-8 hours of continuing education.

Mr. Antonetti will present the Board's recommendations to the Department of Public Health. Dr. Sienko made a motion, seconded by Dr. Berns, to reject the Consent Order as presented and that to request Mr. Antonetti bring the proposed recommendations back to the Department. The motion passed with all in favor.

Mr. Antonetti discussed various scenarios. 1) the Department of Public Health accepts modifications and then Dr. Wagner accepts the changes. A new Consent Order would be drafted for the Board to sign, or 2) the Department of Public Health rejects the recommended modifications. Then Dr. Wagner could go to a hearing or ask the Board to go back to the original proposed Consent Order as the final version.

IV. ADDITIONAL ITEMS

Dr. Pinn was contacted by Ciba Vision, concerning an unlicensed source in Connecticut selling contact lenses on E-Bay. These lenses are apparently being sold without a valid prescription as well. Also, the lenses (Private Eyes) are not an approved lens design to be sold in the United States. The Board referred this matter to the Department of Public Health investigation unit. Mr. Griffin indicted that this may be outside the Department of Public Health jurisdiction and may need to be referred to the Department of Consumer Protection.

Meeting dates for 2004 will be scheduled at the November 12, 2003 meeting.

V. ADJOURN

Dr. Sienko made a motion seconded by Mr. Siegrist to adjourned the meeting at 10:56 am. The motion passed unanimously

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on November 12, 2003 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
John Sienko, O.D.

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH

The meeting was called to order at 9:20 by Dr. Pinn

I. MINUTES – September 10, 2003

The minutes of the September 10, 2003 meeting were reviewed. Mr. Siegrist made a motion, seconded by Dr. Berns to accept the minutes with corrections made to item III on page 2. All voted in favor of the motion.

II. NEW BUSINESS

A. Meeting Dates 2004

The following meeting dates have been scheduled for the year 2004:

February 4, 2004

May 5, 2004

September 15, 2004

November 10, 2004

All meetings will be scheduled for 9:15 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

B. Schedule Hearing Date

A hearing in the matter of Thomas Wagner, OD, Petition No. 2001-0531-003-002, will be scheduled to follow the Board meeting on Wednesday, February 4, 2004, at the Department of Public Health.

C. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that there are four cases under investigation by the Department. One case has been referred to the Department's Legal Office.

The Board requests that as part of the investigation of complaints, the Department of Public Health review continuing education compliance on the part of respondents.

III. ADJOURN

Dr. Winakor made a motion seconded by Mr. Siegrist to adjourned the meeting at 9:40 am. The motion passed unanimously

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 4, 2004 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Stephen Carragher, Health Program Supervisor, DPH

The meeting was called to order at 9:15 by Dr. Pinn

I. MINUTES – November 12, 2003

The minutes of the November 12, 2003 meeting were reviewed. Dr. Berns made a motion, seconded by Dr. Sienko to approve the minutes as written. All voted in favor of the motion.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that there are two cases currently under investigation by the Department. In addition, two cases have been referred to the Department's Legal Office for further review.

The Board inquired about a complaint filed by Abraham Shapiro, OD regarding an optician changing a prescription. Mr. Griffin indicated this matter will be reviewed by a second consultant.

B. Licensure/Examination Statistics

Stephen Carragher, Health Program Supervisor presented licensure statistics for Optometrists..

There were a total of 25 new licenses issued and 2 license reinstatements during 2003.

Mr. Carragher also explained the endorsement process – how a licensee from another state can obtain licensure in Connecticut. The credentials of endorsement applicants are reviewed on a cases by case basis to determine eligibility for licensure. Being the holder of a license in another state does not automatically make an applicant eligible in Connecticut. There were no licenses by endorsement granted in 2003.

III. ADJOURN

Dr. Winakor made a motion seconded by Dr. Berns to adjourn the meeting at 9:40 am. The motion passed unanimously

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 5, 2004 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Henry W. Siegrist
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Stephen Carragher, Health Program Supervisor, DPH

The meeting was called to order at 9:15 by Dr. Pinn

I. MINUTES – February 4, 2004

The minutes of the February 4, 2004 meeting were reviewed. Dr. Sienko made a motion, seconded by Dr. Berns to approve the minutes as corrected. All voted in favor of the motion.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that there are two cases currently under investigation by the Department. In addition, one case has been referred to the Department's Legal Office for further review.

B. Public Act 04-35

This act was signed by Governor Rowland on April 28, 2004. The effective date is October 1, 2004. If licensed after January 1, 2005, all new licensees must be at the Advanced Practice level. The Board requests that at the next meeting the licensing staff explain the impact of this change.

III. ADDITIONAL ITEMS

A. Memorandum of Decision - Thomas Wagner, OD

The Memorandum of Decision is being drafted.

B. Association of Regulatory Boards of Optometry

A \$500.00 stipend is available to any Board member who will attend the ARBO annual meeting.

C. Consent Orders

The Board requests that in the future, when Consent Order are to reviewed by the Board, that respondents and their attorney be present at the Board meeting

D. Abraham Shapiro, OD

Dr. Berns asked about the issue regarding an optician changing a prescription. The consensus is that the optician should have called the optometrist to get approval for the change. Kathleen Boulware of the Department of Public Health sent a letter to the optician explaining that he should have sought approval prior to changing the prescription.

IV. ADJOURN

Dr. Sienko made a motion, seconded by Dr. Berns, to adjourn the meeting at 9:40 am. The motion passed unanimously

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 15, 2004 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Henry W. Siegrist
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Stephen Carragher, Health Program Supervisor, DPH

The meeting was called to order at 9:15 by Dr. Pinn

I. MINUTES – May 5, 2004

Minutes of the May 5, 2004 meeting were reviewed and some corrections made. Dr. Sienko moved to accept them as amended, Mr. Siegrist seconded, and the motion passed unanimously.

II. OLD BUSINESS

Public Act No. 04-35

Mr. Carragher was present to discuss the implications of the new law requiring all newly licensed optometrists to be practicing at the highest level, which is currently Advanced Practice. His office intends to include a form with each application requiring the school that the applicant attended to certify that the educational curriculum included 75 class room hours, and 51 clinical hours, as required by the APOC regulation.

The Board is under the impression that the intent of that law was to assume that anyone who graduated after 1995 was educated to the highest level and was automatically included. We requested that Mr. Carragher's office check with the Department of Consumer Protection, which requires Advanced Practice certification before issuing a State Controlled Substances Registration.

III. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that there is one case in investigation, and one in the Legal Office for further review.

B. Memorandum of Decision - Thomas Wagner, OD

The Board reviewed the Memorandum of Decision in the matter of Thomas Wagner, OD, Petition No. 2001-0531-003-002. The Board unanimously approved the decision.. Dr. Pinn signed the Order.

IV. ADDITIONAL ITEMS

- A. A recent decision by the Investigations department regarding Dr. Anthony Gordan seemed to have depended on an opinion rendered by a consultant, which was more of a legal than a clinical opinion. Kathy Boulware of the Department's investigation unit has been asked to look at this case once more.
- B. The Board received a letter from the executive director of Association of Regulatory Boards of Optometry (ARBO) regarding access to their database. Mr. Kardys did not recognize it and thinks it was probably sent directly to the licensing and verification office.
- C. The Regulatory Action Reports, which the Board used to receive in the mail, is now available on the Department of Public Health's web site.

V. ADJOURN

As there was no further business, the meeting was adjourned at 9:55 am.

Respectfully Submitted,

Leora A. Berns, O.D
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on November 10, 2004 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Patricia Henrietta Simmons
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Henry W. Siegrist

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Stephen Carragher, Health Program Supervisor, DPH

The meeting was called to order at 9:20 by Dr. Pinn

I. MINUTES – September 15, 2004

Minutes of the September 15, 2004 meeting were reviewed corrections were made. Dr. Winakor moved to accept them as corrected, Dr. Sienko seconded, and the motion passed unanimously.

II. OLD BUSINESS

Public Act No. 04-35 -An Act Concerning Optometrist Licensure

Mr. Carragher was unable to obtain the information from the Department of Consumer Protection, which requires Advanced Practice certification before issuing a State Controlled Substances Registration.

III. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported to the Board that there are no open investigations of Optometrists. There is one case pending in the Department's Legal Office.

B. Meeting Dates 2005

The following meeting dates have been scheduled for the year 2005:

February 2, 2005

May 11, 2005

September 14, 2005

November 9, 2005

All meetings will be scheduled for 9:15 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

IV. ADDITIONAL ITEMS

Standard of Care

Dr. Pinn asked Dr. Berns to obtain information, via the Association of Regulatory Boards of Optometry (ARBO), from other State Boards regarding standard of care.

Dr. Pinn asked the Board Liaison to acquire from other Boards, guidelines regarding standard of care.

V. ADJOURN

As there was no further business, the meeting was adjourned at 9:55 am.

Respectfully Submitted,

John Sienko, O.D
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 2, 2005 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Anthony Manzella
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Diane Wilan, Staff Attorney, DPH
Joanne Yandow, Adjudicator, DPH

The meeting was called to order at 9:15 by Dr. Pinn

I. MINUTES – November 10, 2004

Minutes of the November 10, 2004 meeting were reviewed. Dr. Berns moved, second by Dr. Sienko, to accept the minutes as presented. All those present voted in favor.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported to the Board that three new cases are being investigated at this time. All cases have been referred to the Department of Public Health legal office. Mr. Griffin presented a breakdown of the number of complaints each year since 1996. Most complaints usually involved patients unhappy with their glasses or other similar consumer issues.

There is one case presently under review by the Department that the Board felt the consultant may have expressed a legal opinion in his discussion of the care rendered. Mr. Griffin is to follow up on this situation and report to the Board at the next meeting.

III. LEGAL OFFICE BUSINESS

Anthony Gordon, OD - Petition No. 2004-0809-003-002

Staff Attorney Diane Wilan was present to discuss the Consent Order which was signed by Anthony Gordon, OD. This case involved the loss or destruction of patient records prior to the legal time limit (seven years) that records no longer need to be retained. Attorney Wilan reported if any other complaints arise regarding this Optometrist and the loss of records, a new case could be presented to the Board.

A motion was made by Dr. Sienko to accept the Consent Order signed by Dr. Gordon. Dr. Berns seconded the motion, and all those present voted in favor of the motion.

This case will be reported to the National Practitioner Data Bank

Attorney Wilan stated that Dr. Gordon was informed he could attend the Board meeting to answer any questions from the Board concerning this situation. He apparently chose not to attend.

IV. ADDITIONAL ITEMS

Dr. Berns supplied the Board members with information dealing with standards of care and penalties other State Boards use in dealing with practitioner complaints. The Board felt some of this material will be beneficial for discussion purposes only.

The Board also expressed the opinion that when consultants review a case for the Department of Public Health, that they only express opinions dealing with the standard of care and avoid remarks as to penalties. The Board reviewed a letter the Department of Public Health sends to consultants by prior to the consultants review of a case.

The Board requests that Kathleen Boulware of the Department of Public Health Practitioner Investigation Unit attend a future Board meeting.

V. NEW LEGISLATION

The Board Liaison will keep the Board informed of any new legislation that may be of interest during this session.

VI. ADJOURN

Dr. Sienko moved to adjourned the meeting at 10:00 a.m. The motion was seconded by Dr. Berns. The motion carried

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 11, 2005 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Michele L. Stebbins
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Diane Wilan, Staff Attorney, DPH
Joanne Yandow, Adjudicator, DPH

The meeting was called to order at 9:15 by Dr. Pinn

Michele Stebbins was welcomed to her first meeting as a Board member.

I. MINUTES – February 2, 2005

Minutes of the February 2, 2005 meeting were reviewed. Dr. Berns made a motion, second by Dr. Sienko, to accept the minutes as edited. The motion carried.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported to the Board that two cases were being investigated at this time. In addition, one case has been referred to the Department's Legal Office for further review.

The Board requests that Kathleen Boulware of the Department of Public Health Practitioner Investigation Unit attend the next Board meeting to provide an overview of the investigation process and the use of optometric consultants.

B. Request to terminate probation - Thomas Wagner, OD - Petition No. 2001-0531-003-002

Olive Tronchin, Department of Public Health presented a request from Dr. Wagner asking that the probation of his license be terminated. Dr. Wagner has completed the requirements for continuing education as set forth in a Memorandum of Decision issued by the Board on September 15, 2004. Dr. Sienko made a motion, seconded by Dr. Winakor, granting Dr. Wagner's request to terminate the probation of his license effective immediately. The motion passed unanimously.

III. ADDITIONAL ITEMS

The board reviewed advertisements of Colony Opticians, Wallingford, Connecticut and Harvey and Lewis Opticians. The Board will refer these matters to the Practitioner Investigation Unit of the Department of Public Health for review. The advertisements in question offer eye examinations but do not indicate who is conducting the examinations.

IV. ADJOURN

Dr. Sienko moved to adjourn the meeting at 9:35 a.m. The motion was seconded by Dr. Winakor. The motion carried.

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 14, 2005 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room B on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
John Sienko, O.D.
Michele L. Stebbins
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Henry W. Siegrist
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Kathleen Boulware, Public Health Services Manager, DPH
Stephen Carragher, Health Program Supervisor, DPH

The meeting was called to order at 9:15 by Dr. Pinn

I. MINUTES – May 11, 2005

Minutes of the May 11, 2005 meeting were reviewed. Dr. Sienko made a motion, second by Dr. Winakor, to accept the minutes as edited. The motion carried.

II. NEW BUSINESS

A. Resolution regarding compliance meetings.

Jeffrey Kardys, Board Liaison presented a resolution regarding compliance meetings that the Office of the Attorney General has requested the Board to review and adopt. The resolution acknowledges that the Department of Public Health does and will continue to hold compliance conferences with respondents. Dr. Sienko made a motion, second by Dr. Winakor, to adopt the following resolution. The motion passed unanimously. Dr. Pinn signed the resolution.

I. 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. Licensure of Optometrists – Hurricane relief

The Board inquired as to whether a process exists for the emergency licensure of optometrists displaced by Hurricane Katrina who may be interested in relocating to Connecticut. Stephen Carragher, Health Program Supervisor, Department of Public Health was present for this discussion. Mr. Carragher reported that there is no provision in the statutes or regulations for the waiving of licensure requirements or fees.

Dr. Berns made a motion, second by Dr. Winakor, that the Board would support any action by the Department of Public Health to expedite the licensure process for any Optometrist displaced by Hurricane Katrina. The motion passed unanimously

C. Investigations Update

Kathleen Boulware, Public Health Services Manager, Department of Public Health reported that three cases involving optometrists are being investigated at this time.

D. Review of the Investigation Process – use of consultants

Kathleen Boulware, Public Health Services Manager, Department of Public Health was present for this discussion.

Ms. Boulware stated that the requirements for consultants include at least five years of practice experience; geographically removed from the practice area of the respondent; no conflict of interest with respondent and must sign a confidentiality agreement. Consultants are not compensated for their time. The Department sends a letter to the consultant asking them to only comment on the standard of care in a case. The Board requests that the Department revise its letter to include a definition of “standard of care” (e.g. what a prudent practitioner in the State of Connecticut would do in a similar situation.)

III. ADDITIONAL ITEMS

Dr. Sienko brought in an advertisement from a newspaper that offers cosmetic contact lenses for sale. The seller is not a licensed optometrist or optical shop. It was also noted that cosmetic contact lenses are often sold at flea markets. Ms. Boulware indicated that after October 15, 2005 – the date that the cosmetic contact lens law takes effect - the department can send investigators out to check on compliance with the law.

Regarding advertisements by opticians that offer eye examinations but do not indicate who is conducting the examinations, Ms. Boulware stated that the Department sends a letter to the establishment explaining that the advertisement is misleading

IV. ADJOURN

Dr. Sienko moved to adjourned the meeting. The motion was seconded by Dr. Winakor. The motion carried and the meeting adjourned at 10:15 a.m.

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on November 9, 2005 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room E on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Patricia Henrietta Simmons
Michele L. Stebbins

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH

Dr. Pinn called the meeting to order at 9:15.

I. MINUTES – September 14, 2005

Minutes of the September 14, 2005 meeting were reviewed. Dr. Sienko made a motion, second by Mr. Siegrist, to approve the minutes with minor corrections. The motion passed with all in favor.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin, Investigations Supervisor, Department of Public Health reported that one case involving an optometrist is being investigated at this time. This case will be sent to an Optometric Consultant in the near future for review.

The Board discussed the voluntary surrender of license by Merton Lief, OD. Dr. Lief surrendered his license following a complaint by a patient. The license surrender will be reported to the National Practitioner Data Bank and will appear on the Department of Public Health's Regulatory Action Report.

B. Meeting Dates for 2006

Following are the meeting dates scheduled for 2006.

February 22, 2006

May 3, 2006

September 13, 2006

November 8, 2006

All meetings will be scheduled for 9:15 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

III. ADJOURN

There were no other agenda items and the Board members present raised no other business.

Dr. Sienko moved to adjourned the meeting. Dr. Berns seconded the motion. The motion carried and the meeting adjourned at 9:30 a.m.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A meeting of the **Connecticut Board of Examiners for Optometrists** was held on February 22, 2006 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room E on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
Michele L. Stebbins
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: John Sienko, O.D.
Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH
Kathleen Boulware, Public Health Services Manager, DPH
Angie Muldoon, J.D
Two members of the public who declined to give names.

Dr. Pinn called the meeting to order at 9:15.

I. MINUTES – November 9, 2005

The minutes of November 9, 2005 were reviewed. Dr. Winakor moved, seconded by Mr. Siegrist, to approve the minutes with the correction of one typographical error.

II. NEW BUSINESS

A. Investigations Update

Garry Griffin reported that there are 6 complaints open and under investigation, 3 being received since the beginning of 2006. The issues involved include contact lenses, wrong diagnoses, and unnecessary testing. The department has sufficient consultants at this time to whom to refer cases as needed.

B. Wal-Mart Stores, Inc. – Petition No. 2003-0321-003-003

Kathy Boulware presented to the Board a Cease and Desist order regarding the operation of Optical Departments at all Wal-Mart stores throughout the state. The order specifies that optometrists in the stores must be free to hire and supervise their own employees. Prior to this, the corporation was hiring and assigning optometric assistants, which is contrary to State Law, as specified in the Declaratory Ruling of 2002.

Attorney Angie Muldoon assured the Board that Wal-Mart would make effort to share this order with the few (unspecified number) Optical departments in Connecticut which are still run by NVI/NVA. These are subcontractors with Wal-Mart and as such are not directly under the control of the parent corporation. However, she was confident that through the NAOO, the NVI/NVA locations, as well as Wal-Mart's competitors in the state, would be made aware of the Order. Ms. Boulware pointed out that the agreement does not officially apply to anyone but the Wal-Mart stores.

Ms. Boulware reported that the Connecticut Board of Examiners for Opticians had approved the Cease and Desist order, and requested this Board's approval. Dr. Winakor made a motion to approve the order as written. The motion was seconded by Ms. Stebbins and passed unanimously.

Dr. Pinn signed the Order on behalf of the Board

III. ADJOURN

As there was no other business to come before the Board, the meeting was adjourned at 9:45 AM.

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists

A meeting of the **Connecticut Board of Examiners for Optometrists** was held on May 3, 2006 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Michele L. Stebbins
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Gary Griffin, Investigations Supervisor, DPH

Dr. Pinn called the meeting to order at 9:15 a.m..

I. MINUTES – February 22, 2006

The minutes of February 22, 2006 were reviewed. Dr. Winakor moved, seconded by Dr. Berns, to approve the minutes. The motion passed unanimously

II. NEW BUSINESS

Investigations Update

Garry Griffin reported that there are 6 complaints open and under investigation, 3 of these cases have been sent to consultants for review.

Dr. Sienko inquired as to the process by which the Department of Public Health decides to open an investigation and how cases are categorized as “negligence/incompetence.” Mr. Griffin explained the process by which the complaints are received, categorized, investigated and or referred to another agency if the Department does not have jurisdiction.

III. ADJOURN

As there was no other business to come before the Board, the meeting was adjourned at 9:40 a.m..

Respectfully Submitted,

John Sienko, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on September 13, 2006 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Michele L. Stebbins
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Stephen Carragher, Health Program Supervisor, DPH

Dr. Pinn called the meeting to order at 9:15.

I. MINUTES – May 3, 2006

The minutes of May 3, 2006 were reviewed. Dr. Winakor moved, seconded by Dr. Berns, to approve the minutes as corrected. The motion passed unanimously

II. NEW BUSINESS

A. Investigations Update

Jeffrey Kardys reported for Gary Griffin that there are three complaints under investigation. In addition, one of these cases has been referred to the legal office for review.

B. American Regulatory Board of Optometry – OE Tracker Program

A discussion was held on the pros and cons of this type of tracking system. Dr. Sienko conveyed information concerning the tracking system after it was discussed at the Society's education committee. Board members saw benefits and draw backs to the "Card" versus using paper receipts for CE credits. The final consensus was the card is an acceptable way to track course attendance if the group chooses to use the card system and the attendees wish to take advantage of that system if offered.

III. OTHER BUSINESS

The Board accepted, with regrets, the resignation of public member Michele Stebbins who is moving out of state.

An informal discussion was held on how complaints to the Department of Public Health are classified; i.e. negligence or standard of care. Dr. Sienko is very concerned about this situation and would like other alternative classifications looked into. No motions were made or taken. This issue may be discussed further with the DPH staff in the future.

IV. ADJOURN

Dr. Sienko made a motion, seconded by Dr. Berns, to adjourned at 9:44 a.m. All voted in favor of adjournment.

Respectfully Submitted,

Eugene Winakor, O.D.
Connecticut Board of Examiners for Optometrists

A Meeting of the **Connecticut Board of Examiners for Optometrists** was held on November 8, 2006 at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut, in Conference Room F on the second floor.

BOARD MEMBERS PRESENT: Edward F. Pinn, O.D., Chairman
Leora Berns, O.D.
Henry W. Siegrist
John Sienko, O.D.
Eugene Winakor, O.D.

BOARD MEMBERS ABSENT: Patricia Henrietta Simmons

ALSO PRESENT: Jeffrey Kardys, Board Liaison
Kathleen Boulware, Public Health Services Manager DPH
Gary Griffin, Investigations Supervisor, DPH

Dr. Pinn called the meeting to order at 9:15.

I. MINUTES – September 13, 2006

The minutes of September 13, 2006 were reviewed. The minutes were corrected by changing “Mr. Berns” to “Dr. Berns”. They were approved as corrected.

II. NEW BUSINESS

A. Investigations Update

Gary Griffin stated that there are three optometrist complaints under investigation by the Department of Public Health. In addition, one case has been referred to the Department’s legal office for review. (An optometrist had refused to supply records as requested.)

Kathleen Boulware, Public Health Services Manager, Department of Public Health Practitioner Investigations Unit addressed the Board regarding the issues raised by Dr. Sienko concerning how the DPH classifies complaint investigations. There was also discussion with Ms. Boulware regarding the issue of confidentiality. According to Statue 19A14, names are protected during an investigation and up to a year afterwards. After 1 year or after a case is closed, the information can be released under the FOI (Freedom of Information Act). Unlike medical doctors and veterinarians, all other regulated professions are unprotected from the public’s knowing about complaints.

B. Meeting Dates for 2007

Following are the meeting dates scheduled for 2007.

February 28, 2007

May 2, 2007

September 12, 2007

November 7, 2007

All meetings will be scheduled for 9:15 a.m., at the Department of Public Health, 410 Capitol Avenue, Hartford, Connecticut.

III. OTHER BUSINESS

There was extensive discussion among the Board members and Ms. Boulware about the issue of “reciprocity” versus “endorsement” of licensure and the proposed changes in wording of our statutes. We finally concluded that the proposed changes do not change the intent of the law.

Dr. Pinn made the point that the language of this section of the Statute should include the mention of Treatment and Management of Disease.

It is requested that Jennifer Filippone, Section Chief, Department of Public Health Office of Practitioner Licensure and Investigations, be present at the next meeting to discuss proposed changes to the Optometry statutes.

IV. ADJOURN

Dr. Winakor made a motion, seconded by Dr. Sienko, to adjourn the meeting. The motion passed unanimously and the meeting was adjourned at 9:45 a.m.

Respectfully Submitted,

Leora Berns, O.D.
Connecticut Board of Examiners for Optometrists