

The Connecticut Board of Examiners for Opticians held a meeting on Monday, March 27, 2017 at the Department of Public Health, 410 Capitol Avenue, Third Floor Hearing Room, Hartford, CT.

Board Members Present by Telephone Conference: René "Skip" Rivard, LO, Chairperson  
Daniel Denegre, LO

Board Members Absent: None

Also Present: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Deborah Brown, DPH Health Program Assistant; Matthew Antonetti, Esq., Principal Attorney, DPH; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH

Chairperson René Rivard called the meeting to order at 9:00 a.m.

Mr. Rivard announced the resignation of Public Member Donna Bojus and thanked her for her service to the Board.

- I. Minutes -
  - A. Motion to accept minutes, as amended, from the meeting of November 14, 2016  
**Motion: Denegre; Second, Rivard. Motion Passed**
  
- II. Department of Public Health Updates - Deborah Brown, DPH Health Program Assistant
  - A. Examination Updates - November 2016
    - 1. 21 candidates Eyewear; 6 passed, 15 failed
    - 2. 10 candidates Contact Lens; 8 passed, 2 failed
    - 3. 8 candidates State Law; 8 passed
  - B. Mr. Rivard requested a breakdown on the number of first time examinees and the number of retakes per candidate in each section of the exams. Ms. Brown advised that staff is working on this.
  
- III. New Business
  - A. Request for Modification of Memorandum of Decision - *Larry Lawson - Petition No. 2010-5758* - Matthew Antonetti, Esq., Principal Attorney, DPH
    - 1. Chairperson Rivard recognized Mr. Lawson, present, and allowed him to address the Board.
    - 2. Attorney Antonetti presented the Department's Objection to Respondent's Modification of Decision.
    - 3. Discussion followed. **Motion: Denegre, To Deny the Request for Modification. Second, Rivard. Motion Passed.**
  - B. Other New Business
    - 1. None
  
- IV. Adjourn
  - A. **Motion Denegre, Second Rivard. Motion Passed.** Meeting adjourned at 9:22 a.m.

Respectfully submitted,



René R. Rivard  
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on Thursday, June 29, 2017 at the Department of Public Health, 410 Capitol Avenue, Third Floor Conference Room D, Hartford, CT.

Board Members Present                    René "Skip" Rivard, LO, Chairperson  
   Daniel Denegre, LO  
   Alden Mead, J.D., Public Member

Board Members Absent:                    None

DPH Staff Present:                         Jeffrey Kardys, Administrative Hearings Specialist/Board  
   Liaison, DPH; Daniel Shapiro, Office of the Attorney General,  
   State of CT; Alfreda Gaither, Esq., Staff Attorney, Hearing  
   Office, DPH; Joelle Newton, Staff Attorney, DPH.

Also Present:                                 Attorney Amy Blume, Bershtein, Volpe & McKeon;  
   Mr. Albert Winnick both representing Cohen's Fashion Optical.

Chairperson René Rivard called the meeting to order at 9:06 a.m.

Chairman Rivard introduced Alden (Al) Mead, J.D., as the newly appointed Public Member to the Board. Mr. Mead has an extensive background in Ophthalmic Medical Business and Technology.

- I. Minutes -
  - A. Motion to accept minutes, from the meeting of March 3, 2017 **Motion: Denegre; Second, Rivard; Abstention: Meade, Motion Passed**
  
- II. Department of Public Health Updates - Jeffrey Kardys reported for Deborah Brown.
  - A. Practical Exam Update
    1. Eyewear Exam, June 8. Twenty were admitted. Two did not attend.
    2. Contact Lens Exam, June 8. Twenty-six first time candidates admitted. Three did not attend.
    3. Eyewear Exam, June 22. Twenty-two admitted. Two did not attend.
    4. State Law Exam, June 22. Twenty admitted. Four failures were given the opportunity to retake the exam at a later date.
    5. Final exam results have not yet been determined.
  
- III. Office of Legal Compliance  
Recusing himself, Mr. Rivard delegated Mr. Denegre to preside over Agenda Item III.
  - A. Cohen's Fashion Optical (Danbury, CT) Petition No. 2016-312 - Joelle Newton-Staff Attorney, DPH
    1. Respondent has requested reinstatement of its optical selling permit. Respondent does not contest allegations that the optical selling permit of Cohen's Fashion Optical, Danbury, CT expired on August 21, 2010. From approximately September 1, 2010 through July 2016, business was conducted without a valid optical permit. A Consent Order with a civil penalty of Thirty-five Thousand dollars (\$35,000) has been agreed to by the respondent.

Ms. Blume stated that in addition to the penalty, Cohen's Fashion Optical has effectively been closed and paying (mall) rent and overhead since August 2016.

Discussion followed.

**Motion to accept Consent Order: Mead; Second, Denegre; Abstention: Rivard. Motion Passed.**

- B. Cohen's Fashion Optical (Farmington, CT) Petition No. 2016-324 - Joelle Newton-Staff Attorney, DPH
1. Respondent does not contest allegations that on several occasions during March 2016, Cohen's Fashion Optical, Farmington, CT operated its optical shop without a licensed optician of record. A Consent Order with a civil penalty of Ten Thousand dollars (\$10,000) has been agreed to by the respondent.

Citing his experiences as CEO of an ophthalmology practice and Professor at Yale University, School of Medicine, Mr. Mead explained the significant medical importance of having a qualified [licensed] optician interpret and dispense prescriptions for eyeglasses and contact lenses.

Discussion followed.

**Motion to accept Consent Order: Denegre; Second, Mead; Abstention: Rivard. Motion Passed.**

- IV. Motion to add New Business
- A. Mr. Rivard requested a motion to add an agenda item of New Business. **Motion: Denegre; Second, Meade, Motion Passed**

- V. New Business
- A. To better understand the role of the Board of Examiners, Mr. Denegre requested an explanation of CGS 368a, Sec 19a-17. **Disciplinary Action by Department, Boards and Commission.** In particular statements are often made directly to a Board member regarding alleged violations. He questioned that if the member directed the allegations to the DPH for investigation, does that member then become the "complainant" and must recuse h/himself from any subsequent hearing?
    1. Attorney Shapiro confirmed the question and further explained the statute. He also explained the role of the Board of Examiners to accept/reject a Consent Order and its role should an order be violated.

Motions for Summary Suspension were also explained. Mr. Shapiro recommended that persistent discussions with the DPH when the Board has concern that any unresolved and prolonged investigation might constitute a menace to the public. He suggested future dialog with the DPH to recommend the types of violations which might possibly require summary suspension.

Cease and Desist Orders were also explained.

Attorney Shapiro offered to address concerns of the Board with Chris Andresen, Section Chief, DPH, Practitioner Licensing and Investigations Section and possibly include him on the agenda of our next meeting.

- VI. Adjourn
- A. **Motion Denegre, Second Rivard. Motion Passed.** Meeting adjourned at 10:10 a.m.

Respectfully submitted,



René R. Rivard  
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on Monday, September 25, 2017 at the Department of Public Health, 410 Capitol Avenue, Third Floor Hearing Room, Hartford, CT.

Board Members Present by Telephone Conference: René "Skip" Rivard, LO, Chairperson  
Daniel Denegre, LO  
Alden Mead, JD, Public Member

Board Members Absent: None

Also Present: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Deborah Brown, DPH Health Program Assistant, Celeste Dowdell, License and Applications Analyst, DPH; Alfreda Gaither, Esq., Staff Attorney, Hearing Office, DPH

Chairperson René Rivard called the meeting to order at 10:32 a.m.

Mr. Rivard requests an agenda add-on under Section III New Business. Add, III B Additional New Business. **Motion: Mead; Second, Denegre. Motion Passed**

- I. Minutes -
- A. Motion to accept minutes from the meeting of June 29, 2017. **Motion: Denegre; Second, Mead. Motion Passed**
- II. Department of Public Health Updates - Deborah Brown, DPH Health Program Assistant
- A. Examination Updates - November 2017
- 23 candidates Eyewear; 20 retakes
  - 10 candidates Contact Lens; 7 retakes, 3 new.
  - 4 candidates State Law; 33 new, 1 retake
- The pass rate from the exams administered in June was discussed. Sixteen candidates passed. Options for a candidate, licensed outside of Connecticut, but did not attend were discussed,
- III. New Business
- A. Meeting schedule dates for 2018.
- Tuesday, February 6
  - Tuesday, May 15
  - Tuesday, August 28
  - Tuesday, November 26
- B. Additional New Business
- Mr. Rivard requests that Board members research possible violations, which in their opinion, might constitute an immediate threat to public health and safety to justify *summary suspension* by the DPH. AAG Dan Shapiro will be invited to discuss with the Board at a future meeting. Board members will submit their thoughts for the criteria to Mr. Kardys for review with the DPH. If possible, suggestions will be submitted to Mr. Kardys prior to our next meeting.
- IV. Adjourn
- A. **Motion Mead, Second Denegre. Motion Passed.** Meeting adjourned at 10:52 a.m.

Respectfully submitted,



René R. Rivard  
Connecticut Board of Examiners for Opticians

The Connecticut Board of Examiners for Opticians held a meeting on Thursday, December 28, 2017 at the Department of Public Health, 410 Capitol Avenue, Third Floor Hearing Room, Hartford, CT.

Board Members Present by Telephone Conference: René "Skip" Rivard, LO, Chairperson  
Daniel Denegre, LO  
Alden Mead, JD, Public Member

Board Members Absent: None

Also Present: Jeffrey Kardys, Administrative Hearings Specialist/Board Liaison, DPH; Alfreda Gaither, Staff Attorney, Hearing Office, DPH; Joelle Newton, Staff Attorney, DPH

Also Present by Telephone Conference: Allison Brickett, Guest

Chairperson René Rivard called the meeting to order at 9:18 a.m.

Mr. Rivard requested a change to the Agenda order, moving Item III to Item II; Item II becomes Item III.  
**Motion: Mead; Second, Denegre. Motion Passed Unanimously**

- I. Minutes -  
A. Motion to accept minutes from the meeting of September 25, 2017. **Motion: Mead; Second, Denegre. Motion Passed Unanimously**
- II. Office of Legal Compliance - Reinstatement Consent Order, Joelle Newton, Staff Attorney, DPH.  
A. Petition No. 2017-1056 - Allison Brickett  
1. License lapsed September 30, 2014 due to non-renewal.  
2. DPH recommendation of reprimand and fine of \$1,230  
3. An excess of 21 continuing education credits were documented  
  
Questioned, Ms. Brickett responded that no apprentices were registered to her during the lapsed period. The Optical Selling Permit is not currently in her name  
  
B. DPH and Respondent request approval and acceptance of Proposed reinstatement Order  
**Motion: Mead; Second, Rivard. Motion Passed Unanimously.**
- III. Department of Public Health Updates - Mr. Kardys reported for Deborah Brown., Health Program Assistant, DPH.  
A. Examination Updates - November 2017  
1. 23 candidates Eyewear; 17 Fail, 6 Pass  
2. 10 candidates Contact Lens; 6 Fail, 4 Pass.  
3. 4 candidates State Law; 2 Fail, 2 Pass  
4. 6 new licenses granted.
- IV. Adjourn  
A. **Motion Mead, Second Denegre. Motion Passed Unanimously.** Meeting adjourned at 9:35 a.m.

Respectfully submitted,



René R. Rivard  
Connecticut Board of Examiners for Opticians