

**State of New Hampshire**  
**OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION**  
**DIVISION OF LICENSING AND BOARD ADMINISTRATION**

**Board of Optometry**

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LINDSEY B. COURTNEY

Executive Director

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Director



**PUBLIC MEETING MINUTES**

**March 8, 2022**

On March 8, 2022, the Board of Optometry met at the Office of Professional Licensure and Certification, 7 Eagle Square, Concord New Hampshire, 03301 with the following members present and eligible to vote:

Guy Lessard, O.D., Board Chair  
Andrea Murphy, O.D.  
Scott Krauchunas, O.D.  
Christine Donahue, O.D.

Absent:  
None

Others present:  
Jessica Whelehan, Board Administrator III  
Jenna Wilson, Board Administrator II

**CALL TO ORDER**

Guy Lessard, O.D., President of the Board, called the meeting to order at 9:03AM.

**1. REGULAR BUSINESS**

a. **Review of public minutes from the January 11, 2022, Board meeting:** On motion of Andrea Murphy, O.D. and second by Scott Krauchunas, O.D , the Board voted\* to accept the Public Minutes of January 11, 2022, as presented; Dr. Christine Donahue abstained.

**2. LICENSURE:**

a. **Dora Sudarsky**– On motion of Andrea Murphy, O.D. and second by Guy Lessard, O.D., the Board voted to conditionally accept Dr. Sudarsky’s application for licensure by endorsement via reciprocity (Opt 302) pending receipt of a copy of the applicant’s current CPR certification.

b. **Noelle Tchang & Karl Cunningham:** Jenna Wilson informed the Board that OPLC had just received Dr. Cunningham’s exam, and he received a passing score. On motion of Guy Lessard, O.D. and second by Scott Krauchunas, O.D., the Board voted unanimously to accept the applications for initial licensure for Dr. Tchang and Dr. Cunningham.

\*All Board votes are unanimous unless otherwise indicated.

- c. **Alicia Donahue, Julia Kitchens, Tejal Patel, & Randi Frankl:** On motion of Guy Lessard, O.D., second by Andrea Murphy, O.D., the Board voted to conditionally accept Dr. Donahue, Dr. Kitchens, Dr. Patel, and Dr. Frankl's applications for licensure pending receipt of a passing score on the NH jurisprudence exam.

**3. NEW BUSINESS & CORRESPONDENCE:**

- a. **Edward C. Warren, OD** On motion of Scott Krauchunas, O.D. and second by Andrea Murphy, O.D., the Board voted to conditionally accept Dr. Warren's waiver request for CE requirements if he can show proof of taking 1 additional hour of pain management and addiction CE taken in 2022 with the condition that the course(s) taken in 2022 and submitted for consideration in Dr. Warren's 2022 renewal cannot be submitted or applied to the next biennium renewal period. Correspondence with this information will be sent to the licensee.
- b. **Alan Goode** has resigned from the Board as the public member. His resignation is effective immediately. The Board thanks Mr. Goode for his service and dedication.

**4. OPLC UPDATES AND INFORMATIONAL ITEMS:**

- a. **Standing Order on insufficient fund fees:** On motion of Guy Lessard, O.D., second by Andrea Murphy, O.D., the Board voted to approve the standing order proposed by OPLC Licensing regarding the process to collect fees for failed or canceled payments.
- b. **Complaint Process update:** The Board reviewed a memo from Jessica Kallipolites, Enforcement Division Director, dated 2/16/22, regarding the workflow the Board can expect when complaints are received.

**5. ADMINISTRATIVE RULES:**

- a. **Opt 402.01 (a):** The Board discussed the need to change Opt 402.01(a) due to a statutory change. The language of RSA 380-B:4 was moved and is now listed as "omitted" from the state RSAs. The language is now located in a NH DHHS statute as RSA 126-A:97. To Board wishes to remove reference to a specific RSA reference and make the 3-hours of pain management/addiction disorder a requirement of initial licensure, license renewal, and license reinstatement in New Hampshire. On motion of Guy Lessard, O.D., second by Scott Krauchunas, O.D, the Board voted to proceed with formal rulemaking using this Initial Proposal language after clearing it with Board counsel:

**Opt 402.01 (a)** All TPA certified licensed optometrists shall complete a minimum of 50 credit hours of approved continuing education (CE) requirements every calendar year, at least 20 credit hours of which shall be in Class I, and the remainder of which shall be Class II. When accumulating Class I credit hours, 8 of the 20 hours may be alternative CE, as defined in Opt 402.04(a)(2), and the balance shall come from formal CE, as defined in Opt 402.04(a)(1). An optometrist with prescriptive authority to treat glaucoma shall complete 10 of the required hours in glaucoma specific education, a minimum of 7 hours of which shall be in Class I, and the remainder in Class II. ~~Pursuant to RSA 318-B:40, licensees shall complete 3 hours of online education in pain management, provided that such education shall not count towards the 8 alternative CE credits allowed under this paragraph.~~

**Opt 402.01 (d) Licensees who possess a United States Drug Enforcement Administration (DEA) license number shall complete 3 hours of continuing education in the area of pain management, addiction disorder, or a combination of both; provided that such**

**education shall not count toward the 8 alternative CE credits allowed under this paragraph.**

**6. CONTINUING EDUCATION REPORTING:**

- a. ARBO online CE Tracker: Curtis Barry, on behalf of New Hampshire Optometric Association (NHOA), sent an email to the Board asking if the new ARBO online CE tracker transcript would be accepted as proof of CEs. The Board indicated that as long as the printed transcript meets the requirements of the rules, then it will be accepted. The Board asked Mr. Barry to work with the NHOA and Board Administrator Jenna Wilson to review the transcript and communicate with OPLC Licensing.
- b. Dr. Murphy inquired about when optometrists should expect to receive annual CE Reporting forms in the mail because the forms are due back to OPLC by April 1<sup>st</sup>. Jes Whelehan and Jenna Wilson explained they were unaware of the past practice and told the Board that OPLC is going paperless so hard copies are not being mailed to licensees anymore. Jes and Jenna explained that Licensing has also moved to online renewals, to the renewal period ending 6/30/2022 will be done electronically only. The Board was concerned that the process had changed and felt that licensees would not been given enough notice.  
The Board requested to send an email to all current licensees to tell them that they are not getting a paper form in the mail this year, give them the link to where it is posted, and remind licensees that forms are due by April 1<sup>st</sup>. Dr. Lessard, O.D. was concerned that licensees have less than a month to submit the forms and asked that OPLC send the email once this week, and again on Friday, March 18<sup>th</sup>. Jes said that she would relay the request to OPLC Administration for assistance.

**NON-PUBLIC SESSION:**

Upon motion of Dr. Donahue and Dr. Murphy seconded, the Board voted unanimously by rollcall vote to enter into non-public session at 10:21AM for the purpose of discussing investigations of alleged licensee misconduct and as authorized by RSA 91-A:3, II (c), RSA 91-A:3, II (e), and Lodge v. Knowlton, 119 N.H. 574 (1978).

**RESUME PUBLIC SESSION:**

At 10:38AM, the Board returned to public session. Dr. Krauchunas, O.D. moved to seal the non-public minutes, and Dr. Murphy seconded the motion. The Board voted unanimously by rollcall vote to seal the minutes of the non-public session pursuant to RSA 91-A:3.

**ADJOURNMENT:**

Upon motion by Dr. Murphy, seconded by Dr. Donahue, the Board voted to end the public meeting. Dr. Lessard adjourned the meeting at 10:40AM.