

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

Wed. January 31, 2018
MDH Metro Executive Center
4201 Patterson Avenue #105
Baltimore, MD 21215
9:30 a.m.

The regular session of the Board of Examiners in Optometry's meeting was held on Wednesday, January 31, 2018. Board members present were, Andrew Doyle, O.D., Francisco Burgos, O.D., Kelechi Mezu Nnabue, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D. and Rona D. Pepper. Also present was Adam Malizio, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Guests present were Janice Simmons, O.D., Jennifer Levy and Cheryl Frazier, from the MOA and Kim Lang, Director, Health Boards. Mesheca Bunyon, O.D. was not present.

A. Call to Order

Andrew Doyle, O.D., Board President, called the regular session to order at 9:38 a.m. and read the following statements into the record:

Maryland of Examiners in Optometry Mission Statement

The Board of Examiners in Optometry was created in 1914. It is composed of five optometrists, Dr. Andre Doyle, Dr. Fran Burgos, Dr. Mesheca Bunyon, Dr. Kelechi Mezu, and Dr. Brian Woolf and two consumer members, Dr. Frederick Walsh, and Ms. Rona Pepper appointed by the Governor with the advice and consent of the Secretary of Health. The Board is mandated to regulate the practice of optometry in Maryland and to ensure the delivery of vision services by qualified optometrists. It is the responsibility of the Board to:

- Credential and approve applicants for licensure
 - Participate in administration of national licensing examination
 - Certify optometrists to use diagnostic pharmaceutical agents and therapeutic pharmaceutical agents in practice of optometry
 - Promulgate and adopt regulations to govern the practice of optometry in Maryland
 - Monitor continuing education programs and continuing education compliance
 - Investigate complaints against licensees concerning alleged violations of the law and conduct hearings concerning these violations
 - Discipline licensees found to be in violation of the law
- Evaluate and monitor the quality assurance program and standard of care for the citizens of the state

COMAR 10.01.14.02. - Public Attendance

The general public may attend and observe an open session of a public body within or established by the Maryland Department of Health. B. Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.

Dr. Doyle invited guests who were present to introduce themselves.

B. Minutes

The regular session minutes of the November 29, 2017 meeting were reviewed and a motion was made Dr. Woolf and seconded by Dr. Walsh to accept the minutes as written. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education – Dr. Woolf

Review of COMAR 10.28.02 Continuing Education

Dr. Woolf reported that the CE Committee held a teleconference meeting on January 22, 2018 to discuss and plan for the comprehensive review of the continuing education regulation. Some topics that were discussed included the re-defining of “Credit Hour” to mean, for lectures, a minimum of 50 minutes and to amend the provision about attesting on a form to the completion of required hours for renewal to submitting documentation of required hours i.e. submitting the OE Tracker summary sheet. The committee will look at the total number of hours and the ratios in each category, adding course requirements, such cultural competency, and allowing fractional hour credit. The Committee has a scheduled meeting for February 26, 2018. In addition, the committee wants to explore the feasibility of changing the number of required hours as provided in regulation and get advice from Board Counsel regarding 11-309 – Continuing Education in statute. The committee will continue to explore the possibility of accepting COPE approved CE for therapeutics and local programs for the remaining hours required.

Request for CE Waiver for Renewal

The Board received a request from Dr. George Constantinopoulos’ sister asking the Board to waive his CE requirement for renewal due to hospitalization. After further discussion the Board decided to request that Dr. Constantinopoulos submit to the Board the nature of his illness, the number of CE hours he has completed and when he will be able to complete the requirements and whether an extension is needed. A motion was made by Dr. Woolf and seconded by Dr. Mezu to request the additional information. The Board’s vote was unanimous.

2. Budget – Rona Pepper

Ms. Pepper reported that as of January 9, 2018, the FY’18 budget figures are as follows:

Special Fund Balance (Revenue)	\$135,538
Budget Balance (Expenditures)	\$148,503

3. QEI – Dr. Doyle

Dr. Doyle reported that at the QEI meeting in October, the Committee completed the 2016 Record Review Audit and notified seven optometrists that did not respond to the audit to submit their records for review. The seven optometrists responded that they were not using TPA’s at that time.

4. President’s Report– Dr. Doyle

ARBO

Dr. Doyle reported that ARBO has announced that the COPE accreditation program has been deemed to be substantially equivalent to the Accreditation Council for Continuing Education (ACCME) and how having this equivalence now gives optometry an equal footing with medicine.

Board Presidents/Chairs Meeting with the Lt. Governor

Dr. Doyle reported that the most interesting issue mentioned by the Lt. Governor was that endorsement of licensure from other jurisdictions was being promoted and supported in the state, especially for the behavioral health professions in addressing the opioid crisis. Dr. Doyle asked, former Secretary Schrader, whether the Board could propose clean up legislation and endorsement/reciprocity language through the Department. Mr. Schrader stated that the Department in its new organizational process reviews and may sponsor legislative proposals submitted by the Boards that are not contentious. Historically, the Department has not sponsored Boards’ legislation and they had to seek sponsorship outside of the Department. Mr. Schrader introduced the newly appointed Secretary, Robert Neall.

Punctal Plugs

The issue about the history of the Board's approval to use punctal plugs was discussed at a previous meeting. Pat Bennett had done research to determine the statutory or regulatory basis for the Board's approval. At that time, the Board determined that the use was diagnostic, therefore acceptable.

D. Old Business

1. Regulations

**COMAR 10.28.02- Continuing Education & COPE Accreditation Program- Brian Woolf, O.D.
COMAR 28.04 OAH – Review of Decisions and Actions of Health Occupation Boards (Pending final approval and effective June 1, 2018)**

Dr. Doyle reported that the supervision outlined in the proposed regulation is intended to prevent the unreasonable anticompetitive actions by a Board or Commission and to determine whether the actions of a Board or Commission furthers a clearly articulated State policy to displace competition in the regulated market.

2. Legislation

Pat Bennett indicated that the Board needed a Legislative Committee to review bills that required Board feedback and input in a quick turnaround. Drs. Doyle and Mezu volunteered to assist with this task. Bills will be forwarded to them and Board Counsel will be copied as well.

HB 288- Health Occupations-Power of Secretary-Boards and Commissions

Dr. Doyle reported that HB 288 is for the purpose of authorizing the Secretary of Health to vacate or reduce the severity for a certain purpose decisions or determinations made by health occupations boards or commission regarding disciplinary action taken against an individual licensed or certified by the board or commission making conforming changes and generally related to the power of the Secretary of Health over health occupations boards and commission. The Board/Commission Executive Directors drafted a joint Position Paper in opposition with Rationale that HB 288 does not protect the public and would increase government bureaucracy and politicize the disciplinary process. A motion was made by Dr. Woolf and seconded by Ms. Pepper to accept the draft Position Paper to Oppose HB 288. The Board's vote was unanimous.

HB 600- Child Abuse & Neglect Training

Dr. Doyle reported the purpose of HB 600 is requiring that each health practitioner, police officer, educator, and human service worker in this State receive periodic training on the obligation to report child abuse and neglect and on the identification of abused and neglected children. A motion was made by Dr. Mezu and seconded by Dr. Walsh to take no position on HB 600. The Board's vote was unanimous.

3. NBEO Online State Law Exam

The NBEO has an Online State Law Exam (OSLE) program to assist the state boards in administering their optometry jurisprudence exams and participating boards can customize and maintain control. After further discussion, a motion was made by Dr. Walsh and seconded by Dr. Burgos to table the discussion and research and survey other states that use this service. The Board's vote was unanimous.

4. New Board Member Training- Fran Burgos, O.D.

Dr. Burgos reported that he and Ms. Bennett attended the New Board Member training where he was able to meet other new members and gain informative information regarding roles and responsibilities as a board member.

5. Annual Newsletter

Board members noted that they received the newsletter and commended the staff for a good publication.

E. Executive Director's Report - Patricia Bennett

1. Department News/Updates –

Ms. Bennett announced that effective January 9, 2018, former AA County Executive and State Senator Robert Neall had been appointed as the next Secretary of the Department of Health. Mr. Schrader will continue his duties as COO and Medicaid Director.

Ms. Bennett reiterated the importance of the Department's Opioid Awareness Campaign.

Board members were encouraged to file their 2017 Financial Disclosure Statement by the April 30, 2018 deadline.

Personnel update – Kristen Neville's position vacancy was advertised and closed on January 1, 2018. Resumes will be sent to the interview panel by January 22, 2018 and a new coordinator should be hired by the close of session.

- 2. 2018 Legislative Session-** The session has begun and Board/Commission Executive Directors will take more of the responsibility to review proposed legislation, draft position papers and testify in Annapolis. These are the primary duties that Kristen Neville had performed during the legislative sessions.
- 3. Budget Hearings –** The Boards/Commission budget hearing are as scheduled – House – 2/19/18 at 3:00 p.m. and Senate – 2/26/18 at 1:00 p.m. Ms. Bennett will only attend the Senate Hearing. The House Hearing is on a scheduled State Holiday.
- 4. 2018 Board Retreat –** Ms. Bennett noted a tentative date of August 29, 2018 as the Board's Strategic Planning retreat at Turf Valley in Howard County. She will chat with the consultant, Teresita Saff to plan for the event.

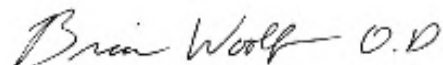
F. New Business

- 1. Licenses Issued-** A motion was made by Dr. Woolf and seconded to Dr. Burgos to approve licenses issued to the 3 new licensees. The Board's vote was unanimous.

G. Adjournment

Dr. Doyle closed the regular session at 11:20 a.m. to move into administrative session in order to comply with specific constitutional, statutory or judicially imposed requirements that prevent public disclosure about a particular proceeding or matter and to discuss the investigation of complaints against specific licensees. The motion was seconded and passed unanimously.

Respectfully submitted,



Brian Woolf, O.D.
Board Secretary