

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

Wed. July 25, 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, July 25, 2018. Board members present were, Mesheca Bunyon, O.D., Francisco Burgos, O.D., Kelechi Mezu Nnabue, O.D., Rona D. Pepper and Margaret Hubbard. Also present was Adam Malizio, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Andrew Doyle, O.D., and Mark Gordon, O.D. were not in attendance.

A. Call to Order

Mesheca Bunyon, O.D., who chaired the meeting in Dr. Doyle's absence, called the regular session to order at 9:30 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. The Board of Examiners in Optometry is composed of five optometrist members, in our case, Andrew Doyle, Mesheca Bunyon, Kelechi Mezu, Fran Burgos, and Mark Gordon and two consumer members, Rona Pepper and Margaret Hubbard. All members are 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 protect the public health and welfare of its citizens by ensuring the delivery of vision services by qualified optometrists. It is the responsibility of the Board to:

- Credential and license applicants
- 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. Bunyon introduced the new Board member, Margaret Hubbard and invited guests who were present to introduce themselves. Guests present were Brian Woolf, O.D., Linda Cohen, MOA, and Kim Lang, MDH Director, Health Occupations Boards and Commissions.

B. Minutes

The regular session minutes of the May 30, 2018 meeting were reviewed and a correction was made to change the March meeting date from "March 29, 2018" to "March 28, 2018". A motion was made by Ms. Pepper and seconded by Dr. Burgos to accept the minutes as corrected. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education – Mesheca Bunyon, O.D.

Dr. Bunyon reported that Shilpa Jain, O.D. is requesting a Personal Hardship that is preventing her from completing the CE requirement for license renewal and request a one year extension. After further discussion, a motion was made to allow Shilpa Jain, O.D. 90 days to complete the CE requirements for license renewal. The previous motion was amended to allow Shilpa Jain, O.D. 90 days to complete the CE requirements for license renewal in any format or category, and seconded by Dr. Mezu Nnabue .The Board’s vote was unanimous.

Dr. Bunyon reported that Abraham Zuckerbrod, O.D. submitted a request to have Pediatric Eye Care of Maryland as an approved clinical observation site. A motion was made by Dr. Burgos and seconded by Ms. Pepper to approve the request. The Board’s vote was unanimous.

2. Budget – Rona Pepper

Ms. Pepper reported that as of July 21, 2018, the final FY’18 budget figures are as follows:

Special Fund Balance (Revenue)	\$182,542
Budget Balance (Expenditures)	\$291,582
Carryover FY’19	\$109,040

**3. President’s Report– Dr. Doyle
ARBO**

Dr. Bunyon reported that Dr. Doyle submitted his ARBO report and a copy will be attached to the approved minutes.

QEI Committee

Ms. Dunham reported that the next scheduled QEI committee meeting will be in October 2018. Licensees will be selected for the annual record review audit in August.

D. Old Business

1. Regulations

COMAR 10.28.02 & 10.28.12- Continuing Education & TPA

Dr. Bunyon reported that the final draft of the amendments for COMAR 10.28.02 & 10.28.12 is ready to move forward for approval before the August, 2018 deadline.

2. Legislation-2019 Session

Dr. Bunyon reported that Dr. Kelechi Mezu agreed to continue to serve as the Board’s Legislative Liaison for the upcoming session.

E. Executive Director’s Report - Patricia Bennett

1. Department News/Updates –

Updated Board Roster – Updated roster that includes new Board members was disseminated.

Customer Service Report – Ms. Bennett shared the Board’s submission for inclusion in the Department’s overall report.

2. 2018 Board Retreat 8/29 – Plans are underway for the retreat to be held at the Turf Valley Conference Center. Ms. Bennett encouraged members to complete the survey that was disseminated by Teri Saff, consultant.

3. 2018 Online Renewal – Ms. Bennett reported that 450 licenses were renewed; 7 were placed on inactive status and 95% were in compliance with the CE audit.

4. **ARBO** - Ms. Bennett reported that she attended the annual meeting as a non-voting delegate and also attended the ARBO Board meetings in her role as Member Board Executive liaison. She also participated as a committee member on the MBE committee. Ms. Bennett indicated that the delegate assembly approved a change to the bylaws which adds a MBE as one of the 8 Board member positions. There will be an election process at the 2019 Annual Meeting. She stated that she plans to run for the position.
5. **Board Election**- Ms. Bennett explained that every two years there is an election or appointment of offices for President, Secretary and Treasurer. Kelechi Mezu Nnabue volunteered and was appointed as Secretary upon Dr. Woolf's retirement and Rona Pepper was appointed as Treasurer after Dr. Kwan retired. The election will be held at the 9/26 meeting for President. Dr. Doyle will run again and members can nominate as well.
6. **OAH Antitrust Review- 9/26 @10:30 a.m.** – Deb Donohue, Deputy Counsel for the Boards will make a power point presentation.
7. **New Board Member Training** - Ms. Bennett announced that the training will be held on 10/15/18 at the UMBC Tech Center. The session is targeted for newly appointed Board members from all of the Health Occupation Boards and Commission. Ms. Bennett indicated that she will attend as there are two new Board members who will be in attendance.

F. **New Business**

1. **Licenses Issued**- A motion was made by Dr. Burgos and seconded by Dr. Mezu to approve the licenses issued to 21 new licensees. The Board's vote was unanimous.

2. **Email from Troy Mysliwicz, O.D.**

Troy Mysliwicz, O.D. sent an email asking the Board to consider using his transcript from optometry school with his continuing education credits while practicing in Virginia for TPA certification for a Maryland license. After further discussion, a motion was made by Dr. Mezu and seconded by Ms. Pepper to deny Dr. Mysliwicz's request based on the current regulation, citing COMAR 10.28.12.02 Requirements for Certification. The Board discussed this request as an example of how the proposed regulatory amendment in COMAR 10.28.12 would permit the use of the transcript. The Board's vote was unanimous.

3. **Correspondence from Jennifer Sommer, Walmart**

Ms. Bennett reported that the Board received an email from Jennifer Sommer, writing on behalf of Walmart, asking the Board to confirm the understanding that unlicensed individuals such as Walmart employees may perform visual acuity screening "vision screenings" in Maryland using an instrument such as a Titmus Vision Screener or a Snellen eye chart. Walmart contends that performing vision screenings using the mentioned instruments do not constitute the practice of optometry in Maryland. The definition of optometry in Maryland is to detect, diagnose and treat optical or disease conditions of the human eye. She also states that Walmart employees do not perform these three functions when conducting vision screenings, but rather they identify the presence of a symptom and refer the individuals to their eye care professionals for examination, diagnosis and treatment. Ms. Sommer believes that Walmart optical associates may conduct vision screenings because it does not constitute the practice of optometry. The Board discussed the issues and had some concerns about Walmart employees performing/using instruments and tests on patients. Dr. Mezu will draft a response to include a few questions to get clarity for the Board.

4. **Discontinuance of MOA Steroids Course**

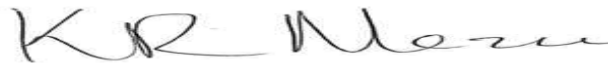
Ms. Bennett reported that the MOA submitted a letter stating the discontinuation of the MOA 8-hour course in the management of topical steroids. In an effort to reduce the burden upon current license applicants and to provide adequate time for the Board to find or develop an alternative course to fulfill this mandated certification requirement, the MOA will phase out its 8-hour steroids course over the next 90 days. The effective date of the MOA course discontinuation will be October 31, 2018. The current MOA course is not COPE approved and some of the material may be considered outdated. It is for these reasons that MOA will no longer offer the course as of Nov 1. The Board discussed the issue and determined that it would accept 8 hours of COPE accredited CE in steroids, which includes anterior segment pharmacology. A motion

was made and seconded by Dr. Burgos to amend COMAR 10.28.12.02 (4) to read *“Has successfully completed 8 hours of Board approved and COPE accredited courses in the management of topical steroids, which includes anterior segment pharmacological treatment”*. The Board’s vote was unanimous.

G. Adjournment

Dr. Bunyon closed the regular session at 10:58 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,

A handwritten signature in black ink, appearing to read "Kelechi Mezu Nnabue". The signature is written in a cursive, flowing style.

Kelechi Mezu Nnabue, O.D.
Board Secretary