

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

Wed. March 29, 2017
DHMH
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, March 29, 2017. Board members present were, Andrew Doyle, O.D., Stephen Kwan, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D., Mesheca Bunyon, O.D., Kelechi Mezu-Nnabue, O.D. Also present was Ari Elbaum, Board Counsel, Patricia G. Bennett, Board Executive Director, Arthura Easter, Staff Assistant and Kecia Dunham, Licensing Coordinator. Kristen Neville, Boards and Commission Legislation/ Regulations Liaison was also present.

A. Call to Order

Dr. Andrew Doyle, O.D. called the regular session to order at 9:40 a.m.

B. Minutes

The regular session minutes of the January 25, 2017 meeting were reviewed. A correction was made to delete Arthura Easter's name as she was not present at the January 25, 2017 Board meeting. A motion was made by Dr. Woolf and seconded by Dr. Bunyon to accept the minutes as corrected. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education – Dr. Woolf

Dr. Woolf explained that the CE committee had put a halt on its review of the CE regulation pending passage of the MOA Scope Bill. The bill as proposed would add specific CE requirements for the new TPA II level of licensure.

Dr. Doyle discussed his concerns that Maryland licensed optometrists are not receiving the quality and quantity of continuing education courses as it is mandated by the Board's statute and regulations. Dr. Doyle has attended several COPE approved programs where the lectures lasted 50 minutes and the attendees received 2 hours of credit. After further discussion, a motion was made by Dr. Doyle and seconded by Dr. Walsh for the Board to send a letter to ARBO asking them to investigate the sponsor in question, Retina Associates, and report the findings. The Board's vote was unanimous. In addition, the Board wants to ensure that local sponsors approved by the Board adhere to the standard that CE certificates be disseminated only when attendees complete the approved number of hours.

Pat Bennett stated that the CE Committee should look at the cultural competency issue as it reviews and makes recommendations regarding amending the CE regulation. In the past, the Board had approved an online course for up to 9 hours. Several Board members took the course and evaluated it determining that it was relevant material but quite lengthy. The issue is again on the horizon this session as Senator Nathan-Pulliam has introduced legislation.

2. Credentialing – Dr. Kwan

Dr. Kwan stated that there were no issues to discuss or report.

3. Budget – Dr. Kwan

The Board's Special Fund balance as of March, 2017 was \$185,285 and the expenditure balance for the remainder of the fiscal year was \$166,351.26. As of the same date, 50% of the fiscal year has lapsed.

4. QEI – Dr. Doyle

Dr. Doyle stated that there were no issues to discuss and the next meeting is scheduled for April 20, 2017.

5. Rehabilitation – Dr. Doyle

There were no issues relevant to the rehabilitation of impaired licensees.

6. ARBO – Dr. Doyle

The upcoming annual meeting will be held in Washington, DC in June 2018 and Board members are encouraged to attend and sit in on sessions to hear about similar issues that are being discussed and presented by Optometry board members, staff and stakeholders from this country and other jurisdictions throughout the world. Dr. Doyle will attend as the Board's voting delegate.

7. Legislation – Dr. Walsh

Dr. Walsh stated that he had no issues to discuss and deferred to the discussion on legislation as noted in the Old Business section on the agenda.

8. Executive Committee – Dr. Bunyon

Dr. Bunyon stated that there were no current issues to present or discuss with the Board.

D. Old Business

1. Regulations

Regulatory Review – Dr. Woolf

The proposed regulatory changes have been signed off, approved by Board Counsel and forwarded to the Department's Regulations Coordinator. The next step in the process will be the posting of the proposed regulations in the Maryland Register with a 30 day comment period.

Review of COMAR 10.28.02 – Continuing Education - The committee, comprised of Drs. Bunyon, Woolf and Pat Bennett will meet following the May Board meeting to do a comprehensive review of the CE regulations. The purpose of the review is to determine what provisions need to be updated to reflect current trends within the optometry profession specifically and the CE program development and delivery arena in general.

2. Legislation

2017 Legislative Session Summary

Bills of Interest to All Boards

HB 880/SB 450 Open Meetings Act – Both bills were amended to require a designated member of a public body to take an Open Meetings Act training course; both bills passed to opposite chamber; Boards sent a letter of information

HB 1474 – Office of Health Occupations – Bill is still in the House; not likely to pass; Boards opposed

SB 503 – Health Occupation boards – Racial and Ethnic Health Disparities – Bill passed the Senate and was heard in HGO; Boards sent a letter of information

HB 628 / SB 517 - NC Dental Proposal – Both bills have crossed to the opposite chamber. The Boards supported the bills previously and will send a position paper to support as amended

Bills of Interest to Optometry Board

HB 191 – Prescription for Lenses Bill- The bill was withdrawn by the sponsor, Delegate Lam.

HB 807/ SB 611 - MOA Scope Bill - The bill did not pass and was referred for interim study by HGO.

E. Executive Director's Report

1. **Nominees for Board Vacancy** – The Appointments Office has received the names of 3 nominees , Francisco Burgos, O.D., Richard Edlow, O.D. and Howard Levin, O.D. to fill the vacancy that will be created when Dr. Kwan's term expires in May 2017. The names will be submitted to the Governor's Office for vetting.
2. **2017 Online Renewal** - There are 445 active licenses that will expire on June 30, 2017 and 20% of renewals will be randomly audited for CE compliance. Online renewal will go live at the end of April 2017.
3. **Online Application System** – The Board of Physical Therapy has completed the Online Application pilot project. The programmer who developed the Boards' online renewal system designed the online application system as well. IT staff are working with other Boards that are interested in tweaking the system to meet their needs. The Optometry Board will work with IT staff during FY' 18 to develop its online application process.
4. **MOU with Child Support Enforcement** –The Child Support Enforcement Agency has contacted the Boards regarding renewing its Memorandum of Understanding (MOU) for the suspension of Professional Licenses; part of the State of Maryland's efforts to enforce child support obligations. Ari will review the memorandum for legal sufficiency and the IT staff will review as well.
5. **FARB Annual Forum** – Pat Bennett reported that she attended the Annual FARB Forum in January. The organization is the umbrella regulatory association and its mission is to support and advance the regulation of professions in the interest of public protection. Ms. Bennett stated that she had not attended the Forum for more than 10 years as she had primarily participated in ARBO, which is profession specific. She commented, however, that the goal of public protection vs. professional advancement is a universal concept that is a struggle for all professions to maintain. Ms. Bennett indicated that there were several topics of special interest to her where she would follow- up. She downloaded the meeting files and has them if members are interested.

F. New Business

1. **Licensed Issued** – The Board moved and seconded to accept and approve the licensure applications for 3 optometrists. The Board's vote was unanimous.

Dr. Doyle closed the regular session at 10:39 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. Dr. Mezu seconded the motion. The motion passed unanimously.

Respectfully submitted,

Brian T. Woolf, O.D.
Secretary