

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

Wed. March 27, 2019
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, March 27, 2019. Board members present were, Mesheca Bunyon, O.D., Francisco Burgos, O.D., Marc Gordon, O.D., Kelechi Mezu Nnabue, O.D. Rona D. Pepper and Margaret Hubbard. Also present was Adam Malizio, Board Counsel, Deborah Donahue, Interim Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Lillian Reese, Board Legislation/Regulations Liaison, Jennifer Cohen, Director of the MOA, Kim Lang, Boards and Commission Liaison, and April Miller, O.D. was present. Andrew Doyle, O.D. was not in attendance.

A. Call to Order

In Dr. Doyle's absence, Dr. Bunyon chaired the meeting. She called the regular session to order at 9:31 a.m. and read the following statements into the record:

Maryland Board 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.

B. Approval of Agenda

A motion was made by Ms. Hubbard and seconded by Dr. Burgos to approve the meeting agenda. The Board's vote was unanimous.

C. Minutes

The regular session minutes of the January 30, 2019 meeting were reviewed and a motion was made and seconded to accept the minutes as written. The Board's vote was unanimous.

D. Committee Reports

1. Continuing Education – Dr. Bunyon

Dr. Bunyon reported that there were no items for review or discussion.

2. Budget – Rona Pepper

Ms. Pepper reported that as of March 8, 2019, the budget figures for FY '19 were:

Special Fund Balance (Revenue) \$156,804

Budget Balance (Expenditures) \$97,562

3. ARBO

Dr. Bunyon reported that ARBO is pleased to announce that they are celebrating their 100th anniversary. To commemorate its many accomplishments and historical significance to present-day optometry, a celebration is planned at ARBO's annual meeting June 16-18, 2019 in St. Louis, MI. The Theme that was chosen for ARBO's 2019 meeting was chosen by Executive Director Patricia Bennett, and it's titled "Looking Back and Seeing Ahead 2020 Vision for the Next Century." Dr. Doyle and Ms. Bennett will attend as delegates. ARBO's 2020 meeting will be held in Old Alexandria, VA.

4. QEI Committee

Dr. Bunyon reported for Dr. Doyle, that with the passage of the new law, the QEI Committee and quality assurance program will no longer be mandated effective June 1, 2019.

E. Old Business

1. Regulations

COMAR 10.28.02 & 10.28.12- Continuing Education & TPA

Dr. Bunyon reported that the 30 day public comment period ended on March 4, 2019 and there were no comments. When the regulatory proposal is signed by the Secretary, it will be published in the Maryland Register and then will become effective in late May.

2. Legislation-2019 Session Update- Lillian Reese, Legislative & Regulations Coordinator

Ms. Lillian Reese discussed the following:

HB 22 SB 974-Occupational Licenses or Certificates - Application Determinations - Use of Criminal History

Prohibiting certain departments that issue occupational licenses or certificates from denying an application for a license or certificate based solely on an applicant's criminal history if a period of 7 years or more has passed since the applicant's conviction for any crime and the applicant has not been charged with another crime other than a minor traffic violation; etc. Ms. Reese reported that the Bill passed in the House and still waiting for the Senate.

HB 1252 Child Abuse and Neglect - Training of Health Care Professionals

Requiring the Maryland Department of Health to provide certain boards with a list of certain generally recommended courses relating to the obligation to report child abuse and neglect and the identification of abused and neglected children; and requiring certain boards to post certain information prominently on each board's website, provide information about certain recommended courses to certain health care professionals at a certain time, or advertise the availability of certain recommended courses in certain media. Ms. Reese reported that the Optometry Board was not included in the Bill. Senate hearing is scheduled for 3/28/19.

HB 471/SB 447 Health Occupations - Requirements for the Practice of Optometry - Miscellaneous Revisions

Repealing certain provisions of law requiring a therapeutically certified optometrist to refer a certain patient to an ophthalmologist under certain circumstances; repealing the authority of a therapeutically certified optometrist to prescribe certain topical therapeutic pharmaceutical agents and authorizing the prescription of therapeutic pharmaceutical agents for the prevention, management, or treatment of conditions and diseases of the eye and ocular adnexa; etc. HB 471 - Third Reading Passed on 3/13/19 and moved to the Senate on 3/15/19. SB 447 – Third Reading Passed on 3/16/19 and moved to the House for hearing on 3/28/19.

3. SB 447/HB 471 Summary/Discussion- Jen Cohen, MOA

Ms. Cohen's 2020 Scope Expansion Summary will be attached to the approved minutes.

F. Executive Director's Report - Patricia Bennett

- 1. Board Member Term Expiration** – Dr. Bunyon's first term expires on 5/31/19. She has applied for re-appointment and apprised the MOA of her interest.
- 2. Online Applications - The** Board launched its online application process on 2/1/19 and has received several applications.
- 3. Financial Disclosure** – Ms. Bennett reminded Board members that the deadline for filing is 4/30/19.
- 4. Retreat Follow-up- Strategic Plan** – The follow-up committee met following the 1/30/19 Board meeting. Dr. Doyle, Rona Pepper and Ms. Bennett devised a draft mission statement, elevator speech and set one goal.
- 5. AD Hoc Committee- Implementation –Regulatory & Statutory Amendments** – Ms. Bennett indicated that the Board needed to address the implementation of the upcoming regulatory amendments and passage of the new law. Dr. Bunyon who served on the CE committee volunteered to work on the effort in addition to Drs. Mezu and Gordon. Ms. Bennett will schedule an in-person meeting to also include Deb Donohue, interim Board Counsel.

G. New Business

- 1. Licenses Issued-** Dr. Bunyon entertained a motion made by Dr. Gordon and seconded by Dr. Mezu to approve the licenses issued to 2 new licensees. The Board's vote was unanimous.
- 2. NBEO Update** -Dr. Bunyon reported that the National Board of Examiners in Optometry (NBEO) continuously strives to provide high quality examinations that align with its mission of public protection. Several changes are underway in 2019 such as:
Laser & Surgical Procedures Examinations
NBEO- Board Certification
Part III Clinical Skills Examinations Restructuring
Six- Attempt Limitation Policy
Part I, II, and III fees Increase

3. Nimi Sikri, O.D. –Applicant for TPA Certification

Dr. Bunyon reported that Dr. Nimi Sikri, is a Maryland Licensee who is applying for a TPA upgrade by documenting the 110 hour requirement and Board staff noticed that Dr. Sikri had too many online hours. The CE regulation allows up to a maximum of 30 hours of online credit. A motion was made and seconded to request that Dr. Sikri take an additional 10 hours of Live CE credits. The Board’s vote was unanimous.

H. Adjournment

Dr. Bunyon closed the regular session at 10:34 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 that reads "Kelechi Mezu". The signature is written in a cursive, flowing style.

Kelechi Mezu Nnabue, O.D., Board Secretary