

Regular Session Minutes

May 27, 2015
DHMH
4201 Patterson Avenue
Baltimore, MD 21215
Conference Room #105
9:30 am

The regular session of the Board of Examiners in Optometry's meeting was held on Wednesday, May 27, 2015. Board members present were, Jo Anne Brilliant, O.D., Andrew Doyle, O.D., Stephen Kwan, O.D., Phyllis Strickland, O.D., and Brian T. Woolf, O.D. Also present were Ari Elbaum, Board Counsel, Patricia G. Bennett, Executive Director, and Kecia Dunham, Administrative Specialist. Frederick J. Walsh, Ph.D. and Kisha Fields Matthews were not present.

A. Opening of Meeting

Dr. Jo Anne Brilliant, O.D., Board President, opened the regular session of the Board meeting at 9:35 a.m. Dr. Brilliant welcomed representatives from the MOA and Dr. Greenspun-Levitt, O.D. She also indicated that Kisha Fields Matthews resigned from the Board as consumer member due to time commitments in caring for her mother.

B. Minutes

The regular session minutes of the meeting held on March 18, 2015 were reviewed. A motion was made by Dr. Woolf and seconded by Dr. Strickland to accept the minutes as written. The Board's vote was unanimous.

C. Committee Reports**1. Continuing Education - Dr. Woolf**

Dr. Woolf reported that the Board received an email from an optometrist who is completing an Advanced Specialty Training Program at Wilmer Eye Institute, which is a research fellowship and asked whether the hours could be considered for any continuing education credit. It has been the Board's position that fellowships, residencies and internships cannot be counted as qualifying CE to meet licensure requirements. Discussion on this issue resulted in the fact that these types of CE should be included in regulation. Ms. Dunham reported that this optometrist would be exempt from continuing education credits when she renews her license, if she applies within 1 year of graduation from optometry school - COMAR 10.28.02.05 (G). Dr. Woolf suggested that this issue regarding fellowships, internships and residencies as valid CE should be deferred to the Regulatory Review Committee.

2. Credentialing- Dr. Kwan

It was reported for Dr. Kwan that there were no issues that needed resolution.

3. QEI Committee- Dr. Brilliant

Dr. Brilliant reported that at the meeting held on April 16, 2015, the QEI Committee completed the 2013 Record Review and 117 doctors were selected for the audit, and 26 were compliant, 19 received educational letters, 24 are not practicing in Maryland or not using TPA, 44 still pending the Committee members review, and 4 failed to respond. A follow-up email will be sent to those who did not respond. The Committee has created a second clinical record review worksheet for Electronic Medical Records.

4. Rehabilitation- Dr. Doyle

Dr. Doyle reported that there were no incidents or issues involving licensees requiring rehabilitation.

5. Budget - Dr. Strickland

Dr. Strickland reported that the Special Fund Balance as of May 7, 2015 is \$221,947.00 and the Available Expenditure Balance for the remainder of FY 2015 is \$41,908.00. The Board's FY 2015 Budget is \$269,931.00

6. ARBO- Dr. Strickland

Dr. Strickland reported that ARBO's Annual Meeting is scheduled for June 21-23, 2015 at the Sheraton Hotel in Seattle Washington. Dr. Strickland will attend as the Board's voting delegate and Patricia Bennett will attend as a non –voting delegate and is the Co-Chair of the Executive Directors' Committee. In addition to the Annual Report given by each jurisdiction, delegates will discuss these three questions: How are your board members appointed? What are the Board policies or procedures regarding Telemedicine? What are the Board policies or procedures regarding Board Certification?

7. Legislation- Dr. Kwan & Kisha Fields Matthews

Dr. Kwan stated that there was no information to furnish about relevant legislation or the upcoming legislative session.

D. Old Business

Civil Fines- COMAR 10.28.13

The proposed amendment is currently going through the Department's regulation development and review process.

Regulatory Review- Dr. Wolf, Chair

Dr. Woolf reported that the first meeting is scheduled for May 27, 2015, following the Board meeting.

E. Executive Director's Report – Patricia Bennett

Ms. Bennett reported on the following:

Board Vacancy Consumer Member – The Board is awaiting notice from the Appointments Office regarding the filling of the vacancy created by Kisha Fields Matthews', consumer member vacancy.

Budget FY 2016- The Board's expenditure budget is \$277,925.00 that begins on July 1, 2015.

Construction of Conference Rooms- Several conference rooms will be re-designed for use by the Boards for Board meetings, CRCs, committee meetings, etc. with the latest in technological equipment.

Board Retreat- Ms. Bennett suggested that the Board Retreat be re-scheduled for a later time perhaps in 2016 due to the priority of the project involving the Regulatory Review process.

Online Renewal- Online renewal began on April 27, 2015 and there were 427 licenses projected for renewal and 69 selected for the continuing education audit.

F. New Business

1. Licenses Issued March 28, 2015- May 12, 2015

Dr. Brilliant reported that five (5) licenses had been issued during the period. A motion was made and seconded to accept the new licensees. The Board's vote was unanimous.

2. MVA Forms completed by a multi-doctor practice

The Board received an email from an optometrist that works in a Multi Doctor practice and asked if Dr. A is the examining doctor and Dr. A is not available for any reason and a patient wants Dr. B to complete the MVA form, is Dr. B assuming liability? The Board will respond by informing the doctor if the MVA form specifically asked for the examining doctor's signature, then the examining doctor must complete the form. The Board will inform the optometrist to seek legal counsel regarding any liability issues. After discussion about the use and completion of the forms by Board members and Dr. Greenspun-Levitt, it was decided that further research was needed to determine the MVA vision certification program sign-off requirements for optometrists.

3. Free Course from Veteran Affairs

The Department of Veterans Affairs (VA) and Defense (DoD) has announced the launch of an eight hour, online continuing education course aimed at helping health care professionals better treat Veterans and Service members.

Dr. Levitt mentioned to the Board that she had seen a patient who had traveled out of the country to Africa and had concerns about the Ebola outbreak and wanted to know whether the Board had devised any protocols. It was discussed that the state Health Department and the CDC had guidelines and protocols in place and available for all health practitioners to follow.

Dr. Brilliant closed the regular session at 10:41 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. Woolf seconded the motion. The motion passed unanimously.

Respectfully submitted,

Brian T. Woolf, O.D.
Board Secretary