

BOARD OF EXAMINERS IN OPTOMETRY

05/26/21- Regular Session Minutes - Videoconference

- A. Call to Order** Virtual meeting was called to order at 9:32 am by the Board President, Dr. Mesheca Bunyon, O.D. Board members also present included, Marcie Lerner, O.D., Fran Burgos, O.D., Mark Gordon, O.D., Margaret Hubbard, Rona Pepper and Kelechi Mezu Nnabue, O.D. Staff present were Patricia Bennett, Board Executive Director, Kecia Dunham, Licensing Coordinator, Ms. Bethan Haaga in place of our Board Counsel Deb Donohue who was not in attendance. Also present was Lillian Reese Legislation/Regulations Liaison, as well as Jennifer Cohen from MOA and Cheryl Frazier from MOA. Dr. Bunyon read the Board's opening statement into the record as well as the Board's mission statement and notice about public attendance.

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 Mesheca Bunyon, O.D., Kelechi Mezu, O.D., Fran Burgos, O.D., Marcie Lerner, O.D., and Mark Gordon, O.D., 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
- *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
- *Conduct hearings concerning these violations
- *Discipline licensees found to be in violation of the law

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 asked whether there were any other people joining the meeting and to introduce themselves. Guests in attendance on the call were introduced.

B. Approval of Agenda: Dr. Bunyon asked for a motion to approve the agenda. Ms. Rona Pepper made a motion which was seconded by Dr. Gordon. Motion passed.

C. Review and Approval of Minutes: The minutes were reviewed and Dr. Mezu who called for a motion to accept the minutes as drafted. Ms. Bennett reminded us to look at the corrected minutes. She made a correction on Page 5, #4, regarding Board re-appointments and who was eligible, and only Ms. Pepper had been reappointed. Dr. Burgos moved to accept the minutes and Dr. Lerner seconded the motion. Minutes were accepted and motion passed.

D. Committee Reports

1. Continuing Education - Fran Burgos, O.D.

Dr. Burgos stated that the MOA had submitted four courses for approval with all documentation.

Dr. Burgos asked for a motion to approve Jennifer Kungle's course, motion was made by Dr. Gordon and seconded by Dr. Mezu. The motion passed.

Myopia control by Dr. Alan Glazier, a motion was made by Dr. Gordon and seconded by Dr. Lerner. The motion passed.

Dr. Masha Salahi's course, Ocular Pharmacology, a motion was made by Dr. Gordon seconded by Ms. Pepper. The motion passed.

Simplifying HIPPA and a motion was made by Dr. Gordon and seconded by Dr. Lerner. The motion passed.

All 4 On Demand courses were approved by the Board.

2. Budget - Rona Pepper - As of 5/10/21 for FY'21
Expenditure Budget - \$309,528
Expenditures YTD - \$247,496
Available Expenditure Balance - \$62,320
Special Fund Balance - \$155,660

2. ARBO – Mesheca Bunyon, O.D.

Dr. Bunyon encouraged Board members and staff to register for the Annual Meeting which would be held virtually and at no charge.

E. Old Business

1. Regulations Pending

Standards of Quality for TPAs – awaiting Secretary's approval
Telehealth – Signed by Secretary

2021 Legislative Session — Bills of Interest - Lillian Reese, Boards & Commission Legislative Coordinator provided the following stats and a detailed report with updates on the bills of interest.

Senate bills - 967

House bills - 1,380

of bills on the 2021 EoS Report - 43

of bills on the 2020 EoS Report - 30

of 2021 position papers - 117

of 2020 position papers - 49

of 2019 position papers – 33

2022 Legislative Proposal - Termination of Board Sunset - 2023 Ms. Reese explained the process to Board members and advised that the Board needed a motion to approve the Sunset legislative proposal. Dr. Bunyon thanked her for the thorough report she submitted. A motion was made by Dr. Gordon to approve the submittal of the Sunset Bill extending the Board to 2033. It was seconded by Dr. Burgos and the motion passed.

3. NBEO/OSLE Launch – Kecia Dunham, the Board's Licensing Coordinator, reported about the Board's online law exam that launched on April 15, 2021. She explained that as of the launch, 21 applicants had gone online and taken the exam. She explained that the Board could review the pool to determine which questions were difficult or easy and could make changes depending on the applicants' responses. Dr. Lerner and Dr. Bunyon who had drafted the questions, thanked Ms. Dunham for her hard work. The questions are rolling and are different each time for the candidates.

F. Executive Director's Report – Pat Bennett

1. Termination of Extension of Licenses — 6/30/21 — Governor's Order

Ms. Bennett stated that there were at least 43 TPA certified optometrists who had not taken the course to date, and following the 6/30/21 deadline, there is a 30 day grace period for them to take the course through July 31, 2021. An eblast will be sent to

notify them of the deadline and impending downgrade to DPA certification effective August 1, 2021. Dr. Burgos asked whether the licensees had been notified of this action. Ms. Bennett stated that the information was posted on the Board's website as well and the eblast is a follow-up reminder.

2. **Renewal 2021** - Ms. Dunham reported that there were no issues with the renewal process and as of 5/19/21, 101 renewals had been completed. Audits: No CE Audit was done last year or this year due to COVID.
3. **Board Planning** - The idea of a follow-up Board Retreat was discussed by Board members and suggested topic areas included evaluating goals and objectives, Board's vision and mission statement and post pandemic issues.
4. **Department News**: Pat Bennett and Kecia Dunham continue to work hybrid schedules with in-office and telework days. The State still has not returned fully to in-person work statewide. In Maryland, employees can continue teleworking and so far, there have been no issues or customer complaints relevant to the quality of service provided to licensees, the public and other stakeholders.
5. **Housekeeping Rules for Board Meetings**: Pat Bennett shared a draft of rules for Tele-Meetings used by some of the Boards. She discussed the Open Meetings Act and encouraged all Board members to take the Course. She also discussed issues with the Open meeting Act, such as making everything available and giving as much access and transparency to the public as possible. Dr. Bunyon talked about issues with making board agenda open to the public as some issues were Board Sensitive. Ms. Bennett also added that some Boards had an issue with this as well. She stated that she will send an email to everyone about the training. Dr. Bunyon encouraged everyone to take the training. She stated that in the new fiscal year, we will know the status of in-person meetings in the building.
6. **ARBO Annual Report**: Pat Bennett directed Board Members to review the Board's Annual report submission to ARBO. Dr. Bunyon pointed out that Ms. Pepper's appointment was extended but not that of Dr. Burgos. Since he was a professional member, his will be extended after his term ends. Dr. Bunyon asked whether there were other questions and also thanked Ms. Bennett for the report.

G. New Business

1. Licenses Issued – The Board approved licenses that were issued to the following applicants. A motion was made by Ms. Pepper and seconded by Dr. Lerner. The motion passed.

TA1207	Darvish Saadi Marco	4-5-21
TA 1374	Erlly Elizabeth	4-7-21
TA 2794	Cioffi Katherine R	4-19-21
TA 2795	Ribas Ferreira Celesta Fereshteh	4-27-21
TA 2796	Badiee Mehrnoosh Karizi	5-6-21
TA 2797	Vyas Pratiik N	5-4-7-21

2. Salus University - Pharmacology Courses to meet 110 Hour requirement - This was attachment H and Dr. Bunyon asked Ms. Dunham to jump in and explain what was needed. Kecia explained the issue with the 110 hour requirement and needed the Board to review the courses to show which courses met the pharmacology requirements needed. That way, for future cases, this would help resolve that issue. Salus University is different because their pharmacology subject matter is embedded in the modules and so she needed a definitive breakdown of the hours. Dr. Bunyon stated that when she went to PCO, it was different. After a detailed discussion, using every 3 credit hours as 15 TPA hours, we arrived at a consensus of 240 total hours as stated by Dr. Mezu.

The doctor in question had 50 hours in the OE tracker of which 49 were TPA

For Module 4; Dr. Bunyon reviewed the organ system and neuro visual sciences. Dr. Lerner suggested at least 50% and in summary, we agreed to: 4 for module 2= 20 hours.

Module 2, 4 out of 5.5 credits. For module 3, 1.75 which gave 7TPA hours, and for module 3, 7 credits which gave 35 credit hours. A motion was made by Dr. Lerner to accept 62 hours in total and seconded by Ms. Hubbard. Motion passed.

3. Contact Lens RX expiration: Dr. Foster from Vision Works had an issue with expirations being given for contact lenses. Dr. Bunyon stated that it was not an issue we could handle. Bethan Haaga who stood in for Board Counsel, Deb Donohue stated that what we could do is to direct the licensee to the statute. Dr. Bunyon expanded on this and stated that if it was the company asking them to do this, that would have been an issue but this was not the case. Pat Bennett stated that the doctor was correct on the statute but however, this was an employer-employee issue. A motion was made to redirect him to the statute. Dr. Lerner stated that MDH already responded to it and so the Board will reaffirm our response and correspondence will be sent to him. A motion was made to this effect and seconded by Dr. Burgos. Motion passed.
4. Vision Therapy Question - Regarding the prism Issue: Further discussion was had about this and again Dr. Bunyon stated that this was not really an optometry issue but an issue for the Physical Therapy Board. Dr. Gordon asked how she intended to use the prism and Dr. Lerner also asked further questions. Ms. Haaga also agreed that the Board really cannot weigh in on this issue and Dr. Bunyon also added that the PT didn't really want to prescribe a prism in glasses but more for therapy. The PT would need to see a HealthCare attorney to determine her scope of practice. A motion was made to table this to the administrative session by Dr. Gordon and seconded by Dr. Lerner. Motion passed.

Adjournment

Dr. Bunyon called for a motion to adjourn. A motion was made by Dr. Burgos and seconded by Dr. Gordon. The Board's vote was unanimous. The meeting adjourned at 10:55 am. The motion passed.

Respectfully submitted



Kelechi Mezu Nnabue, O.D.

Board Secretary