

BOARD OF EXAMINERS IN OPTOMETRY

July 29, 2020

Regular Session Minutes Video Conference

9:30 a.m.

A. Call to Order Virtual meeting was called to order at 9:39 am by the Board President, Mesheca Bunyon, O.D. Board members also present included, Kelechi Mezu-Nnabue, O.D., Mark Gordon, O.D. Marcie Lerner, O.D. Fran Burgos, O.D. and Rona Pepper and Margaret Hubbard . Staff present were Patricia Bennett, Board Director, Board Counsel, Deb Donohue, and Lilian Reese, Legislation/Regulations Liaison and Kim Link. Guests in attendance on the call included Cheryl Frazier and Jen Cohen, MOA.

Dr. Bunyon read the Board's opening statement into the record at 9:41 am and read the Board's mission statement.

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, Kelechi Mezu, Fran Burgos, Marcie Lerner 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.

At this point, Dr. Bunyon welcomed Dr. Lerner to the Board. She introduced herself and said she worked at Four Eyes Optical. She also had worked at the Navy Exchange in Bethesda Maryland. She was warmly welcomed by everyone.

Dr. Bunyon also asked if there were any other people joining us today. She asked for them to introduce themselves. Cheryl Frazier and Jen Cohen from MOA introduced themselves.

Dr. Bunyon also wished Ms. Pat Bennett a very happy birthday and we all let her know she was very much appreciated.

B. Approval of Agenda: Dr. Bunyon added a correspondence from the MOA and Dr. Mezu made a motion, seconded by Ms. Pepper, motion passed. Ms. Bennett also stated that there was another correspondence to add to new business and add to the agenda. Deb Donohue corrected the section to say that we needed to make a motion to amend and approve agenda with 2 additions, by Rona Pepper second by Dr. Lerner. Motion passed.

C. Review and Approval of Minutes - The minutes were reviewed at 9.50 am and a correction made by Dr. Bunyon about removing the quality assurance piece in the mission statement. A motion was made by Dr. Burgos to approve minutes with the one correction, it was seconded by Dr. Lerner, motion passed.

D. Committee Reports

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

CAP Assessments for CE toward licensure

Dr. Bunyon talked about committee reports. She asked Dr. Burgos to discuss the CAP assessment. He stated that he wasn't sure if it was uniform in other states. Dr. Mezu stated that maybe they should apply for COPE credits and that way, the Board does not get involved. Dr. Burgos also said he reviewed the website and we have no outline. We have nothing to go by? We may be able to apply some to the license, but we need more information. Dr. Bunyon asked Deb if we can ask for more information and Deb suggested to ask for more and to adapt Dr. Mezu's suggestion. More discussion was done after which Dr. Burgos suggested setting up a motion to table and ask for more clarifying information, correspondence and also to make a decision then. Seconded by Ms. Pepper. Motion passed.

MOA Education Committee:

This was brought up and Dr. Bunyon asked Jen Cohen who was here to explain what she wanted regarding the program. Jen Cohen mentioned that their program will be on demand and live but will have recorded live webinars. She asked if course is approved for Live and it is uploaded on demand, it's considered enduring learning, and unfortunately, they will then have to go through a school/institution of learning and they wanted to know if the Board can accredit the course and what parameters were needed to make it Board approved. Meaning, pass/fail rate? Reporting? How many questions? Dr. Mezu asked if it was free. She stated some will be free. Dr. Bunyon stated that it was already COPE approved. Jen clarified that since it wasn't live, they will have an email address for people to ask questions. Board members asked many questions to ensure quality and integrity. Dr. Burgos asked how many questions, and they had 10 questions per CE hour. She stated that they had mostly 1 hour course due to mental fatigue. Lecture CV and outline need to be submitted, and questions with a passing rate of 70%, and once it is taken by an OD, that course cannot be taken again for same credit. On CE certificate, we need name and who is administering the course and # of credit. Dr. Mezu made a motion to have MOA send and review documents and approve after review and it was seconded by Dr. Lerner. Ms. Bennett, again asked that we will get documents prior to each course, and Jen also asked for a quick turnaround for approval. Motion passed.

2. Budget - Rona Pepper: As of the current date, there was a total of \$279,949.66 expended by the Board and the special fund balance was \$112,168.96 for the close of fiscal year 2020.

3. ARBO - Highlights by Mesheca Bunyon, O.D. - Dr. Bunyon stated that 3 people attended a virtual convention, Dr. Bunyon, due to COVID restrictions still in place, as well as Pat Bennett, Executive Director and ARBO Board Counsel, Deb Donohue. Dr. Bunyon stated that they had many committees that gave reports. She stated some of the highlights, was the attorney for ARBO who gave a talk on why your board exists? Boards need to regulate professions in interest of public protection. She expressed an interest in becoming more familiar with ARBO and its relationship with its member Boards. It was shared that ARBO received a PPP loan. There are over 54,000 active Optometrists in the United States. They discussed having its annual meeting separate from the AOA, however, delegates did not want to change this practice.

Highlights from Board Counsel, Deb Donohue: She discussed issues that they talked about. To have boards focus on discipline and mentioned that as a Board member you are a regulator not just an optometrist. She thanked Ms. Bennett for the invitation to attend.

Dr. Bunyon also asked us to review the report sent in by Executive Director Ms. Bennett and Board Counsel asked Dr. Bunyon to explain Ms. Bennett's relationship to ARBO as an elected Member of the Board of Directors for new Board Member, Dr. Lerner. Board members were also directed to review the Letter from ARBO regarding the travel concerns for student to take the NBEO Part III exam.

E. Old Business

1. Telehealth Regulation: Dr. Mezu asked Dr. Burgos to summarize. Dr. Burgos reviewed the edits Board Counsel had graciously had done and reviewed with us, Ms. Bennett had stated that a final edit was actually ready and for Board members to approve. Dr. Bunyon asked if it was time sensitive. Board Counsel stated that it needed to be done sooner rather than later. She reviewed the minor language changes. Ms. Bennett just emailed the final good copy to everyone. Ms. Reese also reiterated the new version included the correction and to try to vote before the September meeting. Dr. Mezu suggested for members to review and make a motion. Ms. Bennett and Board Counsel explained that the Telehealth reg was different from the TPA reg. Dr. Bunyon stated we had time to review and vote at the September meeting.

TPA Regulation: Everyone was asked to review and Dr. Bunyon asked for someone to make a motion regarding standards of quality for TPA. The changes were reviewed so that everyone could see what was added and changed especially regarding Sight threatening versus life threatening. Dr. Marcie Lerner made a motion to approve the TPA document with standards of quality for TPA care with changes made, motion was seconded by Dr. Burgos. Motion passed.

F. Executive Director's Report - Pat Bennett

ARBO Board - Ms. Bennett indicated that an agreement had been reached with NBEO to continue to administer the national exams. She also stated she volunteered to be on the OE tracker Committee. They also discussed COVID and how many Boards were allowing the submitting and receiving of primary source documents via electronic methods from institutions and other entities. Post COVID concerns exist as well regarding Board operations and how changes will continue to affect the Boards. She discussed student concerns with testing and traveling to North Carolina.

Legislative Audit - Ms. Bennett mentioned the Optometry Board was not singled out. Board Counsel noted that we could not really talk about it since it was not publicly available.

FY20 Closing stats: Renewal is still open. They had 510 Optometrists to renew and a public notice was sent out due to COVID. We had less than 50 Optometrists still who had not taken the 10 hour course. The Board also received 67 new applications.

Budget FY 21 - \$317,177 is the expenditure budget. Special Funds balance is great, because historically the Board has to maintain 25% in a special fund.

2021 Legislative proposal. The Board needs to go over the statute and update old language. Previous Board President, Dr. Doyle did not want to start this project since he was leaving.

Per Diem: Expense reports will be processed for the last virtual board meetings. A survey was done regarding Board member per diems for the Boards. Physician and Dental boards receive the highest which is \$250 and many Boards require that a meeting or Board related activity has to be at least 2 hours in length. A discussion addressed the Board's budgeted amount for per

diems and what to do if we were over. A suggestion was made to review the Board's budget and its SOP language regarding under what circumstances Board members should receive per diems. This will be discussed at the September meeting.

G. New Business

1. Licensees issued - The Board approved 23 applicants for licensure. Ms. Hubbard moved to approve and Ms. Pepper seconded the motion to accept. The Board's vote was unanimous. The following 23 new licensees were approved.

TA	2734	Ridgeway	Levi Edward	01-Jun-20
TA	2735	Alvarez	Alexandra Aimee	02-Jun-20
TA	2736	Nivar	Gabrielle Cesarina	02-Jun-20
TA	2737	Chu	Diana Janine	03-Jun-20
TA	2738	Cho	Rachel	03-Jun-20
TA	2739	Bojarski	Gail Rachel	08-Jun-20
TA	2740	Choi	Elizabeth Ji-Hae	08-Jun-20
TA	2741	Desai	Riddhi J	08-Jun-20
TA	2742	Rapone	Angelene	08-Jun-20
TA	2743	Raja	Azim Hafeez	08-Jun-20
TA	2744	Rowe	Cameron Michael	08-Jun-20
TA	2745	BROWN	MICHAEL	08-Jun-20
TA	2746	Terlesky	Sarah Kay	10-Jun-20
TA	2747	Cason	Daniel Shelton	16-Jun-20
TA	2748	Blake	Connor James	17-Jun-20
TA	2749	Cooper	Sydney Rae	19-Jun-20
TA	2750	Campbell	Antonio William	22-Jun-20
TA	2751	Khalid	Quratulain	29-Jun-20
TA	2752	St. Clair	Bryce Patrick	29-Jun-20
TA	2753	BYMAN	DAVID ANDREW	29-Jun-20
TA	2754	Huleis	Julie	07-Jul-20
TA	2755	Phillips	Tony Lee	13-Jul-20
TA	2756	Obi	Chinweuba kenechukwu	14-Jul-20
	23			

Credentialing Committee: Dr. Bunyon mentioned that over time we had issues that keep coming up and it was a good idea to have a credentialing committee to deal with issues that come up. Ms. Bennett explained the role to new board member Dr. Lerner, and Board Counsel answered her questions raised. Dr. Mezu asked how many committees we had and Ms. Bennett reviewed the committees we had. Dr. Bunyon said for anyone to send an email if interested.

OSLE program: There was a discussion about the Board working with NBEO to create an online law exam. Ms. Bennett indicated that there was no cost to the Board only \$25 to applicants. Automating the law exam will help us be more updated. A discussion was had about updating some questions. Dr. Burgos made a motion for the Board to allow NBEO to create and administer our online State Law and regulations exam through its OSLE program. It was seconded by Dr. Lerner and Dr. Bunyon volunteered to be the Board liaison for the project.

Pharmacology Courses to Meet 110 Hour requirement: There was discussion about this subject. Applicants already have 8 hours of Topical steroids to do and the 10 hour new mandated license upgrade CE credit. A discussion was had about keeping it at 50 hours. A motion was made by Dr. Mezu and it was seconded to accept for a minimum of 50 hours on OE tracker which includes the 8 hour steroid/anterior segment course and the 10 hour new requirements before looking at the transcripts. Motion passed.

Waiver of Exam Requirement Documentation:

For waiver of active practice requirements, the Board needs to determine the acceptable documentation that is required from an optometry teacher, military optometrist or an administrative optometrist or supervisor. The Board will assess on a case by case basis and request having a detailed description of their activities. We received input from Dr. Burgos, Dr. Gordon and Dr. Mezu and Dr. Bunyon.

Acceptance of Electronic Documents: Due to COVID - 19, discussion ensued about the Board accepting any type of documentation that is sent electronically from the primary source or organization. Dr. Gordon made a motion that applicants can utilize electronic systems for licensing and for sending documents as long as it is from the primary source and not the applicant, and Dr. Mezu seconded the motion. Motion passed.

Online TPA Qualification: Ms. Bennett, Deb Donohue and Kecia Dunham reviewed the current law and the Board's process for reviewing and approving TPA certification. She explained that there are 2 criteria for issuing new licenses - those who graduated prior to July 1, 2019 and those who graduated on or after July 1, 2019. Board members reviewed the motion and Dr. Burgos made a motion to accept changes in TPA qualifications as proposed. Dr. Lerner seconded. Motion passed.

State issues on return to work/Updates:

Any state employees who are teleworking, should continue teleworking per the Governor. Dr. Lerner asked about what would happen if an employee at an Optometry practice were to test positive? People gave different opinions.

Attachment from Sabrina Levitt: This was reviewed about coming to work with an emotional support dog to work, Board members agreed that she should contact her attorney or corporate office as this is not a Board issue. Dr. Gordon made a motion and it was seconded by Dr. Burgos. Motion passed.

Dr. Marc Rosenfeld's questions on online refractions: This was discussed and Board counsel suggested sending him a copy of the General Telehealth Statute with regards to his listed questions. Dr. Gordon, made a motion to send him the Telehealth statute and it was seconded by Dr. Mezu. Motion passed.

Ms. Bennett asked everyone to review the NBEO Part 3 remodeling and changes. She also told us she spoke to Dr. Doyle, regarding presenting his Plaque, certificates and gavel. He suggested mailing it due to COVID. Dr. Mezu suggested perhaps a get together at a future time.

H. Adjournment

Dr. Bunyon adjourned the open session at 12:08 p.m. and convened an administrative session to discuss administrative matters and quasi-judicial matters and to comply with 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. Motion was made by Dr. Mezu and seconded by Ms. Pepper. The Board's vote was unanimous. The motion passed.

Respectfully submitted,

A handwritten signature in blue ink that reads "KR Mezu".

Dr. Kelechi Mezu Nnabue, O.D.

Secretary