

# **BOARD OF EXAMINERS IN OPTOMETRY**

## **Virtual General Session Meeting**

**9:30 a.m.**

### **General Session Minutes**

**11/16/2022**

- A.** Call to Order: The virtual meeting was called to order at 9:36 a.m. by Mesheca Bunyon, O.D. Board members present include Marcie Lerner, O.D.; Fran Burgos, O.D., Kelechi Mezu-Nnabue, O.D. Consumer Members: Rona Pepper and Margaret Hubbard.

Staff present were Gwendolyn A. Joyner, Executive Director and Carl Norman, Jr., Licensing Coordinator. Rhonda Edwards, Deputy/Board Counsel. Guest Attendance: Lillian Reese, Legislative and Regulations Coordinator, Boards and Commissions, Jennifer Cohen, Executive Director, Maryland Optometric Association.

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-Nnabe, O.D., Fran Burgos, O.D., Marcie Lerner, O.D., one vacant Optometrist position 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. Board staff include Gwendolyn Joyner, Executive Director and Carl Norman Jr., Licensing Coordinator, Rhonda Edwards, Deputy/Board Counsel. 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**
- A. The 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. Additions/Corrections to Agenda**

- Add Board vote to approve CEs from September and approve CEs for November 16, 2022, Board meeting.

**C. Approval of Agenda**

- A motion was made by Dr. Burgos and seconded by Ms. Pepper to approve the agenda for the November 16, 2022, Board meeting.

**D. Review and Approval of General Session Minutes – September 28, 2022**

- A motion was made by Ms. Hubbard and seconded by Dr. Burgos to approve the September 28, 2022, General Session meeting minutes, there were no corrections.

**E. Legislative – Lillian Reese, Legislative Regulations Coordinator**

- Ms. Reese stated that the Telehealth regulations were signed by the Secretary, but due to the system being upgraded nothing could move, this is how proposals are sent to AELR, (Administrative, Executive Legislative, Review).
- Regulations are scheduled to be posted December 16, 2022, with a comment period ending January 17, 2023.
- Legislative – Sunset Bill coming up in the 2023 Legislative Session which begins on January 11, 2023., there are five Boards who have Sunset Bills.
- Ms. Reese received word from the Governor’s office that they are not going to allow a ten-year Sunset, they want it to be three years instead of ten, the change has already been made to our Bill.
- The question was asked, is there any reason why Sunset is being changed from ten years to three years? Speculation is that it is due to the Audit findings, and there are new legislatures. Can the Board ask for an extension? There will need to be a justification for the ten-year extension.

## **F. Committee Reports**

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

The following courses were reviewed and approved

- Fall CE Event -Ludwig Eye Center
- Glaucoma Treatment MIGS-MOA
- Corneal Transplant – Peri-Operative Management of Ophthalmologic Surgery -MOA
- Cataract Surgery, Emerging Technologies and Advancement & Topics on Upper Eyelid Malposition’s-Seidenberg, Protzko Eye Associates
- Jeremy Goldman, OD – The Wilmer Eye Institute’s 35<sup>th</sup> Annual Current Concepts in Ophthalmology, John Hopkins Medicine.
- Cataract “Preop and Postop” Special Cases -MOA
- Optometry Meets Neurology “Linking Headaches and Dry Eye Symptomology -MOA
- “Lights Out” A Rare Case of Young Vision – MOA
- “Our Favorite Cases”-Seidenberg, Protzko Eye Associate

### 2. Treasurer’s Report – Ron Pepper, FY22 Summary as of November 16, 2023

- Total Revenue Collected in FY 23 \$27, 088.00
- FY22 Special Fund Carry Over \$112, 943.80
- Total Available as of 11/9/2022, \$140, 031.80
- Expenditure Budget-Spent \$49,971.80
- Remaining Balance \$90,060.00

### 3. President’s Report – Mesheca Bunyon, O.D.

- Further Discussion -Prorating of CEs for 2023
- Dr. Bunyon led the discussion to prorate CE for licensees who have been certified for less than two years.
- A motion was made by Dr. Burgos and seconded by Dr. Lerner to approve the CE per category and license type as follows:

#### **For TPA Certified ODs:**

- Between six months or less 15 CE
- Between six months to one year 25 CE
- Between one year to 18 months 35 CE
- Between 18 months to 24 months 50 CE

Each category must obtain 60% TPA courses (CE)

### **For DPA Certified ODs:**

- Between six months or less 10 CE
- Between six months to 18 months 18 CE
- Between 18 months to 24 months 36 CE
- Board Counsel stated that COMAR 10.28.02.07 D. Change of Annual Requirement states:
- The Board, by majority vote, may change the number of required hours of continuing education, subject to the requirements in Health Occupations Article, §11-309, Annotated Code of Maryland. An optometrist shall be notified of any change at the time of the renewal of the optometrist's license. The change is effective for the year following that renewal.
- This means the change would become effective for the first half of the licensees A-L for the next renewal cycle that will be in 2024. Licensees will be notified of the change.
- Board staff received the following emails with questions:

#### **(1) Tele-Optometry**

- What optometry services are allowed via telehealth in Maryland? (i.e. does Maryland only allow for assessments and consultations via telehealth? Or are Optometrists allowed to render eye exams and prescribe glasses/contacts over telemedicine?)
- If Maryland does render these assessments, do you view tele-opto to be "as effective" as an in-person exam?
- It was suggested to send a copy of the proposed telehealth regulations copy of the proposed telehealth regulations.

#### **(2) Telehealth Question**

- If the Optometrists is licensed in Maryland but located internationally, may they provide care to the patient located in Maryland? The answer is yes as long as they have a valid Maryland certification, they can see Maryland patients and can be located physically or be virtual.
- Board staff will email a copy of the Proposed Telehealth regulations and refer the individual to the Board's website for information regarding the statute and regulations.

#### **(3) ODs and Botox Question**

- I was wondering if ODs practicing in Maryland could administer Botox injections after receiving the appropriate training. After a thorough review of the Statute by Board Counsel, it is It was recommended to refer the individual to the Board's website to review the statute Health Occupations §11-404.1, §11-404.2, §11-404.3, §11-404.4

- The Board's statute would need to be changed in several changed if the Board would want to adopt where Optometrist could go in and do injections, the Board would need to include with the proper training and add to the statute.
  - Board Counsel stated provisions need to be updated to reference 11.404.2.
- (4) This company is making a drug eluting contact lens to help lower IOP for glaucoma patients, the drug we are using is bimatoprost. I was wondering where I could find information regarding your state regulations for optometrists being able to sell and dispense medicated contact lenses for glaucoma? I am aware they can prescribe them; I was just wondering if they can sell and dispense them. Please let me know if you can assist or direct me to another source.
- Optometrist can sell, you need to have a license to dispense. You may sample, and you can prescribe it, (Optometrist only gives out samples). The Board does not regulate the selling and dispensing, Board staff will refer the individual to the Pharmacy Board to find what their regulations state.

#### **ARBO/SURVEY**

- ARBO emailed a survey to all Optometrist that needed to be completed by November 4, 2022, (point of information).

#### **ARBO/COPE FORMAT/Synchronous and Asynchronous Course Formats**

- Dr. Burgos elaborated on the email that Board staff received regarding the new COPE Format changes.
- COPE will be implementing the new synchronous and asynchronous course formats with all new course and activity submission on January 1, 2023.
- Lectures are now called synchronous (in person) meaning there is interactions with the lecturer, the person can ask questions, (via computer). Synchronous virtual use to be known as interactive distance learning.
- Asynchronous leaning it is pre-recorded, lecturer and learner are not together at the same time no real time communication.

#### **G. Old Business**

- Network Reconnection
- IT is working to get the Board's reconnected to the network. Ms. Joyner stated she anticipates the Board will be reconnected in December.

#### **H. Executive Director's Report**

## **I. New Business**

- The Board currently charges a Roster fee of \$65.00 for agencies who request a Roster (active licensee list). The fee charge is not in the Board's regulations, the Board may need to put this into the regulations.
- Question was asked will the Board have to stop accepting the fee for the Roster (active licensee list)? The Board can vote to have this added to the regulations as an administrative processing fee.
- Board Counsel stated that the licensee should notify the Board if they do not want their information shared publicly. Your name, business address, phone number is considered too be public, not the personal address unless it is listed on your application. Personal information should not be made available to the public. However, any information that is considered public, should be made to the public.
- If the request is made under the Maryland Public Information Act, Board can charge a minimal fee for copying and postage of the roster. If the Board is going to charge that fee, you need to put the public on notice.
- A motion was made by Dr. Mezu-Nnabue, and seconded by Dr. Lerner that the Board will charge a processing fee of \$65.00 for vendors requesting information from the Board.

### **Board Vacancy**

- Ms. Joyner stated the Board vacancy announcement can be posted to the Board's website with a link to access the Governor's Nominations and Appointments website.

### **Commission to Study the Health Care Workforce Crisis in Maryland**

- In the 2022 Legislative Session, Senate Bill (SB)440 passed, establishing this commission. Three distinct advisory councils have been established by the Commission with specific assignments to carry out the Commission's mandates:
  1. Workforce Data - First meeting was held on August 19, 2022
  2. Education and Pipeline – First meeting is scheduled for August 31, 2022
  3. State Efficiencies and Cooperation – First meeting TBD
- The Bill requires the Health Care Occupations Boards to provide data points to the longitudinal Study, for example, race, income, gender, how many licenses.

## ARBO Executive Directors Meeting

- NBEO is working on the PEPs exam they have 4 testing stations, but there will be additional testing stations for a total of 12. It is anticipated PEP Exam will be completed by August 2023.
- Model Practice Act – ARBO Board of Directors is developing a Model Practice Act. The draft will be available in March of 2023 and will be sent to all stakeholders for review and comment.

## Board Meeting Dates for 2023

- A motion was made by Ms. Pepper and seconded by Ms. Hubbard to accept the schedule presented for Board meetings, January virtual, March in person, May in person, July virtual, September in person and November virtual.

## New Licensees

- Board members discussed applicants getting a license without a TPA or DPA certification. Board Counsel stated license is in the statute you are licensed by Optometry by definition. There is no scope of practice for someone who receives only a license.
- It was recommended to review the statute and regulations, to determine whether to keep license with license with no certification. This will be tabled for further discussion.
- A motion was made by Dr. Lerner and seconded Dr. Burgos to approve the following licensees, those applying for certification and no certification (only license).

Helen Sirak Alemu	TA2886
Kelly Cooper	TA2775
Arjun Dalsania	TA 2887
David Duffy	TA1927
Jesse Fertig	TA2777 - Reinstatement
Magdalene Fuentes	2885
Pooja Patel	DA 2888
Osasenaga West-Erharbor	TA2889

- The next Board meeting will be virtual on January 25, 2023, at 9:30 a.m.

**J. Adjournment**

- A motion was made by Dr. Burgos and seconded by Ms. Pepper to adjourn the General Session at 11:58 a.m.

**Original Signature on File**

Gwendolyn A. Joyner  
Executive Director