

# BOARD OF EXAMINERS IN OPTOMETRY



## AGENDA

General Session (Public) Meeting  
Virtual Meeting

Join with Google Meet

[meet.google.com/ikz-dapo-ipt](https://meet.google.com/ikz-dapo-ipt)

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(US) +1 984-500-4013 PIN: 681 761 074#

Wednesday, November 15, 2023 – 9:30 AM-11:00 A.M.

- A. Call to Order at 9:30 a.m.
- B. Additions/Corrections to Agenda
- C. Approval of Agenda
- D. Review and Approval of General Session Minutes – September 27, 2023
- E. Legislative Update – Lillian Reese, Legislative and Regulations Coordinator
  - Sunset Review
- F. **Linda Beyer, Fiscal Officer**
- G. **Committee Reports**

CE Approvals – Dr. Mezu

- The Wilmer Eye Institute’s 36th Annual Current Concepts in Ophthalmology
- The Wilmer Optometry Grand Rounds
- Maryland Optometric Association “Exciting Developments in AMD” Mixed with Interesting Cases”
- Sidenberg Protzko Eye Associates “Our Favorite Cases”

**H. Treasurer’s Report – Rona Pepper, Consumer Member**

**I. President’s Report – Dr. Burgos**

- Email from ARBO – Lisa Fennell
- Email from Lisa Fennell (COPE and New DEA CE Requirement)
- Newly Licensed Optometrist

**J. Executive Director’s Report**

- Board Vacancies
- Old Business
  - Docuexplorer

**K.** The next General Session Board meeting will be January 31, 2023, the meeting will begin at 9:30 a.m. by videoconference.

**L. Adjournment**

# BOARD OF EXAMINERS IN OPTOMETRY



## Minutes

General Session (Public) Meeting  
Virtual Meeting  
Wednesday, November 15, 2023 – 9:30 AM-11:00 A.M.

A. Called to Order at 9:36 a.m. by Fran Burgos, O.D.

The **Optometrist** Board members present were Fran Burgos, O.D., Kelechi Mezu, O.D., Tracey Boss, O.D., and Marcie M. Lerner, O.D., Mesheca Bunyon, O.D.

**Consumer** Members, Rona Pepper and Margaret Hubbard were also present.

**Staff** Members present were Gwendolyn A. Joyner, Executive Director; Rhonda Edwards, Deputy/Board Counsel; Andrea Russell-Tate, new Office Secretary.

**Guest** Attendance: Lillian Reese, Legislative & Regulations Coordinator, Boards and Commissions; Linda Beyer, Fiscal Officer; Jennifer Cohen, MOA representative; Kimberly Link, Senior Advisor to the Secretary for Maryland Department of Health.

Dr. Burgos 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**: past president, Mesheca Bunyon, O.D., (who is staying on until another optometrist member is appointed); Kelechi Mezu, O.D., Fran Burgos, O.D. (Board President), Marcie Lerner, O.D. (Board Secretary), Tracey Boss, 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.

**Board staff** include Gwendolyn Joyner, Executive Director; Andrea Russell-Tate, Office Secretary; Licensing Coordinator (position currently vacant), and 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**

The public may attend and observe an open session of a public body within or established by the Maryland Department of Health.

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 (None)

**C.** Approval of Agenda: Motion by Dr. Lerner; Seconded by Dr. Mezu; All in favor

**D.** Review and Approval of General Session Minutes – September 27, 2023: Approval motioned by Rona Pepper, seconded by Dr. Bunyon; All in favor

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

● Sunset Review: extended until June 30, 2028

● Bill for Licensee Criminal History and Background check is in process; will need a board member to go to Annapolis to testify.

**F. Linda Beyer, Fiscal Officer:** Reviewed the Board of Optometry’s budget and expenses for FY23; we need to hire a Licensing Coordinator, however, we cannot currently afford to offer a competitive salary; we were paying the previous coordinator a “Grade 11” salary, which is far below the normal Grade 14-16 of other similar boards; (see [www.Maryland.gov](http://www.Maryland.gov) ) for a salary chart for the amount per Grade.

The Board will need to raise our licensing fees, which will require changing our regulations and submitting those changes to the Secretary of Health for approval; we will form a committee to complete necessary documentation. We will need to explain the reasons for fee increases to our fellow optometrists. Kim Link suggested that the committee should research what other boards pay staff and what fees that other licensees pay; we have not raised our optometry license fee (\$600 per 2 years) since 2012! We need more board staff (at least 2 full-time total and 1 or 2 part-time).

A motion to form a committee to research fee increases and staff payment was made by Margaret Hubbard and seconded by Dr. Boss. Dr. Burgos will appoint the committee, which should comprise 3 board members plus Ms. Beyer and Ms. Reese.

*History:* in 1993, the Department of Health decided that individual Boards should be “independently” funded (“Special Funded”) as opposed to support from “General Funding” from the state.

**Note: Regulations for licensing fees: 10.28.07.02-0.03**

## **G. Committee Reports**

### **CE Approvals Granted – Dr. Mezu**

- 1) Dr. Jeremy Goldman, 11/7/2023 for" Wilmer Eye Institute Grand Rounds" (1 hour)
- 2) Seidenberg Protzko Eye Associates (Havre de Grace, MD); “Our Favorite Cases” (2 hours approved) (event was 10/25/2023)
- 3) Dr. Deborah Gerbetz 6 hours Clinical Observation
- 4) Approval of Chesapeake Eye Center as a site for optometrists to earn credit for observation (submitted by Dr. Boss (need CVs of doctors in the practice, Drs. Yonker, Bescak, Williams, & Sim)
- 5) Katelin Zalinski, O.D. submitted attendance documentation for “The Ohio State University College of Optometry’s Summer Conference” 07/29-07/30/2023; (7 hours approved??)
- 6) Maryland Optometric Association “Exciting Developments in AMD” Mixed with Interesting Cases” (1 hour)
- 7) “The Wilmer Eye Institute’s 36<sup>th</sup> Annual Current Concepts in Ophthalmology”???

**H. Treasurer’s Report – Rona Pepper, Consumer Member  
As of November 8, 2023**

**FY Summary as of November 15, 2023**

Total Revenue Collected in FY24 (from 7/23/2023 to 11/08/2023)	\$39,759.00
FY23 Special Fund Carry Over	\$115,467.10
Expenditure Budget- Spent	<b>\$52,469.32</b>
Current Fund Balance as of 11/13/2023	<b>\$102,792.78</b>

**I. President’s Report – Dr. Burgos**

● **Emails from ARBO – Lisa Fennell:**

- 1) As you know, the DEA now requires healthcare practitioners with a DEA license to complete eight hours of training on opioid or other substance use disorders and the appropriate treatment of pain (Medication Access and Training Expansion (MATE) Act). The new requirement began on June 27, 2023.

The COPE Governing Committee has reviewed the information provided by the DEA regarding the MATE Act and has concluded that COPE accredited CE will meet the DEA requirement if the COPE Accredited courses cover topics such as substance use disorders, effective treatment planning, and pain management and substance misuse.

***Not applicable to Maryland Licensees***

- 2) Question from **Texas Board of Optometry** about how to handle patient records when a doctor closes practice:

***See our regulations below:***

**10.01.16.06**

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**.06 Instructions for Handling Medical Records Upon Discontinuation of Medical Practice.**

A. At the time a health care provider discontinues medical practice, the health care provider shall immediately secure the medical records until one of the following options are taken:

(1) Medical records may be transferred to a health care provider who will be assuming the medical practice;

(2) Medical records may be given to the patient;

(3) At the patient's direction, the medical record may be transferred to a new health care provider; or

(4) Medical records may be destroyed in accordance with §B of this regulation, Regulation .07 of this chapter, or both.

B. On the death, retirement, surrender of license, or discontinuance of the practice or business of a health care provider, the administrator of the estate or a designee, who:

(1) Agrees to provide for the maintenance of the medical records of the practice; and

(2) States in writing to the appropriate health occupations board within a reasonable time that the medical records will be maintained in compliance with this chapter, shall:

(a) Publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks:

(i) Stating that the medical records will be destroyed or transferred; and

(ii) Designating a location, date, and time when the medical records may be retrieved by the person in interest; or

(b) Forward the notice required in §B(2)(a), of this regulation, to the patient in the following manner:

(i) In the case of an adult, the notification shall be sent by first-class mail to the last known address of the patient; or

(ii) In the case of a minor, notification shall be sent by first-class mail to the last known address of the parent or guardian, or if the medical care documented was provided under Health-General Article, §20-102(c) or 20-103(c), Annotated Code of Maryland, notification shall be given to the minor, by certified mail, addressee only.

**3) Kristina Bell, the Program Manager for the Washington State Board of Optometry**, would like to know if other state boards require optometrists to have “training in prescribing diagnostic and therapeutic medications when they apply for licensure.” *See our regulations below:*

### **10.28.11.03**

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#### **.03 Certification.**

A. The Board will certify an optometrist licensed to practice in Maryland as qualified to administer diagnostic pharmaceutical agents if the licensed optometrist meets one of the following criteria:

(1) Graduation from an accredited school of optometry within 7 years before applying for certification in Maryland.

(2) Certification to use diagnostic pharmaceutical agents in another state which included completion of not less than 70 credit hours in diagnostic pharmaceutical agents if the optometrist:

(a) Submits to the Board proof of certification to use diagnostic pharmaceutical agents in the other state.

(b) Submits to the Board documentation that the original certification included at least 70 credit hours in diagnostic pharmaceutical agents. This documentation may be from either:

- (i) The state board that granted the original certification;
- (ii) The college, university, association, or other sponsors of the 70 credit hours in diagnostic pharmaceutical agents; or
- (iii) Any other organization approved by the Board.

(3) Successful completion of a course in diagnostic pharmaceutical agents of at least 70 credit hours given by an accredited college or faculty approved by the Board within 7 years before applying for certification in Maryland.

B. The credit hours taken for initial certification in diagnostic pharmaceutical agents may be included as part of the hours of continuing education required for biennial license renewal.

C. To complete the certification process, the optometrist shall submit proof of current certification in cardiopulmonary resuscitation to the Board.

● **10.28.12.02**

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● **.02 Requirements for Certification.**

- **A.** Except for an optometrist who qualifies under B or C of this regulation, the Board shall certify an optometrist licensed to practice in Maryland as qualified to use TPAs if the licensed optometrist submits to the Board evidence satisfactory to the Board that the optometrist:
  - (1) Has successfully completed at least 110 hours of Board-approved TPA education before applying for certification to use TPAs;
  - (2) Has successfully passed the National Board of Examiners in Optometry's (NBEO) Treatment and Management of Ocular Disease (TMOD) Examination;
  - (3) Is currently certified by the Board to administer topical ocular DPAs; and
  - (4) Has successfully completed 8 hours of Board-approved and accredited courses in the management of topical steroids, which includes anterior segment pharmacological treatment.
- **B.** The Board shall certify an optometrist who has graduated from an accredited school of optometry within 3 years before applying for certification to use TPAs if the optometrist:
  - (1) Submits proof of current certification in cardiopulmonary resuscitation (CPR) to the Board; and
  - (2) Completes the process to become certified to use TPAs within 3 years of the date of graduation from an accredited school of optometry.
- **C.** If an optometrist who has graduated on or after July 1, 2005, from an accredited school of optometry recognized by the Board, is not certified within 3 years of graduation, the Board shall certify the optometrist to use TPAs if the optometrist:
  - (1) Has successfully completed at least 110 hours of Board-approved TPA education before applying for certification to use TPAs;
  - (2) Has successfully passed a pharmacology exam under A(2) of this regulation; and



- (3) Submits proof of current certification in cardiopulmonary resuscitation (CPR) to the Board.
- **D.** The Board may consider pharmacology courses that an optometrist successfully completed during a course of study at an accredited school of optometry recognized by the Board when calculating the 110 hours of Board-approved TPA education required under A(1) and C(1) of this regulation. If accepted by the Board, then each:
  - (1) Semester credit hour will equal 15 hours of TPA education; and
  - (2) Quarter credit hour will equal 10 hours of TPA education.
- **E.** The credit hours taken for initial certification in TPAs may be included as part of the hours of continuing education required for biennial license renewal.

**Newly Licensed Optometrists:**

1	Rachel Bradford	N/A	2952
2	Sophia Johnson	TA	2954
3	Jonathan Starchville	TA	2955
4	Mark Cutler	N/A	2956
5	Geoffrey Paterson	TA	2957
6	Tracy Ann Miller	TA	2958
7	Nehad M. Virani	N/A	2959
8	Justin -Veni G Echague	TA	2960
9	Terri -Ann Bailey Echague	TA	2961
10	Simran Kaur	TA	2962
11	Jenny Chen	TA	2963
12	Darshita Patel	TA	2964
13	Bell Shayna Sudit	TA	2965
14	Molly Dixon King	TA	2966

Margaret Hubbard made a motion to approve the new Maryland-Licensed optometrists listed above; the motion was seconded by Dr. Boss.

*We had a discussion regarding the category “No certification, Only License,” (“N/A”), which means the optometrist is not licensed to use diagnostic or therapeutic agents. Does this category mean that the optometrist is then permitted to do “remote” or “virtual” eye exams? assuming that if there is any ocular or systemic pathology, or suspicion of systemic or ocular pathology,*

*that optometrist will refer the patient to another optometrist or ophthalmologist or primary care physician? The Legislative Committee will pursue this issue to see if regulations/definitions need to be revised.*

**J. Executive Director's Report**

- Board Vacancies: we currently have 2 board vacancies (to replace Dr. Bunyon and the retired board member, Dr. Mark Gordon); also terms expiring May 31, 2024 for Dr. Kelechi Mezu (has served for 8 years), and Dr. Marcie Lerner (could apply to renew for another 4 year term), and consumer member, Rona Pepper (has served for 8 years)
- Old Business
  - Docuexplorer: the board staff will need assistance to scan documents into this new system.

**K.** The next General Session Board meeting will be January 31, 2023, the meeting will begin at 9:30 a.m. by videoconference.

**L. Adjournment:** at 11:20 AM, motion to adjourn by Margaret Hubbard, seconded by Dr. Boss

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*Marcie Lerner, O.D.*  
*Board Secretary*

**2024 BOARD MEETINGS  
GENERAL AND ADMINISTRATIVE**

**January 31, 2024** – Videoconference

**March 27, 2024** – 4201 Patterson Avenue, Baltimore, Maryland Room 105

**May 29, 2024** – 4201 Patterson Avenue, Baltimore, Maryland Room 105

**July 31, 2024** – Videoconference

**September 25, 2024** – 4201 Patterson Avenue, Baltimore, Maryland Room 105

**November 13, 2024** – Videoconference

**2024 DISCIPLINARY COMMITTEE MEETINGS (all videoconference)**

**January 22, 2024 7:45 P.M.**

**March 18, 2024, 7:45 P.M.**

**May 20, 2024, 7:45 P.M.**

**July 22, 2024, 7:45 P.M.**

**November 4, 2024, 7:45 P.M.**