

# BOARD OF EXAMINERS IN OPTOMETRY



## Agenda

### Public Meeting

Wednesday, January 26, 2022 · 9:30 – 11:30am

Google Meet joining info

<https://meet.google.com/uvv-iaqg-rkz>

Or dial: (US) +1 240-532-3771 PIN: 751 521 837#

#### A. Call to Order

#### B. Approval of Agenda

#### C. Review and Approval of Minutes

#### D. Committee Reports

1. Continuing Education –Fran Burgos, O.D – COPE Categories
2. Treasurer’s Report – Rona Pepper
3. President’s Report – Mesheca Bunyon, O.D.  
Board Staffing – Executive Director & Licensing Coordinator

#### E. Old Business

1. Regulations -Telehealth – Pending Governor’s approval
2. Legislation

HB 235 Open Meetings Act – Definitions

HB 246 Open Meetings Act – Retention Periods, Online Posting, Inspection

SB 202 Termination of Board Sunset – Hearing 1/20/22

SB 77 Health Occupation Board Investigations

SB 111 Occupational Licenses and Certificates - Criminal Convictions

SB 112 Health Occupations – Veterans Temporary Licensure

SB 269 Open Meetings Act – Application and Requirements

SB 292 Occupational Licensing Boards& Commission -Judicial Disabilities

2lr0051 Health Occupation Boards – Authority over Staff and Infrastructure

3. Telehealth – Vision Telehealth Services Concerns – Mark Gordon, O.D.

#### F. Executive Director’s Report – Pat Bennett

1. Annual Newsletter
2. Board Member Vacancies
3. Quarterly Status Report MDH Regulatory Status Report – 1/18/22
4. MDH Updates  
Pandemic – Governor’s Proclamation, Executive Orders, Health Orders  
Network Security Incident

**G. New Business**

1. Licenses Issued
2. Inquiry from Dr. Lerner
3. Questions re: testing and new meds
4. Prescription Authority Question

**H. Adjournment**

**BOARD OF EXAMINERS IN OPTOMETRY**  
**1-26-22- Regular Session Minutes - Videoconference**

- A. Call to Order** Virtual meeting was called to order at 9:35 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.; Rona Pepper, Margaret Hubbard and Kelechi Mezu Nnabue, O.D. Staff present were Patricia Bennett, Board Executive Director and Board Counsel Deb Donohue. Also present was Lillian Reese Legislation/Regulations Liaison, as well as visitors, Jennifer Cohen, Executive Director from MOA and Cheryl Frazier. 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. Board staff include Patricia Bennett, Executive Director and Deborah Donohue, 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.

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. It was properly moved by Dr. Mezu and seconded by Rona Pepper. The motion to approve the agenda unanimously passed.
- C. Review and Approval of Minutes:** The edited minutes were reviewed. Dr. Bunyon asked if there were any additions or corrections to the minutes. It was properly moved by Dr. Lerner and seconded by Dr. Gordon to approve the minutes as drafted. The motion unanimously passed.

**D. Committee Reports**

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

He stated that Kennedy Krieger submitted a virtual CE program for approval. COPE has updated its CE categories.

2. Budget - Rona Pepper

**As of 1/14/22**

**FY'22 Board Expenditure Budget \$376,808**

**YTD Board expenditures - \$106,574 (excludes salary postings for last quarter)**

**YTD Special Fund Balance - \$127,706**

**FY'23 Board Expenditure Budget - \$308,558**

3. President's Report — Mesheca Bunyon, O.D.

Dr. Bunyon reported that she attended a virtual meeting for Board Chairs/ Presidents with Secretary Schrader.

**E. Old Business**

1. Telehealth Regulations – Pending Governor's approval
2. Legislation

Deb Donohue discussed several bills regarding the Open Meetings Act and other bills of interest introduced during the legislative session. Pat Bennett indicated that the hearing on SB 202 – Board Sunset Extension was held on 1/20/22 and she testified. Dr. Gordon moved and Dr. Lerner seconded the motion to add onto a joint Board paper opposing the proposed infrastructure bill, SB 899. The Board vote was unanimous.

3. Telehealth – MOA Vision Telehealth Services Concerns – Mark Gordon, O.D.

MOA has tabled further discussion of the petition for Declaratory Ruling until its Board of Directors' meeting on 3/9/22. The Board voted unanimously to allow Dr. Gordon to represent the Board and be its spokesperson. Motion passed.

**F. Executive Director's Report: Executive Director's Report — Pat Bennett**

1. Board Newsletter: The Board newsletter will be disseminated in early February 2022.
2. Board Member Term Expirations: Dr Gordon has applied for re-appointment. Ms. Hubbard may apply for a vacancy on another Board and if she gets appointed, the Board will have a consumer vacancy to fill.
3. Quarterly Status Report to Legislative Services – Ms. Bennett shared that the Boards submitted its quarterly progress report, dated 1/18/22. Corrective actions were made and noted in the reports.
4. MDH Updates – Ms. Bennett provided the Board with Secretary Schrader's update regarding the Network Security Incident and efforts for network connectivity.

**G. New Business**

1. Licenses issued A motion was made to approve the five new licensees by Dr Lerner moved and Ms. Pepper seconded. Motion passed.

TA 2836	Justine Grier, O.D.	12/13/21
TA 2837	Rebecca Braunsdorf, O.D.	12/15/21
TA 2838	Catherine Kerr-Niermann, O.D.	12/15/21

TA 2839 Elizabeth Vujanovich, O.D. 12/15/21

TA 2840 Mai Phuong Vu, O.D. 12/23/21

2. Inquiry from Dr. Lerner

Ms. Bennett had replied previously to Dr. Lerner that there is no language in Board statute or regulation regarding eyeglass prescriptions or expiration dates. There is language that CL prescriptions can be up to 24 months.

3. Testing New Meds

The Board will respond that licensees must be guided by Board statute and regulations in determining what medications are within prescriptive authority- 11-404.2 and COMAR 10.28.12

4. Prescription Authority Question

The Board will respond that licensees must be guided by Board statute in determining what medications are within prescriptive authority - 11-404.2 and COMAR 10.28.12

**H. Adjournment**

Dr. Bunyon called for a motion to adjourn regular session at 11:47 a.m. and convene 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. Rona Pepper moved, and Dr. Burgos seconded the motion. The motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia G. Bennett". The signature is written in black ink and is positioned below the typed name.

Patricia G. Bennett, MSW

Executive Director