

# BOARD OF EXAMINERS IN OPTOMETRY

## AGENDA



General Session (Public Meeting)

Wednesday, January 31, 2024 – 9:30 AM-11:00 A.M.

[Join with Google Meet](#)

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### **A. Call to Order**

### **B. Additions/Corrections to Agenda**

### **C. Review and Approval of General Session Minutes – November 15, 2023**

### **D. Additions/Corrections to Minutes**

### **E. Legislative Bills/Legislative Session 2024 - Lillian Reese**

- SB240 - Optometry Board Sunset Review
- SB175 - Criminal History Records Check (CHRC)
- Letter of Opposition SB54

### **F. Regulations**

- Board Vote – Statement to Licensees/10 hr. CE in person requirement waived.

- Regulations Meeting 1:00 P.M.

### **G. Committee Reports**

- President's Report – Francisco Burgos, O.D.
  - Financial Disclosure, April 30, 2024
  - Board Officers
  - NBEO Updates
  - Emails
- CE Committee – Kelechi Mezu, O.D.
- Treasurer's Report – Rona Pepper

### **H. Old Business**

- Nothing to Report

### **I. Executive Director's Report – Gwendolyn Joyner**

- Board Vacancies
- 2024 Renewal
- ARBO Conference
- Third Floor Building Issues/Concerns

### **J. New Business**

- White Coats in Annapolis - Dr. Lerner
- New Licensees - Dr. Burgos

Next Board meeting will be March 29, 2023, at 9:30 a.m. at 4201 Patterson Avenue, Baltimore, Maryland.

### **K. Adjournment**



## General Session (Public Meeting)

Wednesday, January 31, 2024 – 9:30 AM-11:00 A.M.

**Call to Order:** Dr. Fran Burgos called the meeting to order at 9:43 a.m.

### **Open/Public Session Attendees:**

**Board Members:** Fran Burgos, O.D.; Marcie Lerner, O.D.; Kelechi Mezu, O.D.; Mesheca Bunyon, O.D., Tracey Boss, O.D.,

**Consumer Members:** Rona Pepper and Margaret Hubbard.

**Staff Members:** Gwendolyn Joyner, Executive Director, Andrea Russell-Tate, Licensing Coordinator, Lillian Reese, Regulations Coordinator

**Guests:** Christopher Caldwell, O.D.; Jennifer Cohen (MOA Executive Director); Mark Henriksen, O.D.; Maria Pham, O.D.; Kirsten Sanda (MOA Staff); Zakiyyah Holmes, Administrator,(MDH) and Kimberly Link, Senior Advisor for Health Boards, (MDH).

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:** Former Board 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, Licensing Coordinator, 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:**

Amendment added to the Agenda, a motion was made to approve by Dr. Boss to approve the agenda, seconded by Dr. Lerner. All in Favor.

#### **C. Additions/Corrections to Minutes:** None

#### **D. Review and Approval of General Session Minutes – November 15, 2023:**

Motion to Approve: Rona Pepper; seconded by Dr. Mezu

#### **E. Legislative Bills/Legislative Session 2024 - Lillian Reese**

- **SB 240 - Optometry Board Sunset Review:** Hearing was held in Senate Finance Committee on 01/18/2024 (Dr. Lerner testified in Annapolis); Approved for Board to continue until 07/31/2028; Now on 3<sup>rd</sup> reading on Senate Floor, then will go to the House.
- **HB 146/SB 221: Health Occupations Boards – Reciprocal Licensure and Certification:** “Authorizing certain health occupations boards to adopt regulations establishing reciprocity for individuals licensed or certified in another state or jurisdiction.” Allowing that boards MAY accept licensees from other states; in House on 02/01/2024; Rhonda spoke

with the DC Optometry Board; discussed “compact” between DC, MD, and VA; Our board already has regulations for “out of state” optometrists to get a license in MD but not a seamless acceptance between the regions; our objection is that our laws are very different between the states.

- **Letter of Opposition to SB 54/HB 175: Occupational Licensing and Certification - Criminal History - Prohibited Disclosures and Predetermination Review Process:** “Altering certain provisions of law regarding the prohibition on certain departments of State government from denying an occupational license or certificate to an applicant solely on the basis of the criminal history of the applicant by prohibiting a department from requiring disclosure of certain actions on an application and establishing a predetermination review process; authorizing a department to charge a criminal history review fee of no more than \$100 or to waive the fee under certain circumstances; etc.”

The Board of Examiners in Optometry has decided to join the letter of opposition from the Boards of Physicians, Dental, and Pharmacy, which states: *“While the intent of SB 54 is positive, the Boards are concerned that in practice, SB 54 would limit the ability of the Boards to thoroughly verify that applicants meet all licensure standards, and could potentially place even more burdens on applicants with criminal convictions... While denial of licensure is rare, the ability to properly investigate prior criminal history is essential to the Boards’ mission of safeguarding the public through licensure of its health professionals. SB 54 would remove the requirement that applicants disclose certain criminal history, particularly for non-violent offenses and crimes that did not result in imprisonment. However, many offenses that would fall under this umbrella must by necessity still be treated extremely seriously by the Boards when licensing physicians, pharmacists, and other health care practitioners.”*

**Motion to join the Board of Physicians, etc. in opposing SB 54 by Dr. Lerner; seconded by Dr. Mezu and Bunyon -All in favor.**

- **SB 3: Health Occupations - Service Members, Veterans, and Military Spouses - Temporary Licensure, Certification, Registration, and Permitting:** “Requiring health occupations boards to issue an expedited temporary license, certificate, registration, or permit to a service member, veteran, or military spouse who meets certain requirements; requiring each health occupations board to include a check-off box prominently on each license, certification, or registration application form; requiring the Maryland Department of Health to publish prominently on its website information about the expedited licensing process and any assistance provided; etc.”

**The Board decided “No Position”** due to the fact that we already have provisions in place for that category of licensees.

- **HB 642: Apprenticeships in Licensed Occupations Act of 2024;** “Requiring professional and occupational regulatory boards to issue licenses, certifications, and registrations to individuals who complete an apprenticeship program that is established under the Maryland Apprenticeships in Licensed Occupations Act, pass a certain examination, and pay a certain fee; authorizing the Maryland Department of Labor to develop a standard apprenticeship program for a licensed occupation or profession; and establishing a workgroup to establish group-sponsored apprenticeships in certain professions.”

**The Board decided to issue a “Letter of Concern” vs. “Oppose;” we will wait to see if we can join other boards in a letter; Motion to take an unfavorable position (by Dr. Boss; seconded by Dr. Lerner) (All in Favor)**

- Rhonda Edwards discussed **SB 472: State Government - Permits, Licenses, and Certificates - Processing (Transparent Government Act of 2024)**; “Requiring certain departments and independent units to create a certain catalog of information relating to permits, licenses, and certificates issued by the department or independent unit and submit the catalog to the Governor on or before **September 1, 2024**; requiring certain departments and independent units to post certain information relating to permits, licenses, and certificates on the website of the department or independent unit on or before **December 1, 2024**; establishing the **Government Efficiency Commission**” to *streamline processes* used by boards to carry out their duties. Make a document (catalog) of all licensed optometrists, credentialing dates/expiration dates, etc. (would take effect 07/01/2024). Dr. Boss discussed the desire for a pre-formed template that all boards could use. Dr. Lerner made a **motion** to construct a “**Letter of Information**,” regarding this “catalog” creation, to request a template that each board could use and submit; **seconded by Dr. Boss (All in Favor)**; (Senate Hearing is 02/22/2024)
- **SB175 – State Board of Examiners in Optometry - Criminal History Records Checks**; “Requiring an applicant for a license to practice optometry or the renewal of a license to submit to a criminal history records check obtained from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; and providing that information obtained from the Central Repository is confidential, may not be disseminated, and is to be used only for licensing purposes.”  
House hearing on 02/08/2024 (Dr. Mezu, virtually); Senate on 02/13/2024 (Dr. Bunyon, virtually); Amendments are being made; fine-tuning by DLS

(Department of Legislative Services). Lillian will inform us about the final version.

#### F. Regulations

- Regulations Meeting will be today at 1:00 P.M.
- **Board Vote – Statement to Licensees/10 hr. CE in person requirement waived.**

Discussion: To keep or not to keep the in person in MD requirement; we previously voted to recommend waiving the requirement and to allow all CE to be done online (or in-person is allowed too!). Dr. Lerner mentioned that some optometrists, particularly MOA leaders, want to keep the 10 credits in Maryland but many others think we should allow all 50 to be online.

Dr. Lerner mentioned that keeping the in-person in Maryland requirement would be good for Maryland optometrists to meet each other and network. It could also benefit the MOA, which hosts many in-state events, such as a yearly convention and local optometric society educational meetings. We also do not like the concept of many “remote optometrists” taking over optometry in Maryland. However, according to ARBO (the Association of Regulatory Boards in Optometry), as Dr. Bunyon mentioned, the Board must be separate from the Optometric Association, as regulators, not to advocate for the advancement of scope of practice, etc.

(FYI: there is a website, <https://www.arbo.org/cestateinfo>, which lists all the CE requirements for each state.) *Most states allow a combination of online and in-person hours (or all in-person is allowed, of course); only Florida (and Maryland) require a certain amount of hours in person in that state.*

Rhonda Edwards explained that we cannot attempt to prohibit “remote optometry,” (anti-Trust and anti-competition laws), as long as the doctors who are doing the remote exams have been granted licensure to practice in Maryland. The Board cannot take any action unless we get an official complaint about a particular doctor.

Also, we touched on the title, “Optometric Physician;” under our regulations, we may NOT use the title “Physician,” under **11-403**:

(2) (b) *Except as otherwise provided in this section*, a licensed optometrist **may not** attach to the optometrist’s name or use as a title:

(1) The words or abbreviations “Doctor”, “Dr.”, “M.D.”, “physician”, or “surgeon”, or any other word or abbreviation that suggests that the optometrist practices medicine; or

(2) Any word or abbreviation that suggests that the optometrist treats diseases or injuries of the human eye, including the words “eye specialist,” “eyesight specialist,” “oculist,” or “ophthalmologist”.

During the “pandemic era,” the Board did permit all the credits to be done online. We had extended it through the June 2023 license renewal, but it was unclear about June 2024; Rhonda Edwards composed a **waiver** that optometrists who are renewing licenses in June 2024 (and are not able to complete the 10 hours in person in Maryland), may sign and send to the Board. After we go through the regulations change process to allow all 50 credits to be done virtually, the waiver will not be necessary.

Dr. Boss made a motion to approve the Board’s CE waiver form that licensees may complete if they took all of their CE online for the June 2024 renewal. 2<sup>nd</sup> by Dr. Mezu. All in Favor.

*The waiver is only necessary if the licensee did **NOT** complete the 10 hours of CE in person in Maryland.*

***Update: 02/05/2024:** A revised waiver form was posted on the board’s website explaining the option to use the waiver only if the licensee was unable to complete the 10 in person hours in Maryland due to hardship circumstances.*

## G. Committee Reports

- President’s Report – Francisco Burgos, O.D.
  - Financial Disclosures are due April 30, 2024 (for those leaving the board in May 2024, you may have to do it again then)
  - Board Officers: once we have the vacant positions filled, we will vote to approve the new members (maybe in March).
  - Emails from NBEO (Gwen): *may have to revise/review our Maryland optometry law exam (add Telehealth regs, etc.)*
  - NBEO Updates: new board members appointed; Dr. Daniel Taylor, Dean of Ferris State College of Optometry in Michigan, and Erica J. Brown, director of ASIS International, cyber-security; updates on registration for exams and the new Part Three, “PEPS” exam (opens March 2026)  
New Lasers and Surgical procedures exams available (March 2024) (open to 4<sup>th</sup> year optometry students and any licensed O.D.)  
Practice questions/tests available for Part I on the NBEO website;  
Fees have increased; close to \$5,000 for all the NBEO exams total
- NBEO exam scores: in Maryland regulations, it mentions the scores for each section required, but the newer exams may use a different scoring system now.
- Need a Maryland License fee committee (3 people needed) to discuss an increase: (Dr. Burgos, Dr. Boss, Rona Pepper) Board Functioning costs are increasing; rent, office supplies, etc.; comparing other optometry board license fees
- **CE Committee** – Kelechi Mezu, O.D.:



7 hours approved for the Kreiger Eye Institute  
2 hours approved for Dr. Michael Kotlicky  
7 hours approved for the MOA convention  
Wilmer Grand Rounds/Dr. Jeffrey Goldman

- **Treasurer’s Report** – Rona Pepper:

**FY Summary as of January 31, 2024**

Total Revenue Collected in FY24	\$42,490.00
Expenditures FY2024	\$127,772.61
FY23 Special Fund Carry Over	\$115, 467.10
<b>Current Fund Balance as of 1/30/24</b>	<b>\$37,645.6</b>

H. Old Business

- Nothing to Report

I. Executive Director’s Report – Gwendolyn Joyner

- Board Vacancies: waiting to hear back from GOA (Governor’s Office of Appointments); need 1 consumer member and 3 optometrists;
- The GOA appoints the consumer member first.
- Jennifer Cohen, Executive Director of the MOA: 3 or 4 optometrists have applied to join the board  
(Update: Ms. Joyner spoke to someone from the GOA team on 1/30/2024. The process is moving forward to appoint new board members)

Rhonda explained the regulations (Statute 11-202), which state that the Maryland Optometric Association is to nominate 3 times the number of vacancies for optometry board members, and there is supposed to be a vote by all licensed optometrist/balloting process to select the names that should be submitted to the governor.

Kimberly Link explained that the GOA is looking for more diversity in board members. The governor has to appoint the consumer member with the advice of the secretary and Senate confirmation. People apply directly via the governor’s appointment website.

Dr. Bunyon questioned if all licensees were informed about the board vacancies. Ms. Joyner replied that the announcement is on the board website and sent an email blast to all licensees; the MOA also has advertised the vacancies to MOA members.

Jennifer Cohen explained that the MOA does send the announcement to all optometrists in Maryland. There have not been enough candidates to warrant a ballot in many years. Ms. Cohen requested that the MOA should no longer

have this responsibility. The statute would have to be changed. A motion was made by Dr. Boss and seconded by Ms. Pepper to table the discussion to change the Statute at a later time; all in favor.

- 2024 Renewal (starts April 30, 2024); renewal cards will be mailed to licensees by the end of March.
- ARBO Conference is June 16-18<sup>th</sup>, 2024 in Nashville, TN (Ms. Joyner, Ms. Edwards, and Dr. Boss plan to attend)
- Third Floor Building Issues/Concerns: There was a flood recently on the 3<sup>rd</sup> floor of the Dept of Health building at 4201 Patterson Avenue which hosts 7 boards. The landlord hired a company to dry it out with shopvacs, etc., but the repair cost about \$9,000. The Boards on the third floor are being charged \$9,000. 00., the cost is going to be split among all Boards on the third floor. Ms. Joyner will information to the Board once she receives additional information.

- **New Licensees**

1. Jared Cooper	TA2968
2. Lindey Marini	N/A 2969
3. Jasmine T. Hayes	TA 2971
4. Christopher James Eisenbeis	TA 2972
5. Amber Michelle Zeiss	TA2973
6. Fariha Ahmed	TA2974
7. Adam Jeffrey Davis	TA2975
8. Scott Bauer	TA2976
9. Fariha Fatima Sabiri	TA2977
10. Rickey Harton Jr.	TA2978
11. Payal Kothari	TA2979
12. Lester Efanayi	TA2980
13. Emily Morgan Kellar	TA2981
14. Ramal Yaqoob	TA2982
15. KateLynn Ruth Bauer	TA2983
16. Alicia Eugene Kim	TA2984
17. David Vincent Gomez	TA2985
18. Haaja Ahmed	TA2986

- We discussed the need to discontinue the category of “License Only,” “N/A,” not DPA or TPA certified. We will revisit that with the legislative committee.
- **White Coats in Annapolis** - Dr. Lerner: Summarized experience of the event organized by the MOA on 01/30/2024; Met with 3 delegates and 1 senator; (Del. Lesley Loyd’s Chief of Staff; Del. Greg Wims’ staff on Zoom; Del. Gabriel Acevedo, and Sen. Nancy King. Dr. Lerner discussed

the importance of the profession of optometry to public health and the necessity for the Board of Optometry to continue our duties of licensing, credentialing, and disciplining licensees when needed. The Maryland Optometric Association is a critical organization to help optometrists stay informed via continuing education events and also to promote our ability to practice our full scope to help the citizens of Maryland.

- Our next General Board Meeting will be in person at 4201 Patterson Ave; Baltimore, MD on March 27, 2024

**K. Adjournment:** At 11:41 A.M. Dr. Lerner made a motion to adjourn; Dr. Boss seconded.

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Marcie Lerner, O.D.