

BOARD OF EXAMINERS IN OPTOMETRY



AGENDA

PUBLIC MEETING

WEDNESDAY, MAY 25, 2022 – 10:00 AM – 11:00 A.M.

A. Call to Order

B. Approval of Agenda

C. Additions to Agenda

D. Review and Approval of Minutes

E. Committee Reports

1. Continuing Education – Fran Burgos, O.D.
2. Treasurer's Report – Rona Pepper, Consumer
3. President's Report -Mesheca Bunyon, O.D.
 - SB202 Sunset Hearing – March 31, 2022
 - MOA -Inquiry
 - Procurement of Devices/Needles/Syringes
 - Question – Scope of Practice
 - Question – Optometrist May Delegate Medication Administration to unlicensed Assistive Personnel
 - Email from Dr. Berman
 - Email from Dr. Moore
 - ARBO Annual Meeting – 6/12/2022 – 6/14/2022

F. Old Business

1. Legislative Update
 - End of Session Report

- Draft Sunset Bill – Board Vote

G. Executive Director's Report – Gwendolyn Joyner

- 2022 Renewal Cycle Update
- Executive Memorandum
- Standard Operating Procedures
- Staffing Licensing Coordinator
- Board Communications Update – Wireless Text
- ARBO Annual Report January 2021- December 2021
- Fiscal Officer – July 27th 2022

H. New Business

- Licenses Issued
- DocuXplorer

I. Adjournment

BOARD OF EXAMINERS in OPTOMETRY
4201 Patterson Avenue
Baltimore, Maryland 21215

General Session Minutes

3-30-2022

- A. Call to Order: The Board meeting was held in person and was called to order at 9:37 a.m. by the Board President, Dr. Mesheca Bunyon, O.D. Board members also present include Marcie Lerner, O.D., Francisco Burgos, O.D.; Mark Gordon, O.D.; Rona Pepper, Margaret Hubbard and Kelechi Mezu Nnabue, O.D. Staff present were Patricia Bennett, Executive Director, Gwendolyn A. Joyner, (incoming Executive Director) David Finkler, AAG, Rhonda Edwards, Deputy Counsel, Board Counsel, and Lillian Reese, Legislative and Regulations Coordinator. Guest Attendees: Jennifer Cohen, Executive Director, MOA, Kimberly Link, Liaison, Boards and Commissions.

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, Gwendolyn Joyner, Executive Director, David Finkler, AAG Interim Board Counsel and Rhonda Edwards, Deputy 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.

Dr. Bunyon stated there are two visitors attending the General Session meeting and asked them to introduce themselves. Kimberly Link, Liaison for Boards and Commissions and Jennifer Cohen, Executive Director for the Maryland Optometric Association.

B. Approval of Agenda:

Dr. Bunyon stated there are two items to add to the agenda:

1. Letter reconnecting to the Network
2. ACOE letter — Call for Comments

Dr. Bunyon asked for a motion to approve the agenda. A motion was made by Dr. Burgos and seconded by Rona Pepper to approve the agenda with the two additions, the agenda unanimously passed.

C. Review and Approval of Minutes:

Ms. Hubbard stated she attended the January Board meeting. A motion was made by Dr. Burgos and seconded by Dr. Gordon to approve the January minutes with one correction to add Ms. Hubbard as present, the motion unanimously passed.

D. Committee Reports

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

Dr. Burgos stated the Maryland Optometric Association submitted virtual CE programs for approval, CVs were submitted and approved.

Seidenberg, Protzko Eye Associates submitted CE programs for approval

Dr. Lerner asked if a CEE is needed opposed to a CE? Ms. Bennett stated COPE is removing the CEE requirements, COPE is proposing not to require posttest or synchronous non-CE courses.

COPE New Standards for Integrity and Independence in Accredited CE

There are some new standards for ARBO that are strict. New standards for ARBO, create more independence in terms of sponsorship, will require you to be more explicit. If you have a sponsor

you will have to acknowledge it. Whoever is planning the activity will need to be aware of the changes for sponsorship purposes.

CE Courses for Optometrists — Dana Thomas, O.D.

Board staff received an email from Dana Thomas, O.D., she would like to hold CE courses for Optometrists, there were several questions she needed answers to:

- a. Do virtual courses (speaker is live)
 - Virtual Courses — As long as there is live interaction between the speaker, moderator and audience and there can be active participation, there is no difference between "visual and live." How long will this last? If the course is COPE approved the course for a year and can be given again. Once an OD takes the course and receives credit for it, he/she cannot take the course again.
- b. Is there a maximum number of live virtual courses that an OD can take for credit?
 - The current waiver is that a TPA certified OD can take all 50 needed credits as virtual. Normally, 30 credits must be therapeutic (and 10 in person), the rest can fall in the other categories (observation, ethics, management, etc.) Currently, the 10 hours in person has been waived.
- c. For a live virtual course, how long must the speaker present for each credit, is it 50 minutes?
 - "The presenter must speak for at least 50 minutes to count for one hour of CE. There should be a 10-minute window to answer questions at the end, ("of course that can be longer").
- d. Is a posttest required for live virtual courses?
 - No, "posttest" is required for a virtual course.
- e. Is an evaluation required for a live course?
 - Evaluations — "The course should/must have an evaluation. This can be provided as an email or a link for the attendees. This serves as proof of attendance to obtain credit or a certificate."

Dr. Lerner asked if a CEE is needed opposed to a CE? Ms. Bennett stated COPE is removing the CEE requirements, COPE is proposing not to require posttest or synchronous non-CE courses.

Ms. Bennett stated that all health occupations are required to complete the Implicit Bias Training course, this is a State mandated requirement only for the 2022 and 2023 renewal cycles.

2. Treasurer's Report — Rona Pepper

Revenue \$41,025
FY 21 Special Fund Carry Over
\$89,171 Current
\$130,196 Special Fund

President's Report
Mesheca Bunyon, O.D.

Board Staffing

Dr. Bunyon welcomed Ms. Joyner and Rhonda Edwards, Deputy Counsel
Dr. Bunyon and Ms. Joyner will attend the ARBO
Annual Conference on 6/12 -6/14 Chicago, Illinois
MOA Agenda Request

The Maryland Optometric Association requests that the Board address the following items:

1. Enhancement of BEO notification to Maryland licensees regarding the new State-based mandate requiring licensed health providers to complete, attest to completion of, and provide documentation of completion (if audited) of implicit bias training.

CE Audit is waived for the 2022-2023 renewal cycles. However, if a licensee includes the Implicit Bias training as part of their CE requirements for renewal, he/she must be able to show proof. The Board will accept a screenshot for CE. Jennifer Cohen, Executive Director of MOA suggested a Google form for licensees to attest that they have completed the training.

2. Continuation of existing COVID-related continuing education waivers — Will the waiver permitting all CE during the renewal period to be online apply to 2023 renewals? And will the waiver of the 10 -hour in person/in-State education requirement still apply for 2023 renewals?

Dr. Bunyon stated licensees can potentially earn all CES online.

Ms. Bennett stated that currently in the regulations it states 30 hours online, this may require a regulatory change.

A motion was made by Dr. Lerner to extend the 2022 and 2023 renewal CE exception credits to allow all CE to be online and to waive the 10 hours in

person/in-State CE until the renewal ending on June 30, 2023, seconded by Dr. Gordon, motion unanimously passed.

3. In response to the BEO correspondence to MOA dated October 21, 2021, regarding "Request of October 21, 2021 — Telehealth," the MOA does not wish to request a Declaratory Ruling by the BEO on the subject matter.

Dr. Gordon stated that because of Telehealth, virtual eye exams are being held all over the country.

E. Old Business

Lillian Reese, Legislative and Regulations Coordinator gave the Board an update on the Legislative Bills.

1. **Regulations — Telehealth — Pending Governor's approval**
Telehealth regulations were submitted on behalf of several Boards in 2020. Revisions were submitted in July 2021, there has been no movement. The Board currently has no Telehealth regulations in COMAR, if needed.
2. **Legislation SB202**
The Senate wants to extend SB202 Sunset for two years instead of 10 years. An amendment was submitted to extend the Board from two years back to the original 10 years. SB202 will be heard in the House on March 31, 2022. Dr. Bunyon will provide testimony on the Board's behalf.
3. **SB77 — Health Occupations Boards -Investigations — Right to Counsel**
The Board took a position with other Boards to submit a letter of concern. A hearing was held on 3/29/2022, it passed in the Senate, it will be reviewed by the Subcommittee on 3/31/2022.
4. **SB 1 1 1 — Occupational Licenses or Certificates**
The Board took a position with other Boards to submit a letter of concern. There was a hearing in February, it has not been voted out of the Committee.
5. **SB899 — Health Occupations Boards — Authority Over Infrastructure — Staffing and Operations.** The Board joined with other Boards to oppose this Bill; it received an unfavorable vote.
6. **SB 159 — Health Occupations — Authorized Prescribers — Financial Reporting**
The Board did not take a position, the Bill passed in the Senate, but has not been voted out of committee.
Telehealth — MOA Vision Telehealth Services Concern — Mark Gordon, O.D.

F. Executive Director's Report — Gwendolyn Joyner

1. 2022 Renewal Cycle -Ms. Joyner stated there are 573 Optometrist due to renew by 6/30/2022. • An email was sent to all active licensees to remind them to complete the Implicit Bias Training for 2022 and 2023 renewal cycles. Renewal cards will be mailed to all active licensees who are due to renew by 6/30/2022. • CE Compliance Audit — Ms. Joyner stated the Board will need to vote to continue the waiver of CE audit for the 2022 and 2023 renewal cycles. A motion was made by Dr. Gordon and seconded by Dr. Lerner to waive the CE audit for the 2022 and until after June 30, 2023.
2. Board Member -Re appointments — Mark Gordon, O.D. and Ms. Margaret Hubbard were reappointed for a second term to serve on the Board.
3. Quarterly Status Report—Legislative Services the Board's Legislative Report is due by 4/19/2022. The report will be prepared by an Executive Director on behalf of the small Boards, the audit findings have been corrected.
4. In-person/Hybrid
Ms. Joyner stated Board members need to vote to continue with Hybrid or in person Board meetings A motion was made by Ms. Pepper and seconded by Dr. Lerner the next Board meeting will be in person, July will be virtual, September in person and November virtual. The motion unanimously passed.
5. Rhonda Edwards, Deputy Counsel for the Boards will be the Board's new Counsel.
6. Licensing Coordinator — Ms. Joyner stated she has received a list from Human Resources and will schedule interviews in April. She is working with HR to hire a Contractual Office Clerk until the Licensing Coordinator position can be filled. Financial Disclosures are due by April 30, 2022.
7. Board staff is working on various ways to communicate with licensees:
 - a. GovDelivery
 - b. Constant Contact
 - c. Documents for meetings will be uploaded to Google Shared Drive, Board members will need to have an active Maryland.gov to access confidential documents.
 - d. Board members who need a new ID Badge will need to submit a photo to Ms. Joyner.

G. New Business

1. Newly Licensed — 3/30/2022

- TA2481 Ryan Shaun Sullivan, O.D. 2/3/2022
- TA2842 Navya T. Banda, O.D. 2/21/2022
- TA2843 Shazib Haq, O.D. 3/2/2022
- TA2844 Lynette Wray, O.D. 3/24/2022

A motion was made by Ms. Hubbard and seconded by Dr. Burgos to approve the licenses issued.

2. The Board received Mohamed Kasmani, O.D. he wants to know what the actual rules are on who can do refractions within Optometry in Maryland. Is an Optometrist allowed to hire a refraction technician if the Optometrist?

Board members discussed and by advice of Board Counsel, to inform Dr. Kasmani that the Board does not offer legal advice.

3. Updates — Pat Bennett - ARBO Board of Directors Meeting ARBO/COPE

Proposed Course Format Change

Ms. Bennett stated she attended the ARBO Board of Directors meeting, ARBO is proposing two new COPE course formats to align with the Telehealth Statute, this will be the COPE standard:

1. Synchronous
 - a. In-person or virtual
2. Asynchronous
 - a. Distance

Dr. Lerner asked if a CEE is needed opposed to a CE? Ms. Bennett stated COPE is removing the CEE requirements, COPE is proposing not to require posttest or synchronous non-CE courses.

Ms. Bennett stated that ARBO has a mobile app for CE, a code will be added to the mobile App for Synchronous and Asynchronous courses. She also stated the Board should look at where it is going in the future, look at ARBO and what programs are working, COPE, OE Tracker. She stated that the information in the National Practitioner Data Bank is not always properly filed, she recommended ARBO be a repository for Optometrists, they could go directly to ARBO and look up licensee information, rather than going to the National Practitioner Data Bank. Logistics would have to be worked out with ARBO, but it would be specific to Optometry.

Board Counsel stated that the Board will need to go into closed session to discuss the network reconnection.

On a motion made by Dr. Burgos and seconded by Dr. Lerner to adjourn the General Session meeting at 10:30 a.m.

Respectfully submitted

Original Signature on File

Gwendolyn A. Joyner

Executive Director