

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

9:56 a.m.

General Session Minutes

March 29, 2023

- A.** Call to Order: The 9:55 a.m. meeting was called to order at 9:56 a.m. by Mesheca Bunyon, O.D. Board members present include Marcie Lerner, O.D.; Fran Burgos, O.D., Kelechi Mezu, O.D., Consumer Member: Rona Pepper. Margaret Hubbard, Consumer Member.

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 and Kirsten Sanda, Administrative Assistant, 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, 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

B. 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 March 29, 2023, Agenda

- There were no corrections or additions to the agenda.

C. Approval of Agenda

- A motion was made by Dr. Lerner and seconded by Dr. Burgos to approve the March 29, 2023, Agenda.

D. Review and Approval of General Session Minutes – January 25, 2023

- A motion was made by Ms. Pepper and seconded by Dr. Lerner to approve the January 25, 2023, General Session meeting minutes.

E. Legislative – Lillian Reese, Legislative Regulations Coordinator

- Ms. Reese attended the meeting to provide the Board with an update on the Bills in the Legislative Session. The Session will end April 10, 2023.
- SB187 cross filed HB454. The Board joined a Paper in support with an amendment. The Bill passed in the Senate with amendments and will be heard in the House today, 3/29/23, likely to pass.
- Athletic Trainer – HB172/SB232 (Dry Needling) passed in the House with amendments and waiting for the Senate Committee to vote, likely to pass.
- SB728 Passed in the Senate with a two-year amendment. The House Bill was heard on March 23, 2023. The Bill passed and is extended to July 2025.
- There was also a discussion about the Nursing Board Bill.
- Questions and Discussions for the Sunset Bill for Optometry. Board members discussion whether to submit Sunset Bill in 2024 or 2025.
- There was a discussion regarding whether the Board will consider a Bill that will require Optometrist to complete a State and FBI Background Check. Concept Paper is due by June 1, 2023.
- Board members discussed the timeline and how long, and if it would delay the license.

- A Concept Paper will need to be submitted by 6/1/2023 for a Bill for State and FBI Background Check (CHRI).
- Board Members recommended that Ms. Joyner do some research to find out if other Optometry Board's require a State and FBI (CHRI) background check.
- A motion was made by Dr. Lerner and seconded by Dr. Burgos to add language to the regulations for Roster fee.
- Board Counsel and Ms. Reese and Ms. Joyner will meet to work on the language for prorating CE and adding language to the Fee Schedule for Rosters.
- Board members discussed Limited license, whether it should remain in the statute and regulations.
- Board members stated the Seidenberg, Protzko Eye Associates have a Residency Program. Ms. Joyner will do some research to find out who has a residency program.
- Board staff received an email asking when Glaucoma Legislation was passed in Maryland. It was stated that the Bill did not go into effect until March 1, 2020.

F. Committee Reports

Francisco Burgos, OD - Continuing Education

- Dr. Burgos presented courses for continuing education that were approved.
- Case Presentation - An unusually Persistent Epithelial Defect, will be presented by Dr. Isa Mohammed, the presentation date was changed from February 20, 2023, to April 25, 2023, approved for 1 CE hr.)
- Maryland Optometric Association submitted CE approval for the following:
 - CMOS Winter CE Dinner, February 22, 2023
 - AACOS Spring CE Dinner, 3/16/23 Society
 - GBOS Spring CE Dinner, 3/21/2023, Greater Baltimore Optometric Society
- Dr. Eric Walker, Clinical Observation with Dr. Tania Marcic, Northern Baltimore, Surgery Center 3/20/23. Dr. Burgos stated that Board staff will need to find out how many hours of Observation they are requesting to be approved for Observation, it was not stated on the form, will be approved once CE hours have been submitted.
- Dr. Valarie L. Reed, Seidenberg, Protzko, Eye Associates, Clinical Observation, 2/8/2023.

G. Treasurer's Report – Rona Pepper, Consumer

- **FY Summary as of March 27, 2023**
- Total Revenue Collected in FY23, \$146,371.80
- FY22 Special Fund Carry Over \$112,943.80
- Expenditure Budget- Spent \$168,019.10
- Current Fund Balance is **-\$21, 647.30**

H. Mesheca Bunyon, O.D. – President

- South Dakota Board of Optometry would like to know if this jurisdiction has laws/rules regarding Intense Pulsed Light (IPL). Do you have any laws that specifically allow or prevent it within the scope of practice? Do you have any CE requirements specific to IPL?
 - It is recommended to direct to the Board's regulations.
- When did Maryland's Glaucoma Bill pass?
 - The Bill did not go into effect until March 1, 2020.
- When treating patients in Maryland are Optometrist legally permitted to prescribe injectable or infused biologics?
 - It is recommended to direct to the Board's Statute, Health Occupations §11-404.
- New Committee Members – Effective June 1, 2023.
 - Dr. Lerner nominated Dr. Burgos as President, Dr. Burgos accepted.
 - Dr. Lerner nominated Dr. Mezu to continue as Secretary, Dr. Mezu declined, and nominated Dr. Lerner as Board Secretary, Dr. Lerner accepted.
 - Dr. Mezu nominated Ms. Pepper to continue as Board Secretary, Ms. Pepper accepted.
 - Dr. Bunyon nominated Dr. Mezu as Chair of the CE Committee, Dr. Mezu accepted.
 - Dr. Lerner and Dr. Mezu were voted at the January 25, 2023, meeting to serve on the Legislative Committee.

I. New Business

- DU Agreement - Rhonda Edwards, AAG, Deputy Counsel/Board
Board Counsel explained the DU Agreement regarding data sharing between Medicaid and the Board. Providers will not have to give Medicaid the same information they gave to the Board. IT staff will provide the information to Medicaid, no vote is needed.

COMPACT Discussion

- Jennifer Cohen, Executive Director of the MOA attended the meeting and introduced Kirsten Sanda, Administrative Assistant for MOA, to discuss COMPACT.
- Ms. Cohen stated there is a \$500,000.00 grant offered for the formation of new medical compacts this year.
- The AOA convened a workgroup to consider the possibility of an Optometry compact. Maryland currently has 7 interstate COMPACTs; several medical professions participate in the national licensure compact. Applicants would apply for licensure through the compact.
- At the AOA conference, it was noted that the AOA would consider applying for the grant and fund the remainder needed to form an Optometry compact if there were 8-10 state associations interested in participating initially. The Maryland Optometric Association is discussing the matter, but participation by any state will require the State Board of Optometry, what is the Board's position?
- A motion was made by Dr. Lerner and seconded by Dr. Bunyon that the Board will support the MOA in its efforts for Maryland to be one of 10 member states in the initial workgroups that begin the creation of an Optometry/Medical Compact, and to designate a Board Member to be a Representative for the Board.
- An email was received from Ms. Cohen requesting answers to the following questions:
 - The MOA hosts its annual Conference both in-person and by simulcast for virtual learners. We know that both COPE and the Maryland State Board have acknowledged that synchronous learning may be counted as "LIVE" CE for credit, but we are unclear if the simulcast learning experience at our Conference would also fulfill the "In-Person In-State" 10-hour CE Maryland requirement for 2024 license renewal. Please advise. **(Yes)**
 - AOA Optometry's Meeting ("OM") will be held in D.C. this year. Will in person courses count toward the in person/in state requirement for 2024 license renewal? We ask because the regulation states, "in State" and the conference is in D.C. **(Yes)**
 - At OM, the AOA will be offering 200+ courses for live in-person learners. Approximately 50% of these courses are COPE approved. The other half are AOA CE Hours. I have attached a one-page Fact Sheet about AOA will AOA CE Hours Program for Board review. The question here is whether the BOE will accept AOA CE Hours for MD

CE credit? As noted during our conversation the Program is new (launch last year), but already several state boards accept AOA CE Hours for credit. **(Yes)**

New Licensees

- A motion was made by Dr. Lerner and seconded by Dr. Mezu to approve the following licensees:
 - Tracy Snowden DA 1336
 - Ogechi Ukegbu TA 2219
 - Alison Atchison TA 2895
 - Sharon Rovenstine N/A 2896
 - Felix Lee TA 2897
 - Stephanie Cathell TA 2898
 - Cody Sherrin TA 2899
 - Yaron Maya TA 2900
 - Jennifer Gipp TA 2901
 - Sarah Spieler TA 2902
 - Dharni Patel TA 2903
 - Rachel Gorgy TA 2904
 - Jasmine Hamid TA 2905
 - Dana Hobi N/A 2906

F. Committee Reports

1. Continuing Education – Fran Burgos, O.D.
The following courses were reviewed and approved
2. Treasurer’s Report – Ron Pepper, FY23 Summary as of March 27, 2023
 - **FY Summary as of March 27, 2023**
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G. Old Business

- Board Vacancies – Board vacancy process is still ongoing
- Reconnection Update – Board staff is reconnected to the network
- Docuexplorer – Boards are looking into resources for document scanning.

H. Executive Director's Report

- Telehealth Regulations are on hold
- Financial Disclosures are due by 4/30/23
- Internal Audit Control – Legislative Audit will begin in September
- Educational Pathway Advisory – information regarding the EPA was Uploaded to share with Board members.
- The next Board meeting will be in person on May 31, 2023, at 9:30 a.m.

I. Adjournment

- A motion was made by Dr. Lerner and seconded by Ms. Pepper the meeting adjourned at 12:14 p.m.

Original Signature on File

Gwendolyn A. Joyner

Executive Director