

BOARD OF EXAMINERS IN OPTOMETRY



AGENDA

General Session (Open) Room 106

Wednesday, May 29, 2024, 9:30 AM – 11:00 AM

A. Call to Order

B. Additions/Corrections May 29, 2024, Agenda

C. Review and Approval of General Session Minutes – March 27, 2024

D. Lillian Reese, Legislative and Regulations Coordinator

- Legislative Update
- Regulations Update
- Discussion – Expiration Date for Inactive Status
- Regulation Changes – Board Vote

E. Committee Reports

- President's Report, Francisco Burgos, O.D.
- Board Members Term ending
- New Consumer Member
- Emails - ARBO
- Email - NBEO

F. CE Committee – Kelechi Mezu, O.D.

- Wilmer Grand Rounds
- BetterVision Foundation - Site Approval

- Omni Eye Specialists
- Seidenberg Protzko Eye Associates

G. Treasurer's Report – Rona Pepper

H. Old Business

- Building Renovations

I. Executive Director's Report – Gwendolyn Joyner

- 2024 Renewal
- ARBO Annual Conference
- Staffing - Contractual Administrative Specialist I

J. New Business

- New Licensees – President

K. Adjournment

Next Board meeting will be July 31, 2024, at 9:30 a.m. by videoconference.

BOARD OF EXAMINERS IN OPTOMETRY



MINUTES

General Session (Open) Room 106
Wednesday, May 29, 2024, 9:30 AM – 11:00 AM

A. Call to Order by Fran Burgos, O.D., President, at 9:50 am
Open/Public Session Attendees:

Board Members: Fran Burgos, O.D.; Marcie Lerner, O.D.; Tracey Boss, O.D., Kelechi Mezu, O.D. (via phone), Mesheca Bunyon, O.D. (in absentia),

Consumer Members Present: Rona Pepper, Margaret Hubbard

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

Board Counsel: Rhonda Edwards, Deputy/Board Counsel

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 members include Gwendolyn Joyner, Executive Director; Andrea Russell-Tate, Licensing Coordinator. Board Counsel 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 May 29, 2024, Agenda:

Additions: emails from ARBO, NBEO, additional Continuing Education.

Motion to Approve the Agenda with Changes: Dr. Boss,
seconded by Margaret Hubbard; All in Favor.

C. Review and Approval of General Session Minutes – March 27, 2024

Motion to Approve the Minutes by Dr. Boss, seconded by Margaret Hubbard; all in favor.

D. Lillian Reese, Legislative and Regulations Coordinator

- **Legislative Update:** see document from Lillian, “End of Session Report”
- **Regulations Update:** The Legislative Committee of the Board reviewed the following COMAR sections: 10.28.02, 10.28.03, .05, .07, .08, .11, .12
(see documents of suggested regulation changes)

Highlights of Proposed Revisions:

- **10.28.02.02: B. Continuing Education:** Clarified definitions of DPA, TPA, and Non-certified Licensed Optometrists;
- **.05 C: Trainings:** Changed to accept both/either continuing education credits as Synchronous Live, Synchronous Virtual, Asynchronous with post-test; removing the “10 hours” required in person in Maryland.

Motion to Approve changes to 10.28.02 (Continuing Education) by Dr. Boss, seconded by Rona Pepper; all in favor

- **10.28.03:** Licensing of Optometrists
 - .03: Application for Licensure:**
 - B. 6.** New Requirement for Criminal Background Checks for all Maryland licensed optometrists;
- **10.28.03.04: Examination:** Removal of language concerning the Maryland Board's "examination;" since the board does not administer academic or clinical examinations any longer;
 - A.** The passing of the National Board of Examiners in Optometry exams are required (academic, including TMOD, and clinical);
 - B.** The Maryland Optometry Jurisprudence Exam requires a 75% score for licensure.
- **10.28.03.06: License Renewal:** New Requirement (already in Department of Health COMAR 10.31.02) states that a licensee cannot renew until the Comptroller of MD verifies that the licensee has paid any tax obligations or has arranged payment;
- **10.28.03.07: Change of Mailing Address, Legal Name, or E-mail:** Changes must be communicated to the Board within 30 days or a \$50 fee may be charged.
- **10.28.07: Fee Schedule:**
 - .02 Fees:** Clarification of non-refundable fees for application (\$300), biennial renewal (\$600), inactive license (\$250), late renewal fee (\$100), reinstatement fee after lack of renewal for less than 5 years = \$50 per number of renewal cycles lapsed, reinstatement to active license = \$100; failure to communicate address/name/email change within 30 days = \$50; License Verification request \$25 per state or entity, and Copy of Roster = \$25
- 10.28.08 (new title of chapter): Licensure Eligibility: Out of State Applicants
 - .01:** Revised definition of "Active Practice"
- 10.28.12: Therapeutic Pharmaceutical Agents
 - .02: Requirements for Certification:**
 - B.** The required 110 hours of TPA education may include courses taken in optometry school.

A motion was made by Margaret Hubbard to approve the proposed regulation changes; seconded by Rona Pepper; all in favor.

Next Steps: Promulgation Process: Board approval of changes (done); then Lillian presents the documents to the Department of Health, then the secretary has to sign off; then to AELR (Administrative Executive Legislative Regulatory Committee)(10 members from the House and 10

from the Senate) (15 days), then the Maryland Registrar will request public comment (30 days), then “Final Action” by Board of Optometry to respond to any comments or make any final changes, then back to the secretary of MDH, then it would be published by the Maryland Registrar

- **Expiration Date for Inactive Status** – need to discuss in committee in the future; 5 year limit currently for renewal of an expired license; should it be 5 years or longer for returning from “inactive status?”
- Also, we discussed the **Licensee Renewal Fee**, currently \$600, but our budget demonstrates that an increase is necessary. The “Fee Committee” will reconvene to investigate how other state Optometry (and other healthcare fields) function financially

E. Committee Reports

- **President’s Report**, Francisco Burgos, O.D.
2 Board Members and 1 Consumer Member are ending their terms 05/31/2024: Marcie Lerner, O.D., Kelechi Mezu, O.D., and Consumer Member, Rona Pepper; 3 Optometrist vacancies as of 06/01/2024
 - Invitation to tour the NBEO testing facility in Charlotte, NC (only 1 member from each state board) on 09/14/2024
 - NBEO is revising its privacy policy and is limiting the access to applicants’ exam scores on the portal to the timeline immediately after the applicant passes Part III, from August 1st to the following July 22nd); outside of those dates, the NBEO would need to be contacted directly
 - A new consumer member has been vetted
 - Emails:

From Nevada Board of Optometry: Expiration of Spectacle Prescriptions

Answer: See the Federal Trade Commission’s Eye Glass Rule, which states that the optometrist must give the patient a copy of their spectacle prescription; expiration dates are not mentioned, but 2 years is usually the maximum; for contacts lenses, the prescription must be valid for at least 1 year

From ARBO:

Gregory Pruden, the Executive Officer of the California State Board of Optometry has a question for the other licensing Boards: Does your state allow or authorize **radiofrequency technology** for use by optometrists to treat a disease or condition of the visual system? Please send your response to me and I’ll compile all of the responses for Gregory.

Thanks,

Lisa Fennell

Executive Director/CEO Association of Regulatory Boards of Optometry

Answer: Refer to Title 11.1 (Our statutes do not say that RF cannot be used):

Subject to §§ 11–404 and 11–404.2 of this title, to use any means known in the science of optics or eye care, except surgery:

“Surgery” does not include:

- (ii) Nonsurgical light therapies used only for the treatment of meibomian gland disease and vision therapy but not for corneal collagen cross linking...
- (vii) Noninvasive meibomian gland expression.

F. CE Committee – Kelechi Mezu, O.D.

Washington Eye Physicians - Site Approved

Better Vision Foundation -Site Approved

Seidenberg Protzko Eye Associates

Omni Eye Specialists -Approved 1 hour TPA Anterior Segment-Herpetic Ocular Manifestation

Wilmer Grand Rounds April 2024

G. Treasurer’s Report – Rona Pepper

FY Summary as of May 23, 2024

| | |
|-------------------------------------------|---------------------|
| Total Revenue Collected in FY24 | \$119,231.00 |
| Expenditures FY2024 | \$247, 425.40 |
| FY23 Special Fund Carry Over | \$115, 467.10 |
| Current Fund Balance as of 3/23/24 | \$ 5, 266.16 |

H. Old: Business: N/A

I. Executive Director’s Report – Gwendolyn Joyner

- 2024 Renewal started 04/30/2024; 141 renewals so far; 204 in progress
- ARBO Annual Conference 06/16/2024 through 06/18/2024 in Nashville, TN; Gwen, Dr. Boss, and Rhonda plan to attend
- ARBO is revising their regulations
- Staffing: Board will need more staff to assist with processing paperwork in connection with the Criminal Background Checks
- Building Renovations of the Department of Health continues
- **New Business:** President Burgos read out the names of new MD licensees; Dr. Boss made a motion to approve the licensees; Dr. Lerner seconded; All in favor.

J. New Licensees

- Khan Majid Kamran TA 2996
- Earley Timothy TA 2997
- Neli Resiola TA 2998
- Kline Brett Robert TA 2999
- Brittany Hale TA 3000
- Venessa Stinvil TA 3001
- Cari Solomon Hope TA 3002

J. Adjournment

Dr. Lerner made a motion to adjourn; Dr. Boss seconded. All in favor.

Next Board meeting will be July 31, 2024, at 9:30 a.m. by videoconference.

Respectfully submitted by

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