

BOARD OF EXAMINERS OPTOMETRY

Virtual Board meeting

9:30 a.m.

General Session Minutes

7/27/2022

- A.** Call to Order: The virtual Board meeting was called to order at 9:30 a.m. by Francisco Burgos, O.D., Board members present include Marcie Lerner, O.D.; Rona Pepper, Margaret Hubbard. Board Members Absent: Mesheca Bunyon, O.D., Mark Gordon, O.D. and Kelechi Mezu-Nnabe, O.D.

Staff present were Gwendolyn A. Joyner, Executive Director and Shakiera Wade, Office Clerk. Rhonda Edwards, Deputy/Board Counsel. Guest Attendance: Jennifer Cohen, Executive Director, Maryland Optometric Association. Kelsey Laatsch, Operations Specialist, Maryland Optometric Association.

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 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 Gwendolyn Joyner, Executive Director and Shakiera Wade, Office Clerk. 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

- 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. Approval of Agenda

On a motion made by Rona Pepper and seconded by Dr. Lerner to approve the July 27, 2022, Agenda, the agenda unanimously passed.

C. Additions/Corrections to Agenda

There was one addition to add the email regarding Genetic Testing.

D. Review and Approval of Minutes General Session Minutes May 25, 2022

A motion was made by Ms. Hubbard and seconded by Dr. Lerner to approve the May 25, 2022, Board meeting minutes.

E. Legislative – Lillian Reese, Legislative Regulations Coordinator

- 1. Ms. Reese attended the meeting to provide the Board with an update. The Board voted to approve the 2023 Sunset legislation. The packet has been submitted to Maryland Department of Health the Bill is to extend the Board to 2033. The Department will get the Board a Sponsor for the Bill. There is a tentative meeting with the Secretary on July 28, 2022. Ms. Reese will inform the Board if there is anything to report to the Board regarding Telehealth regulations.

F. Committee Reports

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

There were two lecturers received from the Maryland Optometric Association:

- Perio-Operative Management of Ophthalmic Surgery (PO) Lee Guo, O.D. approved for 1 hour continuing education.
- Glaucoma Treatment, Samuel F. Boles, M.D. Information was missing from the request form. Once the information has been received, the lecture will be approved.

2. Treasurer's Report – Ron Pepper, FY22 Summary as of July 22, 2022

- Total Revenue Collected in FY 22 \$345,221.00
- FY21 Special Fund Carry Over \$89,170.71
- Total Available \$434,391.71
- Expenditure Budget- Spent \$318,936.50
- Remaining Balance -\$115, 455.21

3. President's Report – Dr. Burgos read emails received.

- A Maryland licensed Optometrist sent an email to ask about the 10 hours live CE requirement in Maryland, she is practicing fully remote. The Optometrist is currently not living in Maryland, but in Michigan. She is unable to attend the live CE in Maryland.
- The 10 hours live CE was waived for 2022 and 2023 renewal cycles. The 10 hours can be live anywhere it does not have to be in Maryland.
- **Tabled for Discussion:**
Board members suggested tabling the question for another meeting:
What is the status for Optometrist doing remote eye exams and infractions and signing off on prescriptions, etc. This will be placed on the September 28, 2022, agenda for further discussion.
- Impulse Pulse Light in the State of Maryland – Questions:
 - (1) Who is allowed to operate/perform IPL procedures in the State of Maryland? Are technicians allowed to get certified or only ODs?
 - (2) Are ODs allowed to hire aestheticians?
 - (3) Are ODs allowed to hire nurse practitioners or injectors?
 - (4) Are there any other rules or regulations on how IPL can be market in Maryland?

There are no regulations that forbid it, the law is silent.
- Question – (Genetic Testing) Are ODs allowed to do cheek swabs?
According to regulations ODs are not allowed to order Genetic Testing. Orders for laboratory testing is generally prohibited. The law is silent.

- COPE Addresses Commercial Bias in CE -Board staff received an email from ARBO: COPE Addresses Commercial Bias in CE. The email was and FY in reference to Commercial Bias in CE for Optometrist.
- Question for BOE: Clarification on Procedure Permission. Ms. Cohen Cohen sent an email for additional clarification from an email that was sent by James Brocato, Director of Health Policy for Ocular Therapeutix, that was discussed at the May 25, 2022, Board meeting.

Question: Does the use of medicine delivery system into the punctual area for treatment of pain and inflammation post ocular surgery and treatment of itch associated with allergic conjunctivitis, falls within the current optometric scope of practice. According to the statute § 11–404. Administration of drugs, medicine, etc. 11–404.1. Therapeutically certified optometrists — Certification. § 11–404.2. Therapeutically certified optometrists — Referrals; administration of topical therapeutic and oral pharmaceutical agents; restrictions. It is ok for the Optometrist to perform this procedure.

G. Old Business

Nothing to Report

H. Executive Director's Report — Gwendolyn Joyner

- **2022 Renewal Cycle Update**

As of July 27, 2022, there are 511 Optometrist who have renewed. The thirty- day grace period will end July 30, 2022.

- **Implicit Bias**

There are still some issues surrounding the Implicit Bias Training. The list of 5 courses that are on the Board's website, only two of the courses are approved from MHHD. Ms. Joyner asked Board Counsel to provide additional information to the Board regarding Implicit Bias.

Board Counsel stated that three of the courses from the list do not have the Implicit Bias in the title or the description of the course, there are only two courses that are approved the course from Ohio State and UCLA.

The MHHD Statute requires Implicit Bias, if the course does not have Implicit Bias in the title or the description, the course will not be approved. MHHD has provided a link to click on to register for ACCME credit. Optometrist will have to create an online profile and a list of approved Implicit Bias courses will appear. Optometrist can choose from the list of approved Implicit Bias courses, Implicit Bias courses approved by other Boards are acceptable. Any Implicit Bias course approved by other Boards, licensees can take that course, it does not have to be from our Board.

Dr. Lerner asked if she needed to complete another course in Implicit Bias? If Optometrist have already completed a course that was from the previous list, they do not need to complete another course. Ms. Joyner will remove the three courses and update the Board's website with the two courses that are approved.

- **Network Connection**

A letter was sent to Delegates to provide information as to where the Board is in the process of reconnecting to the network. The Board will move forward with DOIT. The Board's are not sure what the cost will be, still waiting on cost to be determined by DOIT.

- **Staffing Licensing Coordinator**

Interviews were held for the Licensing Coordinator position. A selection has been, the candidate is highly qualified for the position. Ms. Joyner is waiting on approval from Human Resources.

- **Docuexplorer**

Ms. Joyner stated that Docuexplorer will provide Taxonomy training, she will schedule a meeting once the new Licensing Coordinator is on board.

- **ARBO Conference**

Dr. Bunyon and Ms. Joyner attended the ARBO Conference from June 12-14, 2022. Ms. Joyner read the ARBO Report from Dr. Bunyon.

Ms. Joyner stated that she has asked the Fiscal Officer to attend the September 28, 2022, Board meeting to inform the Board what their Budget will be for 2023 and discuss fee increases.

I. New Business

Newly Licensed -July 27, 2022

1. Mi Lee TA 2849
2. Morgan Rudeau TA 2848
3. Aaron Koons TA 2850
4. Uriel Young TA 2853
5. Stephanie Chen TA 2852
6. Saleha Rana TA 2851
7. Misbah Shafiq TA 2855
8. Prina Patel TA 2854
9. Brian Taylor TA 2856
10. Alexa Pereira TA 2858
11. Amy Zhang TA 2860
12. Asha Vyas TA 2859
13. Bao Le TA 2863
14. Umar Mahmood TA 2862
15. Aalia Khan TA 2864
16. Kelsi Jones TA 2865
17. Logan Powers TA 2867
18. Santina Possanza TA 2868
19. Brooke Justis TA 2869
20. Eun Jung Kim TA 2870
21. Brittany Caputo DA 2857

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

Ms. Joyner stated that Linda Beyer, Fiscal Officer will attend the September 28, 2022, Board meeting to provide the Board with an update for FY23, and discuss whether fees should be increased.

J. Adjournment

A motion was made by Ms. Hubbard and seconded by Ms. Pepper to adjourn the General Session meeting at 10:35 a.m.

The next Board meeting will be September 28, 2022, at 4201 Patterson Avenue, Baltimore, Maryland.

Sincerely,

Original Signature on File

Gwendolyn A. Joyner
Executive Director