

BOARD OF EXAMINERS IN OPTOMETRY



AGENDA

General Session (Public) Meeting
Wednesday, July 26, 2023 – 9:30 AM-11:00 A.M.

- A. Call to Order at 9:30 a.m.**
- B. Welcome: Tracy Boss, O.D., Kennedy Smith, Office Secretary II**
- C. Additions/Corrections to Agenda**
- D. Approval of Agenda**
- E. Corrections to General Session Minutes – May 31, 2023**
- F. Approval of General Session Minutes - May 31, 2023**
- G. Legislative Update – Lillian Reese, Legislative and Regulations Coordinator**
 - Telehealth Regulations Update
 - Bill for CHRI – State and FBI – Legislative Session 2024
 - Sunset Bill for Legislative Session 20224, Board will need to vote to change from 2025 to 2035.
- H. Rhonda Edwards, Deputy Counsel/ Board Counsel**
 - Federal Law - Service Members and Spouses
 - Draft Reciprocity Bill/ Meeting with DC Executive Director

I. Committee Reports – Kelechi Mezu-Nnabue, O.D.

- CE Approvals for FY2024

J. Treasurer’s Report -Rona Pepper, Consumer Member

K. President - Franciso Burgos, O.D.

- Continuing Education Discussion - Online CE 2024/2025
- Emails received from Licensees - CEs
- Vote for Disciplinary Committee Members for 2024

L. New Business – Francisco Burgos, O.D.

- Newly Licensed Optometrist - Vote to Approve

**M. Old Business – Executive Director
Follow Up Discussions**

- Board Vacancy
- Upcoming OLA
- Prorating CE Beginning 2024
- Docuexplorer

N. Executive Director's Report — Gwendolyn Joyner

- Renewals
- ARBO Conference
- Board Emails

O. Terry Haley, O.D. - ARBO Member

- ARBO Information

P. Next Board meeting - in person September 27, 2023

Q. Adjournment

BOARD OF EXAMINERS IN OPTOMETRY



MINUTES

General Session (Public) Meeting
Wednesday, July 26, 2023 – 9:30 AM-11:00 A.M.

A. Call to Order at 9:30 a.m.

The (online) meeting was called to order at 9:32am by President, Franciso Burgos, O.D.

The Optometrist Board members present were Mesheca Bunyon, O.D., Fran Burgos, O.D., Marcie Lerner, O.D., Kelechi Mezu, O.D., and newly appointed member, Tracey Boss, O.D. Consumer Members, Rona Pepper and Margaret Hubbard were also present.

Staff present were Gwendolyn A. Joyner, Executive Director; Rhonda Edwards, Deputy/Board Counsel; Kennedy Smith, new Office Secretary.

Guest Attendance: Lillian Reese, Legislative & Regulations Coordinator, Boards and Commissions, Jennifer Cohen, Executive Director, Maryland Optometric Association, representative, and Zakiyyah Holmes, Administrator, Boards and Commissions.

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**: past 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), newly appointed member Tracey Boss, 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; Kennedy Smith, Office Secretary; Licensing Coordinator (position currently vacant), 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 authorize by law, a member of the public attending an open session may not participate in the session.

B. Welcome: Tracey Boss, O.D., Kennedy Smith, Office Secretary

C. Additions/Corrections to Agenda (none)

D. Approval of Agenda

A motion was made by Marcie Lerner, O.D. Motion to approve by Marcie Lerner, O.D.; seconded by Rona Pepper, to approve the agenda.

E. Corrections to General Session Minutes – May 31, 2023 (none)

F. Approval of General Session Minutes - May 31, 2023

A motion was made by Rona Pepper; seconded by Margaret Hubbard to approve the minutes.

G. Legislative Update – Lillian Reese, Legislative and Regulations Coordinator

- **Telehealth Regulations** Update: Waiting for MD Secretary of Health to sign off on the bill (likely in September 2023).
- Bill for **CHRI** (Criminal History) – State and FBI – Legislative Session 2024 (in holding pattern):
State Board of Examiners in Optometry – Criminal History Records Checks

“FOR the purpose of requiring an applicant to submit to a criminal history records check; requiring the Central Depository to forward to the Board and to certain individuals certain information under certain circumstances; and generally relating to the State Board of Examiners in Optometry...”

- **Sunset Bill** for Legislative Session 20224, Board voted to change from 2025 to 2035:

11–602. “Subject to the evaluation and re-establishment provisions of the Maryland Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, [2025]2035. SECTION 2. AND BE IT FURTHER ENACTED That this Act shall take effect June 1, 2024.”

- Motion made by Margaret Hubbard; Seconded by Dr. Tracey Boss; unanimously approved.

H. Rhonda Edwards, Deputy Counsel/ Board Counsel

- o **Federal Law** - Service Members and Spouses: Veteran’s Auto & Education Improvement Act of 2022 (effective Jan 1, 2023): portability of licensure of service member and spouses when move to Maryland under military orders. They are NOT required to take the state law exam but are subject to the laws of practice in MD
- o **Draft Reciprocity Bill/ Meeting** with DC Executive Director: Health Occupations
1-228, from MD Department of Health (not Optometry Board):

Health Occupations – Reciprocal Licensure

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Laws of Maryland read as follows:

Article – Health Occupations1–228.

(A) IN THIS SECTION, “RECIPROCITY” MEANS A SYSTEM UNDER WHICH AN INDIVIDUAL IS ENTITLED TO OR IS EXEMPTED FROM LICENSURE IN THIS STATE BASED ON:

(1) THE INDIVIDUAL’S LICENSURE IN THE SAME PROFESSION BY A LICENSING AUTHORITY IN ANOTHER STATE; AND

(2) ANY OTHER REQUIREMENT ESTABLISHED BY STATUTE.

(B) THIS SECTION ONLY APPLIES TO HEALTH OCCUPATIONS BOARDS WITHOUT STATUTORY AUTHORITY FOR RECIPROCITY.

(C) A HEALTH OCCUPATIONS BOARD MAY ADOPT REGULATIONS GOVERNING LICENSURE RECIPROCITY WITH LICENSING JURISDICTIONS OUTSIDE OF MARYLAND.

(D) AT A MINIMUM, ANY REGULATIONS ADOPTED BY A HEALTH OCCUPATION BOARD PURSUANT TO THIS SECTION SHALL REQUIRE THAT:

(1) THE APPLICANT:

(I) BECAME LICENSED OR CERTIFIED IN ANOTHER JURISDICTION UNDER REQUIREMENTS THAT A HEALTH OCCUPATIONS BOARD DETERMINES ARE SUBSTANTIALLY EQUIVALENT TO ITS LICENSING REQUIREMENTS;

(II) IS IN GOOD STANDING UNDER THE LAWS OF THE OTHER JURISDICTION; AND

(III) SUBMITS AN APPLICATION TO THE HEALTH OCCUPATIONS BOARD ON A FORM THAT THE BOARD REQUIRES;

(2) PAYS TO THE HEALTH OCCUPATIONS BOARD AN APPLICATION FEE SET BY THE BOARD; AND

(3) THE JURISDICTION IN WHICH THE APPLICANT IS LICENSED OR CERTIFIED OFFERS A SIMILAR RECIPROCAL LICENSING PROCESS FOR INDIVIDUALS LICENSED OR CERTIFIED BY A MARYLAND HEALTH OCCUPATIONS BOARD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July1, 2024.

- o Regarding OPTOMETRY License **COMPACTs**, Jen Cohen, O.D. attended the American Optometric Association Convention in June and found that most states did not approve of the concept of **Compacts** for license portability due to scope of practice issues. Six states were interested, but the idea was financially not viable even with grant funding from the AOA. (It would cost about \$750,000 just to draft the language of Compact legislation; the AOA was willing to cover \$500,000.)

I. Committee Reports – Kelechi Mezu-Nnabue, O.D.

- Dr. McConkey submitted a request for approval for 2 CE hours for “pro-bono” work that was approved by Dr. Mezu Nnabue.
- Dr. Fechter submitted a request for Clinical Observation, but did not include the number of hours he is requesting. Ms. Joyner will follow up with Dr. Fechter to find out how many hours he is requesting for approval.

J. Treasurer’s Report -Rona Pepper, Consumer Member

FY Summary as of July 20, 2023

| | |
|---------------------------------|---------------|
| Total Revenue Collected in FY23 | \$276,161.00 |
| FY22 Special Fund Carry Over | \$112,943.80 |
| Expenditure Budget- Spent | \$112,943.80 |
| Current Fund Balance is | \$ 117,768.43 |

FY 24 Summary as of July 20, 2023

| | |
|----------------------------------|-------------|
| Total Revenue Collected in FY24 | \$23,030.00 |
| FY 24 Expenditure Budget – Spent | \$4,268.70 |
| FY24 Balance | \$18,761.30 |

K. President - Francisco Burgos, O.D.

- Continuing Education Discussion - Online CE 2024/2025
Board The discussed the issue of granting approval for CE credits earned all online
Still 50 credit hours per 2-year license renewal;
30 of those to be Therapeutic/Medical topics;
3 CE credits can be earned from CPR;
up to 6 hours for clinical observation;
up to 4 hours in Practice Management;
up to 4 hours for courses in Ethics (which can include up to 2 hours of Implicit Bias training (one time only), Child Abuse Detection, Opiod Abuse Detection;
up to 8 hours of Procedure Training
up to 4 hours for “Cultural Competency” Training
up to 16 hours for giving professional lectures
up to 12 hours for publishing a scientific paper (in optometry/visual science)
- **A motion was made by A motion was made by Dr. Tracey Boss and seconded by Dr. Mezu, to allow up to 50 of required CE credits to be earned online, to strike the “10 hours in person, in Maryland” requirement, effective starting with the June 30, 2024 renewal cycle, unanimous approval.**
- **A motion was made by Dr. Tracey Boss and seconded by Dr. Lerner to allow the Implicit Bias Training Course that is required for first time renewal (which is required by the State of Maryland), be accepted as part of the ce requirement in cultural competency, and the Child Abuse and Opiod Abuse Detection, is not currently required in Maryland, to count as “Ethics” CE (up to 4 hours total), but will be accepted as part of Ethics, effective starting with the June 30, 2024 renewal cycle, unanimous approval.**
- Rhonda stated the regulations will need to be updated.
- E-mails received from Licensees - CEs: There were multiple emails regarding 2024 and 2025 license renewal CE requirements; the previously mentioned discussion answers those e-mails with the new approval of up to 50 CE hours per license renewal to be taken online.

Other e-mailed questions:

1. The Washington State Board of Optometry would like to know the following:
Does your state allow optometrists to administer injections? No

Do you require the Injection Skills Examination through the NBEO as part of your licensing requirements. No

Lisa Fennell; Executive Director, Association of Regulatory Boards of Optometry
Answer: In the state of Maryland, only injections of epinephrine for anaphylactic reactions are permitted. (So, No, to both questions)

2. **Question from Connie Narine, O.D.** about Maryland acceptance of a Salus University courses; just need a copy with a seal from Salus.
 - Voted for **Disciplinary Review Committee** Members for 2024: Marcie Lerner, O.D. and Tracey Boss, O.D.; (Motion to approve by Rona Pepper; seconded by Margaret Hubbard)

L. New Business – Francisco Burgos, O.D.

- Newly Licensed Optometrists - Voted to Approve (Motion to approve by Dr. Tracey Boss; seconded by Margaret Hubbard)

| | | | |
|----|-----------------|-----|------|
| 1 | Marni Robins | TA | 2912 |
| 2 | Bradley Salus | TA | 2913 |
| 3 | Malino DeFay | TA | 2914 |
| 4 | Matthew Hockett | TA | 2915 |
| 5 | David Rosner | TA | 2916 |
| 6 | Jordan Oliver | TA | 2918 |
| 7 | Adriana Okoye | TA | 2919 |
| 8 | Kelsey Palmer | TA | 2920 |
| 9 | Alice Laflamme | TA | 2921 |
| 10 | Amna Shaikh | N/A | 2922 |
| 11 | Brittany Eaton | TA | 2923 |
| 12 | Norwood Kelly | DA | 2924 |
| 13 | Heather Min | TA | 2925 |

| | | | |
|----|--------------------|-----|------|
| 14 | Angela Mantzavinos | TA | 2926 |
| 15 | Callia Tweedell | TA | 2927 |
| 16 | Joanna Cotter | N/A | 2928 |
| 17 | Michael Tran | TA | 2929 |
| 18 | Shaily Sheth | TA | 2930 |
| 19 | Obinna Odozor | TA | 2932 |
| 20 | Joseph Pruitt | TA | 2933 |
| 21 | Ayhubrhan Yifru | N/A | 2934 |
| 22 | Amanda Mackner | N/A | 2935 |
| 23 | Amaka Okeke | TA | 2936 |

TA Therapeutic Pharmaceutical Agent

DA Diagnostic Pharmaceutical Agent

N/A No certification only license

M. Old Business – Executive Director Follow Up Discussions

- Board Vacancy (appointment up to Secretary of MDH; governor approval)
- Upcoming OLA (August 2023)
- Prorating CE Beginning 2024
- Docuexplorer (NOT compatible with our current system)

N. Executive Director's Report — Gwendolyn Joyner

ARBO Conference (June 18-20, 2023 in Alexandria, VA)

(Attended by Gwendolyn Joyner, Dr. Marcie Lerner, and past Exec Director and lifetime ARBO member, Patricia Bennett) (See Dr. Lerner's notes attached to Board Meeting Packet for more information):

ARBO MEETING CONCLUSION (according to Dr. Lerner): I learned so much detail about how our Optometry Boards function and the importance of regulation in the optometric profession.

- Optometry is held to a high standard as we increase our scope of practice and is in a battle to stay afloat in the new technology of “virtual eye exams,” 1-800-Contacts, etc., and deal with discount Vision Plans. As board members, we need to think more

like “**Regulators**,” and consider the public welfare, not just the promotion of our profession.

- The **OE Tracker** app is a great tool for O.D.s to store all your Continuing Education information and for Board Members (or the executive director, etc.) to easily check licensees’ status of C.E. credits. The new “Dashboard” has greatly improved ease of use.
- **COPE Accreditation** of C.E. courses ensure that the programs meet certain standards. The new classifications of C.E. clears up confusion in the post-pandemic world of the increase in online learning.
- The “**Model Practice Act**” is a new document to aid boards in revitalizing and possibly correcting any issues with their existing practice acts. Please see the attached copy of the draft for the MPA.
- **NBEO** is almost ready to launch its new version of the “Part III” Exam, now called “**PEPS**,” or Patient Encounters and Performance Skills.
- There is an existing exam to certify optometrists for **Laser and Surgical Procedures**
- We explored the optometric **regulation of Telehealth** and should examine our Maryland version again
- The formation of **CELMO** (Council on Endorsed Licensure Mobility for Optometrists) is a step toward increased flexibility for licensed O.D.s to move or work in different states legally and still ensuring verification of qualifications.
- I learned more about **Diversity, Equality, and Inclusion**; the history of bias and racism even in the optometric profession and how we can improve things for the present and next generations.

O. Terry Haley, O.D. - ARBO Member (joined our virtual meeting to answer any questions about ARBO): former United States Navy officer; President of Idaho Board of Optometry; associated with ARBO since 2019 and is now Board Secretary; she is our board liaison to ARBO; she discussed CELMO, which is a databank for potential licensee official documents (i.e. Board Scores, diplomas, transcripts, etc.) to help member boards approve licensees to practice in their states. Each licensee will pay \$200 to get a CELMO Certificate after all documents are submitted and approved; the service is no cost for each state board.

She also discussed “DEI,” Diversity, Equality, and Inclusion, which is a policy in progress for ARBO to promote fairness for all individuals.

P. Next Board meeting - in person September 27, 2023

Q. Adjournment

A motion was made by Rona Pepper; seconded by Marcie Lerner, O.D. to adjourn the meeting at 11:52 a.m.

Marcie M. Lerner, O.D.

Marcie Lerner, O.D., Board Secretary