

# BOARD OF EXAMINERS IN OPTOMETRY



## AGENDA

General Session (Public) Meeting

Wednesday, November 16, 2022 – 9:30 AM-11:00 A.M.

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- A. Call to Order
- B. Additions/Corrections to Agenda
- C. Approval of the Agenda
- D. Review and Approval of General Session Minutes — September 28, 2022
- E. Legislative — Lillian Reese, Legislative Regulations Coordinator
- F. Committee Reports
  - 1. Continuing Education — Fran Burgos, O.D.
    - Board Vote to Approve from September 28, 2022, meeting**
      - Fall CE Event – Ludwig Eye Center
      - Glaucoma Treatment MIGS-MOA
      - Corneal Transplant – Peri -Operative Management of Ophthalmic Surgery -MOA
      - Cataract Surgery, Emerging Technologies and Advancement & Topics on Upper Eyelid Malportions – Seidenberg, Protzko Eye Associates
    - Vote to Approve CE - November 16, 2022**

- Jeremy Goldman, OD – The Wilmer Eye Institute’s 35<sup>th</sup> Annual Current Concepts in Ophthalmology, John Hopkins Medicine
- Cataract “Preop and Postop” Special Cases - MOA
- Optometry Meets Neurology “Linking Headaches and Dry Eye Symptomology - MOA
- CMOS Fall CE Online - MOA
- “Lights Out” A Rare Case of Young Vision -MOA
- “Our Favorite Cases”-Seidenberg Protzko Eye Associates

2. Treasurer's Report — Rona Pepper, Consumer

3. President's Report — Mesheca Bunyon, O.D.

- Further Discussion Proration of Ces for 2023
- Email Tele -Optometry
- Email – ODs and Botox
- Email -Optometrist Selling and Dispensing medicated Contact Lens for Glaucoma
- ARBO/COPE Survey
- ARBO/COPE Announces format

G. Old Business

- Network Reconnection

H. Executive Director's Report — Gwendolyn Joyner

I. New Business

- Roster Fee
- Board Vacancy
- Workforce Commission Health Occupations Boards
- ARBO Executive Directors meeting
- Board Meeting Dates 2023/Virtual/In person

New Licenses Issued

Next Board meeting will be January 25, 2022, at 9:30 a.m.

J. Adjournment

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

**9:30 a.m.**

**General Session Minutes**

**9/28/2022**

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

Staff present were Gwendolyn A. Joyner, Executive Director and Carl Norman, Jr., Licensing Coordinator. Rhonda Edwards, Deputy/Board Counsel. Guest Attendance: Linda Beyer, Fiscal Officer, Boards and Commissions, Lillian Reese, Legislative and Regulations Coordinator, 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 Nnabe, 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

**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**

A motion was made by Dr. Burgos and seconded by Dr. Lerner to approve the September 28, 2022, agenda. The agenda unanimously passed.

**C. Review and Approval of General Session Minutes July 27, 2022**

A motion was made by Dr. Burgos and seconded by Dr. Lerner to approve the July 27, 2022, meeting minutes with corrections that were noted.

**D. Legislative – Lillian Reese, Legislative Regulations Coordinator**

- **Sunset Bill**

Ms. Reese attended the meeting to provide the Board with an update.

- Sunset Bill did not pass during the 2022 Legislative Session.
- The Board will expire June 2023. The Board is requesting to extend until 2033.
- There are 5 Boards with Sunset for the 2023 Legislative Session.
- The Department will provide a sponsor for the Sunset Bill.

- **Telehealth Regulations**

The Telehealth regulations have been signed by MDH Secretary, there are several steps to process

- Telehealth regulations will go to AELR (Administrative Executive Legislative Review Committee) for review.
- AELR Committee is made up of legislators, 10 from the House and 10 from the Senate, they review all legislation in the State of Maryland before it goes into the Maryland Registry.
- Proposals are anticipated to go to AELR in October, once the electronic filing system is up and running.

**E. Linda Beyer, Fiscal Officer, Boards and Commissions**

- Ms. Beyer stated due to the Board not having a Licensing Coordinator for several months and staff salary is significantly less, the Board closed with a fund balance of \$112,000. The Board took in \$43,000.00 which goes into the Board's Special Funds. If this trend continues, the Board should be ok, except for AG cost. Ms. Beyer stated she will not know until she receives the final numbers, which will be sometime in November. She stated as long as fee for AG stay within \$30,000.00, the Board may not need to look at increasing fees, but this fee is unknown at the present, It is always two years later, For example if there is a case today it would not hit until 2025.

**F. Committee Reports**

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

- Fall CE Event – Ludwig Eye Center
- Glaucoma Treatment MIGs -MOA
- Corneal Transplant - Peri-Operative Management of Ophthalmic Surgery
- MOA
- Cataract Surgery, Emerging Technologies& Advancement& Topics on Upper Eyelid Malportions – Seidenberg, Protzko Eye Associates

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

- Total Revenue Collected in FY23 \$24,108.00
- FY22 Special Fund Carry Over \$112,943.80
- Total Available \$290,068.13
- Expenditure Budget- Spent \$\$25,759.87
- Remaining Balance - \$108,291.93

Board members were presented a copy of the projections for FY 2023 and 2024.

3. President's Report – Mesheca Bunyon, O.D.

Questions received from Licensed Optometrist

4. If a licensed Optometrist has been practicing in another state, is issued a license in Maryland and has less than 9 months before he/she renew their license, are they still required to complete 50 CE hours for their first renewal, (last name: M-Z)

- Board Members discussed prorating ces for licensees who were certified 12 months or less and are due to renew in the 2023 renewal cycle, based on their last name, M-Z. TPAs certified who are required

to complete 50 ces, would only be required to complete 25 credit hours of which 15 would be TPA. DPAs o have been certified 18 months or less would be required to submit 18 ces for their first renewal. The renewal fee would remain the same \$600.00. CPR and Implicit Bias Training would still be required. Ms. Joyner will discuss with the previous Executive Director to find out if ces were prorated for their first renewal. This will be tabled for further discussion at the November 16, 2022, Board meeting.

**Tabled for Discussion from the July Board meeting to be discussed at the September meeting.**

5. What is the status for Optometrist doing remote eye exams and infractions and signing off on prescriptions, etc.? Board Counsel provided clarification for Telehealth: Optometrist have to be licensed in the state of Maryland to practice, and if they are licensed in Maryland, they can do Telehealth as long as they comply with the standards. You cannot establish a separate standard of care for Telehealth.
6. Will the Board's requirements be the same for licensees who renew in 2024 as it was for 2022 and 2023? A motion was made by Dr. Lerner and seconded by Dr. Burgos that the 50 CE hour requirements can be completed online, and the 10 hours Therapeutic do not have to be in person, to the end of the June 30, 2023, renewal cycle.
7. When licensed in Maryland do providers need to report when a patient fails and eye exam in Maryland, is the physician required to report it? The answer is no. If they are asked you to fill out a form, the information could be included on the form. The Board does not have a duty to report to the MVA.

Dr. Bunyon stated she is now a member of the CELMO (Council on Endorsed Licensure for Optometrists. CELMO was created "to assist ARBO's member optometry boards in reviewing applications for licensure from established practitioners in other jurisdictions. The goal of the CELMO program is to provide a license mobility vehicle by which the optometry licensing boards can address the difficult task of how to deal with the issue of licensure by endorsement in a uniform and consistent manner."

## **G. Old Business**

### Network Reconnection

- Ms. Joyner stated Boards are still waiting on IT and DOIT to find out what the cost will be. Estimated time for reconnection will be a few more months.

### Docuexplorer

- Ms. Joyner stated that she and the Board's new Licensing Coordinator Carl Norman, Jr. have been training with Docuexplorer Taxonomy staff to set up files to scan applications into the system. Board staff will scan all documents to include fiscal documents, eliminating paper. This moves the Board forward into today's technology.

### Resignation

- Dr. Bunyon informed Board Members that Dr. Mark Gordon resigned his position on the Board. She stated the importance of attendance, Board members are required to attend 50 % of the Board meetings. Board Counsel stated Board members cannot be absent from two consecutive Board meetings without adequate reason. Two consecutive absences from Board meetings are grounds for removal.

## **H. Executive Director's Report — Gwendolyn Joyner**

- Ms. Joyner introduced Carl Norman Jr. as the new Licensing Coordinator. Mr. Norman gave the Board a brief overview of his background experience. He has worked for Controlled Substance Administration for seven years. He has a strong licensing experience, approved all applications for hospital practitioners, for any establishment in the state of Maryland that prescribe Controlled Dangerous substances. Mr. Norman was also responsible for updating the Board's website with the responsibility for implementation with their new database system. He also brings fiscal and procurement background experience.

### **Statute and Regulations**

- Ms. Joyner stated Board members should review the Statute and regulations to see if there is any information that should be removed from the Statute or added to the regulations. For example, Limited License is in the Statute.
- Board Members can think about whether they would like to submit
- a Bill in 2024/2025 to require Optometrist to complete a State and FBI background check.

### **New Board Member Orientation**

- New Board Member Orientation will be November 4, 2022, at 1:00 p.m.

### **Ethics Training**

- Virtual Ethics Training will be October 26, 2022, at 9:00 a.m.

### **New Licensees**

1. Christy Slagle, TA 1762 – Reactivation
2. Tracy Boss, TA2027- Reinstatement
3. Ramneet Kaur, TA2871
4. Aspen Celeste Chun TA2872
5. Alethia Imani Love Harris, TA2873
6. Andrea Kay Smith Gray, TA2874
7. Priya Swatch, TA2875
8. Rosalyn A. Lilienthal, TA2876
9. Michael Joyce, TA2877
10. Amber Aria, TA2878
11. Akhatar Shuayb, TA2879
12. Candace C. Christen, TA2880
13. Tyler Reppert, TA2881
14. My Phuong Thi Bui, TA2882

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

### **J. Adjournment**

A motion was made by Ms. Pepper and seconded by Dr. Burgos to adjourn the meeting at 11:36 a.m.

The next virtual Board meeting will be November 16, 2022, at 9:30 a.m.

Sincerely,

### **Original Signature on File**

Gwendolyn A. Joyner  
Executive Director