

# BOARD OF EXAMINERS IN OPTOMETRY



## AGENDA

General Session (Public) Meeting

4201 Patterson Avenue, Baltimore, Maryland 21215  
Wednesday, September 27, 2023 – 9:30 AM-11:00 A.M.

- A. Call to Order at 9:30 a.m.
- B. Welcome – Andrea Russell – Tate, Office Secretary
- C. Additions/Corrections to Agenda
- D. Approval of Agenda
- E. Review and Approval of General Session Minutes – July 26, 2023
- F. Legislative Update – Lillian Reese, Legislative and Regulations Coordinator
  - Telehealth Regulations Update
  - Sponsor for CHRI -Bill, State and FBI
  - Regulatory Review
- G. **Committee Reports**
- H. CE Approvals – Dr. Mezu Nnabue
  - Glaucoma Management, Options & Case Studies Lecture, Dr. Boles
- I. Treasurer’s Report – Rona Pepper

**J. President's Report – Dr. Burgos**

- New Business – Letter from NBEO –9/18/23
- Newly Licensed Optometrist

**K. Executive Director's Report**

- Sunset Bill Extension -Legislative Session FY2024  
Staff Retention (Meeting with MDH Secretary)
- Board Vacancy - Dr. Bunyon's Replacement
- Board Meeting Dates for 2024
- DRC (Disciplinary Review Committee) 2024
- **Old Business**
  - OLA
  - Renewal Update

**L.** The next General Session Board meeting will be November 15, 2023, the meeting will begin at 9:30 a.m. by videoconference.

**M. Adjournment**

## BOARD OF EXAMINERS IN OPTOMETRY



### Minutes for the General Session (Public) Meeting

4201 Patterson Avenue; Room 105  
Baltimore, Maryland 21215  
Wednesday, September 27, 2023: 9:30 AM – 11:00 AM.

#### A. Call to Order

Dr. Fran Burgos called the meeting to order at 9:40 a.m.

The **Optometrist** Board members present were Fran Burgos, O.D., Kelechi Mezu, O.D., Tracey Boss, O.D., and Marcie M. Lerner, O.D. (by phone).

**Consumer** Members, Rona Pepper and Margaret Hubbard were also present.

**Staff** Members present were Gwendolyn A. Joyner, Executive Director; Rhonda Edwards, Deputy/Board Counsel; Andrea Russell-Tate, new Office Secretary.

**Guest Attendance:** Lillian Reese, Legislative & Regulations Coordinator, 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), 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** include Gwendolyn Joyner, Executive Director; Andrea Russell-Tate, 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 authorized by law, a member of the public attending an open session may not participate in the session.

- Board members and staff welcomed **Andrea Russell – Tate**, new Office Secretary for the Board.

**B. Additions/Corrections to Agenda** (none)

**C. Approval of Agenda:** Margaret Hubbard motioned to approve the agenda; Dr. Tracey Boss seconded; unanimously favored.

**D. Review and Approval of General Session Minutes – July 26, 2023;** Dr. Boss motioned to approve; Rona Pepper seconded; unanimously favored.

**E. Legislative Update – Lillian Reese, Legislative and Regulations Coordinator**

- Telehealth Regulations Update: Regulations effective as of September 18, 2023.
- Sponsor for CHRI -Bill, (State and FBI background checks for optometrist licensees); we now have a House and Senate Sponsor
- Regulatory Review: Since 1985, a law was passed: all chapters in COMAR should be reviewed every 8 years so that all regulations are up to date/necessary, etc.; (3 other boards are going through this now as well); Part I is “The Work Plan,” (due October 1, 2023); Part II, “The Evaluation Reports,” are due October 1, 2024. Lillian and Gwen are working on Part

I, which just states that we will go through the chapters in COMAR 10.28 and make changes (or not) to each chapter by the due date.

- Legislative Committee/Statutes & Regulation Committee: Dr. Mezu & Dr. Lerner will go through the chapters and bring any change suggestions to the Board.

#### E. Committee Reports

CE Approvals – Dr. Mezu Nnabue

- Glaucoma Management, Options & Case Studies Lecture, Dr. Boles
- CE Dr. Fechter -Clinical Observation
- Updates to the Board’s website CE (can do all 50 credits online now—or in person, or combination; *minimum* of 50 credits total); and First time Renewal information:

(Revised by Dr. Mezu)

#### Continuing Education Requirements for 2 -Year Renewal Cycle Continuing Education Updates for Renewal

*Interactive Online and Journal and/ or Online with Post Test*

The Board will allow licensees to acquire all 50 CE during renewal cycle **as in-person events, interactive online (synchronous) and journal or online with post-test (asynchronous)**

#### First -Time Renewal Requirements

For Licensees coming to Maryland from another state who have held their optometry licenses for less than two years, (*in the State of Maryland*) CEs will be prorated for first time renewal based on **when the candidates** were issued a license.

All licensees renewing for the first time in Maryland are required to complete the Implicit Bias Training for their first renewal and CPR.

For licensees who did not apply **to Maryland** within a year of graduation and have held their license for less than two years, CEs will be prorated for their first-time renewal, based on their license issuance date.

#### General Continuing Education Requirements

**TPA Certified** optometrists are required to document 50 hours 30 of which must be therapeutic and have current CPR certification.

**DPA Certified** optometrists are required to document 36 hours 6 of which must be diagnostic and have current CPR certification.

**Non-Certified** optometrists are required to document 36 hours.

**Fractional Credit hours are allowed.**

## **COPE Categories (Revised January 2022)**

The Board accepts only COPE accredited or Maryland Board approved continuing education programs. The Board accepts courses as therapeutic that fall within the Ocular Disease and related Systemic Disease categories.

### **Board Continuing Education Categories**

1. **Board Meeting Attendance** – The Board will allow continuing education credit of up to 4 hours in the two-year period for attendance at the regular session of Board meetings. Licensees will receive 2 hours and a certificate for each meeting attendance.
2. **Clinical Observation** – Observation of clinical procedures (without a corresponding lecture) will be accepted for continuing education credit up to a maximum of 8 hours in the two-year period. The site must be pre-approved by the Board. The licensee needs to obtain a letter verifying the number of hours from the person or facility where the observation is done.
3. **General** -Types of general hours may include the following:
  - CPR* –Required for DPA and TPA certification. DPA and TPA certified optometrists are responsible for maintaining proficiency with the current CPR procedures as recommended by the American Heart Association. The Board will grant a maximum of 3 hours in the two-year period for CPR recertification.
  - Ethics* – The Board will allow up to a maximum of 4 hours for Board approved courses in optometric ethics.
  - Practice Management* – The Board will allow a maximum of 4 hours in the two-year period for programs directly relating to patient care.
  - Optometric Ethics/ Maryland Optometric Jurisprudence, or both* – The Board will allow up to a maximum of 4 hours for Board approved courses in the two-year period.
  - Cultural Competency* – The Board will allow up to a maximum of 4 hours for Board approved courses in cultural competency.
  - Other* – The Board will allow approved programs that are relevant to the practice of optometry.
4. **Journal and Internet Courses** – Courses given in optometric or other professional journals with a post-test, ***or live (synchronous) Internet courses, or recorded/asynchronous with post-test***, will be accepted for continuing education credit **with a minimum of 50 hours** in the two-year renewal period.
5. **Lecture** - There is no limit to the number of hours for attending face to face/ in-person/ live lectures.
6. **Presented Program** - Licensees who present approved CE programs will be allowed continuing education hours for the preparation and presentation of the program as follows: ***for each hour of presentation***, the licensee will be allowed **one hour for preparation and then one hour for each credit hour presented** up to a maximum of **24** hours in the two- year period.

- 7. **Pro Bono Work**-The Board will allow **2** credit hours for each 3 hours of approved continuing education activity, up to a maximum of **12** credit hours per renewal cycle.
- 8. **Published Paper** – The Board will allow continuing education credit for a maximum of **12** hours in the two-year period for papers which have been either published or peer-reviewed.
- *Motion to approve changes to the CE requirements was made by Dr. Boss; seconded by Margaret Hubbard; All were in favor.*

H. Treasurer’s Report – Rona Pepper, Consumer Member:  
**FY Summary as of September 22, 2023**

|                                 |                     |
|---------------------------------|---------------------|
| Total Revenue Collected in FY23 | \$276,160.00        |
| FY22 Special Fund Carry Over    | \$389,204.00        |
| Expenditure Budget- Spent       | <u>\$273,637.00</u> |
| Current Fund Balance is         | \$130,401.03        |

I. President’s Report – Dr. Burgos

- New Business – Letter from Lisa Fennell, ED ARBO/ NBEO –9/18/23 regarding a test for optometrists’ “Professional Development” now is being discontinued.
- Montana Board of Optometry: asked if Maryland O.D.s can do Botox injections (No, we are not permitted).
- Email from Connie Narine, O.D. (asked about lecture at Katzen Eye Group; does it count as “in Maryland CE?,” however, that is no longer a requirement
- Newly Licensed Optometrists Approved:

|                           |    |                      |
|---------------------------|----|----------------------|
| 1. Maya Murray            | TA | 2940                 |
| 2. Amina Nahid            | TA | 2941                 |
| 3. Stephanie Gayle        | TA | 2942                 |
| 4. Amber Wiggins          | TA | 2943                 |
| 5. Jasmine Bravo          | DA | 2944                 |
| 6. Amy Ruzicka            | TA | 2945                 |
| 7. Laura Cruz Gonzales    | NA | 2946                 |
| 8. Dustin Colt Briscoe    | NA | 2947                 |
| 9. Ellita Daniel Mezebu   | NA | 2948                 |
| 10. Zachery Vonderach     | TA | 2949                 |
| 11. Caleen Burke          | TA | 1488 (Reinstatement) |
| 12. Linda Shi             | TA | 2950                 |
| 13. Minh-Khanh Thi Nguyen | NA | 2951                 |

TA: Therapeutic License

DA: Diagnostic License

*NA: License only (no patient care, unless in approved program/institution??)*

- *Motion to approve the new licensees by Dr. Boss, seconded by Margaret Hubbard; all in favor*

#### J. Executive Director's Report

- Sunset Bill (Board Expiration) Extension -Legislative Session FY2024 (We will NOT be getting 10 years) Boards have to ask the legislature for more years; our board got only a 2-year extension; however, we usually need to ask for an extension 2 years ahead of the Sunset. We need to ask for another extension **this** year. Some states combine all professions under a "Super Board," but not ideal! Next steps for Sunset: discuss with Lillian how to approach legislature about requesting an extension (perhaps ask for 8 years). Perhaps meet with legislatures one on one, or even the governor (nominate Dr. Tracey Boss!) (and work with MOA).

Staff Retention (Meeting with MDH Secretary): very difficult to find, hire, and keep decent contractors/employees;

To increase our Board income (to try and obtain more staff), we may need to increase license fees.

- ED Meeting Update (need more staff, including H.R.)
- Board Vacancy - Dr. Bunyon's Replacement: working with **Kimberly Hill** in, Appointments; the AOA (Jennifer Cohen) has already sent list of recommended optometrists (in June 2023); contact Secretary of Health to discuss delay resolution.
- Board Meeting Dates for 2024
- DRC (Disciplinary Review Committee,) 2024 meeting dates
- **Motion** to approve the dates for the Board and DRC meetings for 2024 by *Rhonda Edwards, seconded by Dr. Boss; All in favor. (on tape, Dr. Burgos said "Rhonda" and Dr. Boss?)*
- **Old Business**
  - OLA (Office of Legislative Affairs) doing audit of our board (and others); separation of duties; licensing, payments, and compliance (staffing shortage of Board Investigators, Licensing Coordinator, etc.).
  - Renewal Update: 1000+ Licensed O.D.s now (about 414 are renewals)

K. The next General Session Board meeting will be **November 15, 2023**, the meeting will begin at 9:30 a.m. by videoconference.



**L. Adjournment at 11:27a.m.:** *Motion to adjourn by Rona Pepper; seconded by Margaret Hubbard.*

Submitted by:

*Marcie M. Lerner, O.D.*

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Marcie Lerner, O.D.