

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

Wed. November 20, 2019
MDH Metro Executive Center
4201 Patterson Avenue #105
Baltimore, MD 21215
9:30 a.m.

The regular session of the Board of Examiners in Optometry's meeting was held on Wednesday, November 20, 2019. Board members present were, Andrew Doyle, O.D., Mesheca Bunyon, O.D., Francisco Burgos, O.D., Marc Gordon, O.D., Kelechi Mezu Nnabue, O.D., Rona Pepper and Margaret Hubbard. Also present was Deborah Donohue, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Lillian Reese, Legislation and Regulations Liaison, MDH and Kimberly Lang, Secretary's Liaison, MDH.

A. Call to Order

Dr. Doyle, Board President, called the regular session to order at 9:35 a.m. and read the following statements into the record:

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, Andrew Doyle, Mesheca Bunyon, Kelechi Mezu, Fran Burgos, and Mark Gordon 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. 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
- Participate in administration of national licensing examination
- 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 and conduct hearings concerning these violations
- Discipline licensees found to be in violation of the law
- Evaluate and monitor the quality assurance program and standard of care for the citizens of the state

COMAR 10.01.14.02. - Public Attendance

The general 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. Minutes

The regular session minutes of the September 25, 2019 meeting were reviewed. Following corrections to be made. Under the Executive Director’s Report, #9 change the word “thee” to “the”, and under New Business, #1 Licenses Issued now include a listing of the name if licensees. A motion was made by Dr. Bunyon and seconded by Dr. Gordon to accept the minutes as corrected. The Board’s vote was unanimous.

C. Committee Reports

1. Continuing Education – Dr. Bunyon

Dr. Bunyon reported that there were no items for review or discussion.

2. Budget – Rona Pepper

Ms. Pepper presented the Board’s current financial report – As of November 7, 2019

Available Special Fund Balance	\$236,038.00
Revenue FY 20	\$114,214.00
Expenses FY20	\$17,600.00

3. ARBO- Dr. Doyle

Dr. Doyle reported that he was selected as a committee member of ARBO’s National Board Educational Review Committee (NBERC). The Committee evaluates the examinations as they relate to the scope of practice and generate specific recommendations for continued quality improvement in the National Board examinations. He attended the NBERC Committee meeting in Charlotte, NC in October and reported on the committee’s review process and evaluation of Part III of the NBEO exam.

E. Old Business

1. Regulations

Standards of Quality for TPAs and optometric care – Effective March 1, 2020, the Board must recommend to the Secretary quality assurance guidelines for therapeutically certified optometrists and optometric care. After considering the recommendations, the Secretary shall adopt regulations that establish standards of quality for therapeutically certified optometrists and optometric care. A few Board members will review the current TPA regulation to determine what provisions should remain as guidelines. The regulations 10.28.12 will be divided among the Board Members as follows: Dr. Bunyon-10.28.12.01,.02 and.03, Dr. Doyle-10.28.12.04 and Dr. Mezu 10.28.12.05,.06 and .07. Draft guidelines will be prepared by March 25, 2020 for submission to the Secretary.

2. Legislation

Scope Expansion 2019- Wilmer Institute Course

The Board convened a teleconference on October 7, 2019, that was published and open to the public. The agenda item was to discuss the recommendations suggested by the Board to Dr. Goldman at its September 25, 2019 meeting. The Board approved the course as amended on the call. The Board vote was unanimous. The Wilmer Institute’s Maryland Optometry Scope Expansion Conference 2020 is scheduled for March 1, 2020.

Email from Stephanie Branch, O.D.

The Board received an email from Dr. Stephanie Branch expressing concerns regarding the Scope Expansion course, and its cost, that was approved by the Board and given by the MOA. She was upset that had she known about other course offerings, she may not have registered for the MOA course. She later discovered that there would be another sponsor offering a course. The Board will respond to Dr. Branch, that at the outset, the MOA was the only sponsor that had submitted a course for Board approval. The process was open to any sponsor to submit a course for review. It was not until the September 25, 2019 Board meeting, that the Board reviewed and approved the Wilmer course.

Email from Elizabeth Mc Ginn, O.D.

Dr. Doyle reported that the Board received an email from Dr. Elizabeth Mc Ginn stating she took the MOA sponsored course in November but would like to take the Wilmer Course as well since the topics are very specific to the expansion. The Board will respond to Dr. Mc Ginn that she can take the course offered by Wilmer. A motion was made by Ms. Hubbard and seconded by Ms. Pepper for the Board to contact the MOA and inform them of feedback that the Board has received regarding the quality of the course content. The Board inquired as to whether the MOA can offer the online course, at no charge, to those who attended the convention and wanted to take the refresher.

Concept Paper – Statute Clean-up Spring 2020 – TBD – Dr. Doyle noted that at this time, he did not foresee the need to submit a legislative concept paper in 2020.

Legislation to Extend Termination Date Spring 2021 – TBD

3. NBEO Six Limit Appeal Process

Poyesh Refahi

Dr. Doyle reported that at its last meeting the Board received a request from Dr. Poyesh Refahi asking for sponsorship to request a Six Limit Appeal and after reviewing her study plan, the Board decided to send a letter to Dr. Refahi recommending that she needs to review her study plans and resubmit his plan. The Board received Dr. Refahi's study plan and after review Dr. Doyle determined that he would sponsor Dr. Refahi. A motion was made by Dr. Mezu and seconded by Ms. Hubbard to allow Dr. Doyle to sponsor Dr. Refahi. The Board's vote was unanimous. The Board had also made a recommendation to send a letter to ASCO and copy NBEO and ARBO, regarding the issues regarding the numerous failed attempts for the graduates of the Puerto Rican School of Optometry.

F. Executive Director's Report – Pat Bennett

1. Annual Newsletter – The newsletter draft was discussed and members were asked to submit their articles to the Board prior to the holidays in December. A draft will be sent to members for review and the final newsletter is targeted for dissemination to licensees and the distribution list in January 2020.
2. Standard Operating Procedures – The Board reviewed and ratified its SOPs as amended during the September 25, 2019 Board meeting.
3. Strategic Planning – The Board also reviewed and approved its vision, mission and goals as originally defined at its retreat in the summer of 2018 and further refined by the strategic planning work group.
4. Certification- TPA/DPA – Board staff initiated discussion about whether the Board should consider the use of different labels to identify current TPA certified optometrists who meet the new requirement for scope expansion, effective July 1, 2020. The Board determined that it would cause confusion to change the titles, therefore, they decided to maintain the current TPA and DPA designations.

G. New Business

1. **Licenses Issued**-A motion was made by Dr. Burgos and seconded by Ms. Pepper to approve and accept the following newly licensed optometrists:

Jo Anne Lee Park, O.D. TA 2706
William Hill, O.D. TA 2707
Caryn Tsao, O.D. TA 2708

Christina Tang, O.D. TA 2709
Cheryl Tran, O.D. TA 2710
Stephanie D'Oazio, O.D. TA 2711
Joshua Stommes, O.D. TA 2712

The Board's vote was unanimous.

2. Maryland OD Question - Keston M. Regis, O.D.

Dr. Doyle received an email from the licensee inquiring whether there is anything in the Optometry Statute that addresses situations involving the use and alteration of prescription pads by optometrists for writing contact lens, eye drops and oral prescriptions. The issue was discussed and the Board decided to respond that the Board nor its staff are authorized to provide legal advice or statutory interpretation of its Practice Act. The Board will cite and direct the licensee to review in its statute, the definition of "practice optometry".

3. Board Elections- President, Secretary Treasurer

According to the Maryland Annotated Code of Maryland 11-203 Officers. (a) From among its members, the Board every 2 years shall elect a President, Secretary and Treasurer. The process was held and the following members were elected as Officers and will serve a 2-year term. All new officers will take their new roles at the next meeting.

President- Mesheca Bunyon, O.D.
Secretary- Kelechi Mezu, O.D.
Treasurer- Ms. Rona Pepper

H. Adjournment

Dr. Doyle adjourned the open session at 11:16 a.m. and convened an administrative session to discuss administrative and quasi-judicial matters and to comply with specific constitutional, statutory or judicially imposed requirements that prevent public disclosure about a particular proceeding or matter and to discuss the investigation of complaints against specific licensees. Ms. Pepper moved and Ms. Hubbard seconded the motion to adjourn. The Board's vote was unanimous.

Respectfully submitted,



Kelechi Mezu Nnabue, O.D.
Board Secretary