

## BOARD OF EXAMINERS IN OPTOMETRY

### Regular Session Minutes

September 28, 2016  
DHMH  
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, September 28, 2016. Board members present were, Andrew Doyle O.D., Mesheca Bunyon O.D., Stephen Kwan, O.D., Kelechi Mezu, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D., and Rona D. Pepper. Also present were Ari Elbaum, Board Counsel, Patricia G. Bennett, Board Executive Director, Kecia Dunham, Licensing Coordinator, and Arthura Easter, Staff Assistant. Also in attendance were Jennifer Levy and Cheryl Frazier from the MOA.

#### A. Opening of Meeting

Dr. Andrew Doyle, O.D., Board President, opened the regular session of the Board meeting at 9:35 a.m. He welcomed new Board member –Kelechi Mezu, O.D.

#### Minutes

The regular session minutes of the meeting held on July 27, 2016 were reviewed with corrections. On Page # 3 under **Executive Committee**, correct the spelling of "shared". A motion was made by Dr. Woolf and seconded by Dr. Kwan to accept the minutes with corrections. The Board's vote was unanimous.

#### C. Committee Reports

##### 1. Continuing Education - Dr. Woolf

Dr. Woolf reported that was no information to report.

##### 2. Credentialing- Dr. Kwan

Dr. Kwan reported that there was no information to report. This committee reviews and approves continuing education for applicants applying for diagnostic and therapeutic certification.

##### 3. Budget – Dr. Kwan

Dr. Kwan reported as of September 8, 2016 the Board's Expenditure balance is \$59,541.67. As of the same date, the Board's revenue received was \$26,896.

##### 4. QEI – Dr. Doyle

Dr. Doyle reported that the QEI Committee will hold its next meeting on October 20, 2016. He indicated that the 2015 Record Review process had begun and records received were disseminated to Committee members for review. A total of 150 doctors were audited:

- 8- Not practicing in Maryland
- 19- Not Using TPA
- 1- Retired
- 98- Submitted records
- 24- No response to the Audit Letter

The doctors who did not respond to the original audit letter will receive a follow-up letter informing them of the annual audit and their requirement to participate.

##### 5.

## 6. Rehabilitation- Dr. Doyle

The committee handles issues related to impaired professionals. There were no issues to report.

## 7. ARBO- Dr. Doyle

Dr. Doyle reported that the Board received a letter from ARBO about an incident that occurred at the recent ARBO annual meeting held in Boston. The letter stated that voting delegates in the assembly were contacted by the AOA and some of its local association members asking delegates to support certain candidates for the ARBO Board of Directors. Dr. Doyle expressed the importance of Board members' responsibility and knowledge of their role and primary duty as public protectors/ regulators versus their professional status as licensed practitioners.

## 7. Legislation – Dr. Walsh

Dr. Walsh reported that there was no information about newly proposed legislation.

Kristen Neville mentioned the Collateral Consequences Workgroup which was established by the Justice Reinvestment Act that the Governor signed into law earlier this year. The charge of the group is to examine any potential barriers to employment for ex-felons, specifically whether or not occupational licensing poses a barrier. The recommendations of the group may impact the Health Occupation Boards. Kristen will attend the meetings and report back.

## D. Old Business

### Regulations

#### Regulatory Review – Dr. Woolf, Chair

Dr. Woolf reported that the committee has completed the Regulatory Review and stated that no significant changes were recommended. Ms. Bennett stated that the Board submitted the evaluation reports to the Department in mid-August. The next step in the process is the actual drafting of the proposed language and the submission for regulation development and promulgation. The committee will meet with Kristen to work on drafting the proposed changes for submittal to the Department in early 2017 after the cut-off period for submissions has ended.

#### MOA- Modernizing the Scope of Practice of Optometry of Maryland

Jennifer Levy, Director of MOA, reported that the MOA will be introducing a new scope of practice of Optometry of Maryland to include:

- **Prescribing all FDA Approved Therapeutic Agents**
- **Independently Treat Glaucoma**
- **Order and Perform Diagnostic Tests**
- **Remove Foreign Bodies**

Ms. Levy also reported that Maryland is underutilizing an untapped resource in the delivery of Health Care to its citizens. The benefits of expanding the scope of practice of Optometry will give the optometrists a role in preventative medicine, improve patient health outcomes and continuity of care and provide the right care at the right cost. Ms. Levy indicated that at a recent meeting, an individual had a copy of a 2008 report to the legislature from the Board about suggesting changes to improve quality of and access to care or enhance the scope of practice for optometrist in Maryland. Ms. Bennett indicated that she would send a copy of the letter to individuals identified by Ms. Levy.

**Steroids Course** – Drs. Doyle and Woolf stated that they had reviewed the current steroids course that the MOA administers to applicants. They determined that the course meets the requirements as stated in statute and therefore, they had no recommendations for changes/revisions.

## E. Executive Director's Report – Patricia Bennett

**New Board Member Training-** Ms. Bennett advised that she would attend the session with Dr. Mezu. She stated that she was working on the development of an Orientation Manual for Board Members for use as a desk reference guide.

**Legislative Audit –** There was an exit meeting with the Executive Directors and auditors to discuss their findings. One of the major findings was that with the exception of 5 Boards/Commissions, the remaining Boards failed to properly separate the collection of funds and the issuance of licensing responsibilities. The Optometry Board was found to appropriately separate these functions.

**Meeting with Secretary Mitchell -** Ms. Bennett stated that Secretary Mitchell met with the Board Executive Directors on 9/27/16 and explained that he was submitting legislation again in the upcoming 2017 session to restructure the Boards. He stated emphatically that he has no authority/control over the Boards/ Board Executive Directors and we are actually ancillary to the mission of the Department. He is exhausted with handling personnel problems, complaints/ concerns/ issues from legislators and complaints from licensees about disciplinary actions. He is concerned that governments (boards) are broad in structure and there are economies of scale in narrowing the current structure. He mentioned that within the next 5 years, 45% of the Department will be eligible for retirement.

**Supreme Court Decision in North Carolina Dental vs. FTC Meeting–** A workgroup has been formed and the first meeting was held. The charge of the group is to come up with legislation, regulation, policies that will adequately address the active supervision requirement of the ruling for all Boards in the state. The Health Occupation Boards have 4 Executive Directors who are active participants. There will be several meetings over the next several weeks.

**Executive Committee-** The Board's Executive Committee will have its first meeting following the Board meeting. The members are Drs. Andrew Doyle, Mesheca Bunyon and Brian Woolf.

**Governor's Appointments Office –** Chris Cavey, Deputy Secretary of Appointments met with the Board Executive Directors to discuss his role in the board member appointments process. He indicated that Governor Hogan served as the Appointments Secretary under the Ehrlich administration and had "hands-on" involvement. Mr. Cavey communicated his commitment to ensuring that Board vacancies are filled. He did indicate, however, that Board re-appointments may not occur as often as they did in the past. The Governor wants more citizens to have the opportunity to serve.

**Maryland Customer Service Initiative -** Lisa Ellis, Chief Administrative Office for the Department, discussed the Governor's statewide initiative. The initiative is to renew a strong service culture, improve customer service training and establish performance metrics to track improvements. There is a Maryland Customer Service Promise poster that all state agencies are required to display prominently.

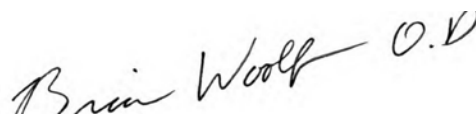
## F. New Business

1. **New Licenses Issued –** A motion was made and seconded to accept the 1 newly licensed optometrist since the July 27, 2016 meeting. The Board's vote was unanimous.
2. **Xiidra Question –** Ms. Bennett reported that the Board received a question from an optometrist asking whether Maryland licensed optometrists are allowed to prescribe Xiidra ophthalmic solution. According to the Optometry Statute, Section 11-404.2 (b) (1) " A therapeutically certified optometrist may administer and prescribe topical therapeutic pharmaceutical agents limited to: (iv) Anti-inflammatory agents. The Board has determined that Xiidra is a non-steroidal anti-inflammatory agent and therefore is within the category of permissible topical therapeutic pharmaceutical agents The Board will send a letter citing the Board's statute.

3. Regulatory Review – COMAR 10.31.01(Code of Conduct for Board Members and Investigators) and 10.31.02 (Tax Compliance Regulations) these ae up for review and comments go to Kristen.

Dr. Doyle closed the regular session at 10:47 a.m. to move into administrative session in order 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. Dr. Mezu seconded the motion. The motion passed unanimously.

Respectfully submitted,

A handwritten signature in black ink that reads "Brian Woolf O.D." with a stylized flourish at the end.

Brian T. Woolf, O.D.  
Board Secretary