

## BOARD OF EXAMINERS IN OPTOMETRY

### Regular Session Minutes

Wed. September 26, 2018  
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, September 26, 2018. Board members present were, Andrew Doyle, O.D., Francisco Burgos, O.D., Mark Gordon, O.D., Kelechi Mezu Nnabue, O.D., Rona D. Pepper and Margaret Hubbard. Mesheca Bunyon, O.D., Board Member was not in attendance. Also present was Adam Malizio, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Lillian Reese, Board Legislation/Regulations Liaison was present as well as guest, Jennifer Cohen, MOA.

#### A. Call to Order

Dr. Doyle, Board President, called the regular session to order at 9:30 a.m. and read the following statements into the record:

##### Maryland 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 July 25, 2018 meeting were reviewed and a motion was made by Dr. Gordon and seconded by Dr. Burgos to accept the minutes as written. The Board's vote was unanimous.

## C. Committee Reports

### 1. Continuing Education – Mesheca Bunyon, O.D.

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

### 2. Budget – Rona Pepper

Ms. Pepper reported that as of September 12, 2018, the budget figures for FY '19 were:

Special Fund Balance (Revenue) \$41,162.00

Budget Balance (Expenditures) \$273,024.33

### 3. President's Report– Dr. Doyle

#### ARBO

Dr. Doyle reported that there was no current information to report.

### 4. QEI Committee

Dr. Doyle reported that the next QEI Committee meeting is scheduled for October 25, 2018 to complete the 2017 Record Review.

## D. Old Business

### 1. Regulations

#### COMAR 10.28.02 & 10.28.12- Continuing Education & TPA

Dr. Doyle reported that the final draft of the regulatory amendments, COMAR 10.28.02 & 10.28.12 was ready for Department approval. Ms. Bennett reported that there were concerns about whether Secretary Neall would sign off on the Board's proposal. After Board discussion on the issue, Dr. Gordon made a motion and it was seconded by Dr. Mezu to schedule a meeting with the Secretary to discuss the Board's proposal and the rationale for it not moving forward in the process. The Board's vote was unanimous. Drs. Gordon and Doyle and Pat Bennett will be the Board's representatives in attending the meeting.

### 2. Legislation-2019 Session - MOA

Jennifer Cohen, from the MOA, discussed the proposed legislation that will be introduced in the 2019 session. She discussed the importance of the Board and the MOA working collaboratively on the draft. Drs. Burgos and Gordon will be the Board's representatives and will attend the joint work group meeting. Board staff, Pat Bennett and Kecia Dunham will attend as well.

### 3. Walmart Response

The Board has received a letter from Jennifer Sommer on behalf of Walmart regarding "vision screenings" performed by Walmart employees. The Board had some concerns about Walmart employees performing/using instruments and tests on patients and sent a response that included a few questions for clarity. The Board reviewed Walmart's reply and will thank them for their responses to the inquiries.

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

- 1. Department News/Updates –Meeting with Secretary Neall –** Ms. Bennett reported that Secretary Neall met with Board Chairs/Presidents on 9/4/18. Topics of discussion included an overview of the Open meetings Act by Deb Donahue; Mike Lord discussed conflicts of interest and financial disclosure; Herb Gordon, Department's IT head gave an overview of upcoming projects and how what his staff could provide to the Boards and Commission; There was an update on the state's Prescription Drug Monitoring program and Secretary Neall spoke about attendance requirements for Boards and indicated that he would reach out to the Boards to see how the Department could assist to help improve customer service.
- 2. 2018 Board Retreat Follow-up -** Ms. Bennett indicated that based on the evaluations, attendees found that the retreat was a good exercise in helping the Board to begin the process of devising its mission, vision statement, goals, objectives, etc. She indicated that the Board had formed an Executive Committee in the past but its function was limited. Ms. Bennett intimated that the Executive Committee or another

Board workgroup should be re-convened to draft the Board's strategic plan template for presentation to the Board. Dr. Doyle stated that the workgroup could meet following a future Board meeting to begin the process.

3. **ARBO Board of Director's Meeting** - Ms. Bennett attended the meeting which was held from 9/15 – 9/16 in Clearwater, FL. Topics discussed included the agreement between ARBO and the NBEO and the need to foster a new relationship that would be more of a true partnership than just a financial arrangement. There is an MOU that was approved by the Board regarding participation of AAO, ASCO and the AOA on the COPE Governing Committee. Ms. Bennett stated that there is learning curve however, she was more comfortable in providing input and felt that her feedback as an ED was received well.
4. **2019 Board Newsletter** – Ms. Bennett stated that the annual newsletter is due for drafting and dissemination to licensees in January 2019. The general Board operation articles are prepared by staff; however there are several topics that Board members write. Margaret Hubbard volunteered to write an article for the Consumer's Corner. Dr. Doyle will draft the President's Message, the QEI Committee will submit an article and the newly appointed Board members will submit bio-sketches. The deadline for submission of articles will be in early December.
4. **Online Applications** – Ms. Bennett asked Kecia Dunham, Licensing Coordinator, to provide the Board with an update about the project. The Boards' IT staff has begun to assist the smaller Boards with developing and testing online application systems. Ms. Dunham is the Board's point person and has worked with the IT staff to develop a Board specific application that will allow credit card payments. The projection is that the system will be operational in early 2019.

**F. New Business**

1. **Licenses Issued**- A motion was made by Ms. Pepper and seconded by Dr. Burgos to approve the licenses issued to 4 new licensees. The Board's vote was unanimous.
2. **Volunteer Healthcare Provider Referral**  
The MVA has updated its Voluntary Physician/Healthcare Provider Referral form to allow for referral from all healthcare providers who are concerned with a patient's medical fitness to drive. The form is received and reviewed by the Medical Advisory Board who will proceed with a medical review. The Board's concern is whether patients are being fully informed that they are being referred to the Medical Advisory Board. The Board will get clarification from the MVA regarding this process.
3. **Board Election- President**  
The Election for Board President was held. It was moved and seconded to re-elect Dr. Doyle to serve for two years. The motion carried.

**G. Adjournment**

Dr. Doyle closed the regular session at 10:50 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. The motion was seconded and passed unanimously.

Respectfully submitted,



Patricia G. Bennett  
Executive Director