

BOARD OF EXAMINERS IN OPTOMETRY

A

Regular Session Minutes

**Wed. September 25, 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, September 25, 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. Margaret Hubbard was not in attendance . Also present was Deborah Donohue, Interim Board Counsel and Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Dr. Jeremy Goldman, O.D., Wilmer Eye Institute and Lillian Reese, Legislation and Regulations 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. Approval of Agenda

Dr. Doyle moved and Dr. Gordon seconded the approval of the meeting agenda. The Board's vote was unanimous.

C. Minutes

The regular session minutes of the July 31, 2019 meeting were reviewed and a motion was made by Dr. Burgos and seconded by Dr. Gordon to accept the minutes as written. The Board's vote was unanimous.

D. 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 –
Special Fund Balance- As of September 9, 2019 - \$285,056.00
Revenue FY 20 \$37,901.00
Expenses FY20 \$61,450.00

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. The Committee is scheduled to meet October 10, 2019 to evaluate Part 3 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. The Board needs to develop guidelines and propose regulations for the Secretary's review and approval prior to the legislative session.

2. Legislation

Letters to Insurers-FYI

Concept Paper- Statute Clean Up- Spring 2020- TBD

Legislation to Extend Termination Date- Spring, 2021-TBD

3. NBEO Six Limit Appeal Process

On August 1, 2019, the NBEO implemented a Six-Attempt Limitation policy. Once a candidate has reached the six-attempt limit, the candidate must utilize the appeals process and be approved by an appointed appeals committee of the NBEO Board of Directors before the candidate is eligible to register for that exam again. The sponsor must be an accredited optometric institution or a member of a U.S. state or Canadian provincial regulatory board. After further discussion, the Board determined to adopt a policy for candidates to request a sponsor, submit a study plan to the Board for review, the plan is reviewed by the Board and upon Board approval, the candidate will be assigned a Board member as sponsor. If the candidate passes the NBEO and applies for licensure in Maryland, then the candidate's sponsor must recuse himself when the Board approves candidate's licensure application. A motion was made by Dr. Gordon and seconded by Dr. Mezu to adopt the policy. The Board's vote was unanimous. Dr. Doyle reported that he has received requests for sponsorship from

three candidates, Navya Banda, Victoria Duong and Poyesh Refahi. Dr. Doyle reviewed each candidate request and determined that Drs. Banda and Duong have successfully submitted study plans that will be consistent with the adopted policy. The third candidate, Dr. Refahi has not demonstrated active work/study plan. A motion was made by Ms. Rona Pepper and seconded by Dr. Gordon to have Dr. Doyle sponsor Drs. Banda and Duong. The Board's vote was unanimous. A motion was made by Bunyon and seconded by Dr. Mezu to send Dr. Refahi a letter recommending that he needs to review his study plan and resubmit a request for sponsorship. The Board's vote was unanimous.

F. Executive Director's Report – Pat Bennett

1. ARBO Board of Directors – Ms. Bennett thanked the Board and Jen Cohen, MOA, for their support in her election as ARBO board member.
2. Board Elections – Elections for President, Treasurer and Secretary will be held at the November board meeting. Nominations will be accepted from the floor.
3. Annual Newsletter- January 2020 distribution. All articles must be received by mid-December.
4. Legislative Fiscal Audit – The auditors had an entrance conference with Board Executive Directors and advised that they would be conducting the audit to cover September 2015 through September 2019 and beyond. They will be on the premises through December 2019. Their plan is to review any outstanding issues such as the separation of cash receipts and licensing functions.
5. Budget Preparation FY'21
6. Board Member Status- Rona Pepper & Andrew Doyle, O.D. have terms that expire on 5/31/20. Dr. Doyle is not eligible for re-appointment but Ms. Pepper is eligible.
7. Request for Exemption from the 10-Hour in-state CE requirement – Dr. Feinblum requested exemption due to his residing in Florida. The Board will advise him to re-submit his request during renewal.
8. Standard Operating Procedures (Separate Email) – The Board reviewed the document and made some minor changes. Dr. Bunyon moved and Rona Pepper seconded the motion to accept the SOPs as corrected. The Board's vote was unanimous.
9. Board Retreat Follow-up – Rona Pepper moved and Dr. Gordon seconded the motion to accept and implement the follow-up actions.

G. New Business

1. **Licenses Issued**-A motion was made by Dr. Gordon and seconded by Dr. Burgos to approved and accept the newly licensed optometrists.

2. **Correspondence from Emmanuel Okala**

Dr. Okala petitioned the Board to allow his foreign optometry degree to meet the educational requirement for licensure in Maryland. The Board determined that the WES evaluation is acceptable; the Board agreed to allow Dr. Okala to begin the application process and will accept his education. A motion was made by Dr. Gordon and seconded by Ms. Pepper that Dr. Okala has satisfied the educational requirements for licensure. The Board's vote was unanimous.

3. **Referral from Governor Hogan's Office-Sтивен Pinson, O.D.**
Board's response to Dr. Pinson, Board email to Jen Cohen, MOA
Response from Jen Cohen, MOA

The Board received from the Governor's Office, a complaint from Dr. Pinson about the fees being charged by the MOA for members vs. non-members to take the 10-hour TPA course. The Board sent a letter to the MOA to document the concerns expressed regarding the tiered cost for the course and also responded to Dr. Pinson that it was not within the Board's authority to be involved with fee setting. Additionally, some Board members expressed concerns as well about the higher cost assessed for non-MOA members. An additional point made was that at the time, the MOA was the only organization that had submitted a course for Board review and approval.

**4. Request for CE Approval-Jeremy Goldman, O.D.
The Wilmer Ophthalmological Institute
The Johns Hopkins University School of Medicine**

Dr. Jeremy Goldman, an optometrist, presented the Board with an outline of the course that Johns Hopkins is plans to offer in March 2020 to fulfill the requirement for Maryland optometrists in meeting the TPA CE requirement in the law passed this year. Wilmer Eye Institute's course will include an 8 hours of In-Person and 2 hours online that will cover topics on: Pharmacology, Antibiotics, Antivirals, Glaucoma, Foreign Body Removal, Dry Eye Disease and Lab Testing. After careful review of the course outline, the Board gave Dr. Goldman a few recommendations for changes and once the recommendations have been made, the Board will make a final decision and hold a teleconference to vote in the near future. A few Board members expressed concerns about the projected cost for the course as well, however, it was decided that the cost of the course would not be the Board's concern.

H. Adjournment

Dr. Doyle closed the regular session at 11:40 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. 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