

BOARD OF EXAMINERS IN OPTOMETRY

3/31/21- Regular Session Minutes - Videoconference

A. Call to Order Virtual meeting was called to order at 9:30 am by the Board Secretary, Kelechi Mezu Nnabue, O.D. who chaired the meeting in the absence of President, Mesheca Bunyon O.D. Board members also present included, Marcie Lerner, O.D. Fran Burgos, O.D. and Rona Pepper. Staff present were Patricia Bennett, Board Executive Director, Kecia Dunham, Licensing Coordinator, Board Counsel and Deb Donohue. Lillian Reese Legislation/Regulations Liaison was on the call. In addition to Dr. Bunyon, Board members Mark Gordon, O.D. and Margaret Hubbard were not in attendance. Dr. Mezu 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 in our case Mesheca Bunyon, O.D., Kelechi Mezu, O.D., Fran Burgos, O.D., Marcie Lerner, O.D., and Mark Gordon, 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. 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 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.

Dr. Mezu asked whether there were any other people joining the meeting and to introduce themselves. Guests in attendance on the call were Cheryl Frazier, Jen Cohen and Kelsey Judge of the MOA and Lillian Reese, Legislation and Regulations Coordinator.

B. Approval of Agenda: Dr. Mezu asked for a motion to approve the agenda. Dr. Burgos made a motion which was seconded by Ms. Pepper. Motion passed.

C. Review and Approval of Minutes: The minutes were reviewed and Dr. Mezu called for motion to accept the minutes as drafted. Ms. Pepper moved to accept the minutes as drafted and Dr. Burgos seconded the motion. Minutes were accepted as read and motion passed.

D. Committee Reports

1. Continuing Education - Fran Burgos, O.D.

MOA On Demand courses

Dr. Burgos presented three courses submitted for Board approval for one hour of CE each.

The new MOA course on Co-Management of Glaucoma Update 2020 (GL) - Dr. Robert Stutman

Motion was made by Dr. Burgos and seconded by Ms. Pepper. Motion passed to approve the course.

A motion was made to approve a course on The Clinician's Toolbox: Effectively Using OCT and Visual Fields for Glaucoma Patients (GL) - Dr. Adam LePosa

Motion was made by Dr. Burgos and seconded by Dr. Lerner. Motion passed to approve the course.

Motion was made to approve a course on The Battle of the Bulge It's all About the Backside (AS)–Andrew Morgenstern

Motion was made by Dr. Burgos and seconded by Ms. Pepper. Motion passed to approve the course.

CAP Assessment from Jeremy Goldman, O.D.

Dr. Goldman had presented information in the summer of 2020 regarding the CAP Assessments and whether the Board would review and approve them for CE. At the time, the Board asked Dr. Goldman to submit additional and supporting documentation about the assessment process. Based on the review of the additional information, Dr. Burgos determined that the Board could approve and allow 3 hours of CE for the passing of the online exam from each CAP assessment. Dr. Burgos moved and Dr. Lerner seconded the motion. The motion passed.

COPE Extension of Modifications to Allow Online Interactive CE as Live

COPE has extended the deadline to 12/31/21. Dr. Burgos moved and Ms. Pepper seconded the motion that the Board will align its approval of CE with COPE and accept the 12/31/20 deadline for COPE and Board approved programs.

2. Budget - Rona Pepper - As of 3/9/21 for FY 21s.

Expenditure Budget Available - \$162,203

Special Fund Balance - \$150,103

Ms. Pepper stated that she and Ms. Bennett had two virtual meetings to reconcile the Board's revenue for FY 20 and FY21.

3. ARBO- Patricia Bennett

Ms. Bennett reported that she had recently attended the Spring ARBO Board of Directors meeting virtually. She mentioned that at the meeting, the Board decided to allow the extension of the COPE online interactive CE as live through 12/31/21. The annual meeting is scheduled for 6/19 and 6/20 for half days and there is no registration and is open to all Board members and staff. ARBO is finalizing its new website, which will be more user friendly. The OE Tracker system will include a dashboard feature that Board staff will find helpful.

E. Old Business

1. **Regulations:** Standards of Quality for TPAs and Telehealth Regulations are still pending in the Department probably until after the close of the legislative session.

2. 2021 Legislative Session:

2021 Legislative Session – Bills of Interest - Lillian Reese, Boards & Commission Legislative Coordinator provided the updates on the following bills of interest.

HB 28/SB 5 Public Health – Implicit Bias Training and the Office of Minority Health and Health Disparities - **Passed in the House, crossed over and pending**

SB 72/HB 344 Open Meetings Act – Requirements for State Agencies and Local Boards of Elections (Maryland Transparency Act of 2021) **Not out of committee, no cross over**

Telehealth Bills

HB 123/SB 3 Preserve Telehealth Access Act of 2021 – **Passed in House, crossed over and holding**

HB 731/SB 567 Telehealth Services – Expansion – **Not out of committee**

HB 732/SB 568 Telehealth- Out-of-State Health Care Practitioners **not out of committee**

HB 224/SB 262 Department of Information Technology - Study of a Common Information Technology Platform for Health Occupations Boards – **Passed in Senate effective 7/1/21**

HB 309/SB 565 Public Health - Data - Race and Ethnicity Information – **Crossed over**

HB 1041 Uniform Reporting – **Withdrawn**

HB 320 Longitudinal License Data Study– **Passed in House crossed over**

3. **2022 Legislative Proposal – Termination of Board – Sunset 2023**

There were two Boards that introduced Sunset Bills that the Department sponsored. The Termination of the Optometry Board Sunset is in 2023. Lillian will prepare the proposal for the Board for next year's legislative session.

4. **NBEO-OSLE & Contract:** The Board had set a launch date of 4/1/21 however, the date will be pushed back because there were some minor issues with the agreement that had been worked out with Deb Donohue and the Counsel for NBEO. Kecia Dunham gave a virtual presentation to the Board about the OSLE system and how it will function for applicants.

F. **Executive Director's Report:**

1. Termination of Extension of Licenses – 6/30/21 – Governor's Order dated 3/9/21
All licensees who hold licenses that expired on 6/30/20 have until 6/30/21 to review those licenses. The TPA certified optometrists who have not met the 10-hour CE requirement for maintenance of therapeutic certification will have until 6/30/21 to meet that requirement or be downgraded to DPA.
2. Renewal 2021 will go live on 4/30/21
3. Board Planning – Legislative Proposal, Sunset, Goals & Objectives – Ms. Bennett stated that the Board may want to consider having another one –day retreat or planning session to evaluate current goals and prepare for the Board's future.

4. Department Website Modernization – The Department is undergoing a major website modernization for all units to make it more customer/ user friendly. The projected completion date is 4/15/21.
5. Financial Disclosure –Reminder that the deadline is 4/30/21
6. Board Appointments – Rona Pepper and Fran Burgos, O.D. are eligible and have been re-appointed.
7. Tax Compliance/ Child Support Enforcement – Boards receive requests for license data files for matching individuals who are non-compliant.

G. New Business

1. Licenses Issued – Dr. Lerner moved and Dr. Burgos seconded the motion to ratify the issuance of the licenses. Motion passed.

Licenses Issued through Present

3/24/2021

RegAlph	RegNum	LName	FName	OrigLicDate
TA	1589	FILAK, JR	LAWRENCE ANDREW	3/1/2021
TA	2787	Crampton	Nicole L	2/8/2021
TA	2788	Woods-Dwelle	LaKitta Monchelle	2/17/2021
TA	2789	Brown	Dominic Letray	3/1/2021
TA	2790	Marcoe	Tiffany Michelle	3/8/2021
TA	2792	Kardos	John Thomas	3/10/2021
NA	2793	Natchez	Jeffrey Charles	3/15/2021
	Total	7		

2. Jackie Doerr, O.D. Licensee asked the Board a question about the use of a rehabilitation code. Dr. Burgos made a motion to have Dr. Lerner draft a response that the licensee must contact insurance companies to get the information. Rona Pepper seconded the motion. Motion passed.

3. Boaz Schwartz, O.D. Licensee had inquired as to whether his achieving FAAO fellowship could allow him CE credits for license renewal. Ms. Bennett indicated that she had asked Dr. Schwartz to submit documentation of the requirements for Board review. The Board will review his request upon receipt of documents

H. Adjournment

Dr. Mezu called for a motion to adjourn the open session at 10:42 a.m. and convene an administrative session to discuss administrative matters and quasi-judicial matters and to comply with 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.

Motion was made by Dr. Burgos and seconded by Rona Pepper. The Board's vote was unanimous. The motion passed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia G. Bennett". The signature is written in black ink and is positioned above the typed name and title.

Patricia G. Bennett, MSW

Executive Director