

BOARD OF EXAMINERS IN OPTOMETRY

Virtual General Session Meeting 9:30 a.m.

1/25/2023

- A. **Call to Order:** The virtual meeting was called to order at 9:36 a.m. by Mesheca Bunyon, O.D. Board members present include Marcie Lerner, O.D.; Fran Burgos, O.D., Kelechi Mezu- Nnabue, O.D. Consumer Member Present Margaret Hubbard, Rona Pepper, Absent.

Staff present were Gwendolyn A. Joyner, Executive Director and Carl Norman, Jr., Licensing Coordinator. Rhonda Edwards, Deputy/Board Counsel. Guest Attendance: Zakiyyah Homes, Administrator, Boards and Commissions, Office of the MDH Secretary.

Dr. Bunyon 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-Nnabe, O.D., Fran Burgos, O.D., Marcie Lerner, O.D., one vacant Optometrist position 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. Board staff include Gwendolyn Joyner, Executive Director and Carl Norman Jr., Licensing Coordinator, Rhonda Edwards, Deputy/Board Counsel. 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

- A. The 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. Additions/Corrections to Agenda

- Continuing Education, under letter B. The word should be corrected too persistent.
- Ms. Joyner stated that she added the House and Senate Bills to the agenda. The Board will need to vote on the Bills.
- Board will need to vote for Legislative Committee Members.

C. Approval of Agenda

- A motion was made by Dr. Burgos and seconded by Dr. Lerner to accept the January 25, 2023, agenda with corrections.

D. Review and Approval of November 16, 2023, General Session Minutes

- Page 2 letter E first paragraph typo Board voted to change "was" to "were"
- Not going to allow the 10-year Sunset will be added.
- Page 5 number 4 typo Board voted change (can't to can prescribe)
- AELR acronym to be spelled out in future to (Administrative Executive Legislative Review).
- A motion was made by Dr. Mezu-Nnabue and seconded by Dr. Burgos to approve the November 16, 2022, General Session meeting minutes, with corrections.

E. Board Members Vote — Legislative Committee Members

- A motion was made by Dr. Bunyon and seconded by Ms. Hubbard the Board voted to delegate authority for Dr. Bunyon, Dr. Mezu-Nnabue, and Dr. Lerner to act as the Legislative Committee and to make decisions that pertain to legislative decisions on the Board's behalf. Committee members may be asked to testify on behalf of the Board.
- The following House and Senate Bills were presented for a vote:
 - SB13 – The Board voted to adopt the Committee's decision (no position)
 - SB14 - The Board voted to adopt the Committee's decision (no position)
 - HB19 - The Board voted to adopt the Committee's decision (no position)
 - HB25 – This Bill (Healthy Maryland Program) does mention Optometrist.

- The Board voted to adopt the Committee’s decision (no position)
- SB78 – The Board voted to adopt the Committee’s decision (no position)
 - ***The Board may need to look at revising the application to add information about the Active-Duty Military Spouse – Temporary Licensure, Certification, and Registration.***
- HB26 – The Board voted to adopt the Committee’s decision (no position)
- HB82 – The Board voted to adopt the Committee’s decision (no position)
- HB103 – The Board voted to adopt the Committee’s decision (no position)
- HB136 – The Board voted to adopt the Committee’s decision (no position)
- SB187–The Acupuncture Board has submitted a Position Paper with additional Boards to be added to the paper. The Board voted to adopt the Committee’s decision to add their name to the Position Paper.
- HB214 – The Board voted to adopt the Committee’s decision (no position)

Proposed Telehealth Regulations

- The Proposed Telehealth regulations have been published and comments from the American Telemedicine Association Action Group. Concerns were expressed in regards over regulations by not allowing Optometrist to practice in another state.
 - Board Counsel discussed the changes that would be made to the Proposed Regulations, 10.28.01 Telehealth, **.03 Licensure** - Letter A is removed, and removed all of section B. The following will be in the regulations:
Subject to the provisions of Health Occupations Article, §11-301, Annotated Code of Maryland, a telehealth practitioner shall be licensed in the Maryland when providing telehealth services to a patient located in the State.
 - Optometrist should follow the laws of the state the patient is located in.
 - A motion was made by Dr. Burgos and seconded by Dr. Lerner to approve the Telehealth Bill/Amended with corrections.
 - **.04 Standards of Practice for Telehealth**
A. Before performing telehealth services, a telehealth practitioner shall develop and follow a procedure to: (1) Verify the identification of the patient receiving telehealth services (this language has been removed-within a reasonable degree of certainty) through the use of:
- A motion was made by Dr. Burgos and seconded by Dr. Lerner to approve the Telehealth Bill/Amendment with corrections

F. Committee Reports

1. Continuing Education — Fran Burgos, O.D.
 - a. Krieger Eye Institute, Sinai Hospital “Clinical Challenges in Diagnosis and Treatment of Eye Disease 2023” approved for 7 credits, not 8 as requested
 - b. Treatment and Management of Ocular Disease: Anterior Segment (AS)
1 credit approved
 - c. Case Presentation – An Unusually Persistent Epithelial Defect, Dr. Isa Mohammed. 1 credit approved
 - d. Wilmer Optometry Grand Rounds, Johns Hopkins University

A motion was made by Dr. Lerner and seconded by Dr. Burgos to approve the continuing education courses.

2. Treasurer’s Report -Gwendolyn Joyner, Executive Director
Ms. Joyner gave the Treasurer’s report on behalf of Ms. Pepper.

FY Summary as of January 19, 2023

- Total Revenue Collected in FY23, \$32,398.00
- FY22 Special Fund Carry Over \$112,943.80
- Expenditure Budget – Spent \$125,778.13
- Current Fund Balance is \$19,563.67

3. President’s Report – Mesheca Bunyon, OD

- Dilation of Lacrinal Punctum, with or without Irrigation, CPT Code 68801
There is nothing specific in the Board’s language listed, and it is not prohibited within our language. Provide Mr. Kernan with the Board’s Statute and Regulations.
- Email from the Board of Pharmacy – Acthar, Dr. Burgos responded with an email; no further response is needed. Ask why the OD is prescribing the drug, - A response was received from the Board of Pharmacy.
- CE Maryland Certification Course – 10-hour course is required - Clarification needed. Individual will need to take the 10-hour pharmacology scope.
- Email from ARBO - Member Query – Send this response to ARBO. The Board has submitted regulations for Telehealth that have not been approved. I have attached the link to the Statute that pertains to Telehealth. Health Occupations Article 1-001-1006
[https://govt.westlaw.com/mdc/Browse/Home/Maryland/MarylandCodeCourtRules?guid=N6D5465D0781711EA95BB8A8024610ACB&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Browse/Home/Maryland/MarylandCodeCourtRules?guid=N6D5465D0781711EA95BB8A8024610ACB&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

- NBEO Changes and Announcements - Point of Information
Part III Peps exam has launch date expected at the end of the year.
- Respond by email that the Board met and they have some concerns for the fees that the students have to absorb.
- **Board Officers**
FYI Board members will vote in person at the March Board meeting, the new Board Officers will begin June 1, 2023.

G. Executive Director's Report

- **Board Vacancies**
Online applications were extended to April 1, 2023. An email was sent to licensees regarding the Board vacancies, no recommendations have been received.
- **Network Reconnection**
Boards are not fully functional, IT ordered software to set up PCs and laptops to have Broadband access, date TBA when fully reconnected.
- **Docuexplorer** – Boards will look for vendors to scan confidential files due to time consuming project.

Financial Disclosure o Due by April 30, 2023.

- **OLA Report**
The last report was submitted to IAC in January, reports are submitted every quarter. The report reflected the Optometry unsubstantiated.
- **ARBO Executive Director's Meeting
1/23/2023**
- Met and discussed COPE changes and leaning toward virtual due to the flexibility to online, the ACCME moving to online. Optometry Boards in other states require a State and FBI background check. The Optometry Board may want to consider adding the State and FBI to their Statute and Regulations.

H. New Business

- New Licensees o A motion was made by Ms. Hubbard and seconded by Dr. Lerner to approve the new licensees:
 1. Fernando Aguilar, OD - TA2890
 2. Benjamin Magno, OD – TA2891
 3. Raquel Moncrieffe, OD - TA2892
 4. Jayro Loya – Grijalva, OD TA2893
 5. Maggie Martin, OD – TA2894

The next Board meeting will be held on March 29, 2023, at 9:30 a.m. at 4201 Patterson Avenue, Baltimore, Maryland 21215.

H. Adjournment

A motion was made by Dr. Burgos and seconded by Ms. Hubbard to adjourn the General Session meeting at 11:57 a.m.

Original Signature on file
Gwendolyn A. Joyner
Executive Director