

# **BOARD OF EXAMINERS IN OPTOMETRY**



## **AGENDA**

General Session (Open) Room 110

Wednesday, March 27, 2024, 9:30 AM – 11:00 AM

**A. Call to Order**

**B. Additions/Corrections March 27, 2024, Agenda**

**C. Review and Approval of General Session Minutes - January 31, 2024**

**D. Additions/Corrections to Minutes**

**E. Legislative Bills/Legislative Session 2024, Lillian Reese, Legislative and Regulations Coordinator**

- SB240 - Optometry Board Sunset Review
- SB175 - Criminal History
- Regulations Committee Meeting 3/27/24 1:00 PM.

**F. Linda Beyer, Fiscal Officer**

- Budget Discussion/Fee Increase

### **G. Committee Reports**

- President's Report – Francisco Burgos, O.D.
- Board Vacancies – Consumer Member Update
- Financial Disclosures, April 30, 2024
- Draft ARBO Model Practice Act Comments due by 4/12/24
- Clarification of the 10 hour in person - 2024-2025 CE Renewal -Board Vote
- CE Committee – Kelechi Mezu, O.D.
  - MOA Retina Rounds: Clinical Case Pearls
  - MOA Angiography for the Retina
  - Wilmer Grand Rounds
  - Seidenberg, Protzko Eye Associates – Our Favorite Cases
  - MOA Conference May 25-26 2024 7 hours
  - Clinical Observation - Dr. Gerbetz 6 hours
- Treasurer's Report – Rona Pepper

### **H. Old Business**

- Nothing to Report

### **I. Executive Director's Report – Gwendolyn Joyner**

- 2024 Renewal
- Staffing
- New Phone System

### **J. New Business**

- New Licensees

### **K. Adjournment**

Next Board meeting will be May 29, 2024, at 9:30 a.m. at 4201 Patterson Avenue, Baltimore, Maryland, 21215.

# Maryland BOARD OF EXAMINERS IN OPTOMETRY



**Minutes** for General Session (Open) Room 110

**Wednesday, March 27, 2024**

**A. Call to Order (Dr. Burgos at 9:47 am)**

**Open/Public Session Attendees:**

**Board Members:** Fran Burgos, O.D. (virtual); Marcie Lerner, O.D.; Kelechi Mezu, O.D.; Mesheca Bunyon, O.D. (virtual), Tracey Boss, O.D.,

**Consumer Member Present:** Rona Pepper, Margaret Hubbard (in absentia).

**Staff Members:** Gwendolyn Joyner, Executive Director, Andrea Russell-Tate, Licensing Coordinator (in absentia), Lillian Reese, Regulations Coordinator; Linda Beyer, Fiscal Officer

**Board Counsel:** Rhonda Edwards, Deputy/Board Counsel

**Guests:** Jennifer Cohen (MOA Executive Director); Kirsten Sanda (MOA Staff); and Tiffani Shannon, new Assistant to the Attorney General

Dr. Burgos 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**: Former Board President, Mesheca Bunyon, O.D., (who is staying on until another optometrist member is appointed); Kelechi Mezu, O.D., Fran Burgos, O.D. (Board President), Marcie Lerner, O.D. (Board Secretary), Tracey Boss, 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.

**Board staff** members include Gwendolyn Joyner, Executive Director; Andrea Russell-Tate, Licensing Coordinator, and 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**

The public may attend and observe an open session of a public body within or established by the Maryland Department of Health.

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 March 27, 2024, Agenda (none)**

Motion to accept the agenda made by Dr. Boss, seconded by Rona Pepper

#### **C. Review and Approval of General Session Minutes - January 31, 2024**

Motion to Approve by Dr. Bunyon, seconded by Dr. Boss.

#### **D. Additions/Corrections to Minutes (none)**

#### **E. Legislative Bills/Legislative Session 2024, Lillian Reese, Legislative and Regulations Coordinator**

- SB240 - Optometry Board Sunset Review (likely to pass; was moved over to the House)
- SB175 - Criminal History (*update as of 3/30/24: Passed; effective October 1, 2024*)
- HB1292 - PD Measurement Requirement – Bill withdrawn (Dr. Lerner testified against it)
- Regulations Committee Meeting today, 3/27/24 1:00 PM.

## F. Linda Beyer, Fiscal Officer

- Budget Discussion/Fee Increase: we discussed the details of expenditures to maintain board functions; the only income is from license fees; the board is “special funded,” meaning the state/government does NOT supply any financial help. We currently have only 2 employees and need at least one more full time, or at least part-time, especially when the Background Check program goes into effect, which will require more processing and data entry. We did reiterate that licensees are responsible for paying for their own background check procedures. License fees have not increased in *many* years. However, Maryland’s fees are already among the most expensive in the country. Maryland’s optometry “scope of practice,” is more restrictive than most other states, therefore, the fee theoretically should be less.
- Dr. Bunyon made a motion to increase the license fees from \$600 to \$650 every 2 years, but the motion was withdrawn. \$50 would not be enough to make a difference. Whatever increase we propose can be questioned by the public for 30 days.
- Conclusion: either we raise the license fee by 35% starting in 2025, or the board will be financially non-viable; there is not much room to cut costs, especially since we need to hire at least another part-time staff member (see attachments for the projections); the board members also suggested accepting less payment per diem. Also, we discussed hiring part-time help only during busier times like license renewals, background check updates, etc.

We must present our request to the Secretary of the Department of Health and explain why we need the license fee increase; we need to figure out how to be more efficient. Dr. Boss made a motion to table this discussion and research how other optometry boards function financially with less income. Seconded by Dr. Mezu. *We have a License Fee Committee, including Dr. Boss, Dr. Burgos and Rona Pepper.*

## G. Committee Reports

President’s Report – Francisco Burgos, O.D.

- Board Vacancies – Update: Consumer Member, Catherine Carter, Approved (replacing Rona Pepper); we still need one more optometrist board member (to replace Dr. Lerner)
- Financial Disclosures are due April 30, 2024
- Draft ARBO Model Practice Act Comments due by 4/12/24 (it is a “template” that state boards can use to model their regulations after)
- **Clarification of the 10-hour-in-person, in Maryland Continuing Professional Education Requirement:** (to display on board website) – for June 2024 License Renewal:

“The regulations governing continuing professional education for Maryland Optometrists found in COMAR 10.28.02.05 are still in effect.”

Pursuant to COMAR 10.28.02.05 (B), all (TPA) Maryland licensed optometrists are required to complete 10 hours of continuing professional education in person, in Maryland, each two year renewal cycle.

In July 2023, the Board noted the most recent COPE guidelines allow for both synchronous and asynchronous continuing professional education. The Board voted unanimously to change the language of COMAR 10.28.02.05 (B), to remove the 10 hours, in person, in Maryland requirement, and to allow up to 50 of the credits to be earned online ~~which is consistent with COPE guidelines.~~ *(Motion to strike wording made by Dr. Lerner, Seconded by Dr. Mezu)*

The Board’s continuing education committee is working through the regulatory process to implement this change to COMAR 10.28.02.05 (B). Until the regulation is changed all licensees are required to comply with the current regulations. For more information on the regulatory process please go:

<https://govt.westlaw.com/mdc/Browse/Home/Maryland/MarylandCodeCourtRules?guid=N545923E09CC511DB9BCF9DAC28345A2A&transitionType=Default&contextData=%28sc.Default%29> The Board will notify licensees of any and all final changes to the rules and regulations affecting their license as required by law.

**If you are unable to complete the 10 hours in person in Maryland due to a hardship, send an email to Board staff, to request the **Hardship Waiver Form.****

**TPA licensees:**

- 50 total hours of continuing professional education every 2 years.
- up to 30 of the 50 required hours may be earned online (synchronous, or asynchronous with post-test or journal article with post-test)
- all Maryland licensed optometrists are required to complete 10 hours of continuing professional education in person, in Maryland
- 30 of the 50 required hours must be focused on therapeutic topics.
- CPR certification is required every renewal and may count for 3 credit hours.

**For DPA licensees:**

- 36 total hours of continuing professional education every 2 years.
- 6 of the 36 required hours must be related to diagnostic drugs.
- CPR certification is required for each renewal and may count for 3 credit hours.

**License only (no DPA or TPA certification):**

- 36 hours of continuing professional education are required each renewal cycle”

**A motion was made by Dr. Lerner and seconded by Dr. Boss to accept the changes to the clarification of the current CE requirements.**

**CE Committee – Kelechi Mezu, O.D.**

- MOA Retina Rounds: Clinical Case Pearls
- MOA Angiography for the Retina
- Wilmer Grand Rounds
- Seidenberg, Protzko Eye Associates – Our Favorite Cases
- **MOA Conference May 25-26 2024** (10 hours if attend in person; 7 hours if attend virtually—the 3 credit hours on Friday will not be available virtually; the 7 virtual hours may count toward the 10 credits required to be “in person in Maryland.”)
- Clinical Observation - Dr. Gerbetz 6 hours (at Chesapeake Eye Care in Salisbury, MD)

**H. Treasurer’s Report – Rona Pepper, Consumer Member**

**FY Summary as of March 25, 2024**

Total Revenue Collected in FY24	\$ 46,050.00
Expenditures FY2024	\$154,955.88
FY23 Special Fund Carry Over	\$115, 467.10
Current Fund Balance as of 3/25/2024	\$ 6,561.22

**I. Old Business**

- Nothing to Report

**J. Executive Director’s Report – Gwendolyn Joyner**

- **2024 Renewal**

Ms. Joyner stated that there are 587 licensees to be renewed for the 2024 Renewal cycle. Renewal will begin April 30 – 2024 – June 30, 2024

- **Staffing**

Ms. Joyner is working on hiring additional staff, this would be a contractual position. The Board currently does not have funding for another full-time position.

- **New Phone System**

IT is working on a new phone system for the Board’s, the Boards will be receiving new phones.

**K. New Business**

New Licensees: Motion to accept the new licensees by Rona Pepper; 2<sup>nd</sup> by Dr. Mezu; All in Favor

- Lim Brandon TA 2987
- Kaitlyn S. Greiner N/A 2988
- Lee Shannon TA 2989
- Hala Kamran Siddiqui TA 2990
- Kirti Patel TA 2991
- Namra Tanveer TA 2992
- Carol Bringham TA2993
- Adam Glover TA2994

**L. Adjournment at 1:01 pm**

A motion was made by Dr. Burgos and seconded by Dr. Boss to adjourn the General Session meeting at 1:01 p.m.

Next Board meeting will be May 29, 2024, at 9:30 a.m. at 4201 Patterson Avenue, Baltimore, Maryland, 21215.

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Marcie Lerner, O.D. Secretary