

Regular Session Minutes

Wed. November 30, 2016
DHMH
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, November 30, 2016. Board members present were, Andrew Doyle, O.D., Stephen Kwan, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D., Mesheca Bunyon, O.D., Kelechi Mezu-Nnabue, O.D. and Rona D. Pepper. Also present was Ari Elbaum, Board Counsel, Patricia G. Bennett, Board Executive Director and Arthura H, Easter, Staff Assistant. Kecia Dunham, Licensing Coordinator, was not in attendance.

A. Call to Order

Dr. Andrew Doyle, O.D. called the regular session to order at 9:39 a.m.

B. Minutes

The regular session minutes of the September 28, 2016 meeting were reviewed. A motion was made by Dr. Walsh and seconded by Rona Pepper to accept the minutes with the following corrections under QEI – Dr. Doyle, the first sentence should read – Dr. Doyle reported that the QEI Committee's next meeting will be held on October 20, 2016. The second correction on page 2, 5 lines from the bottom – change the word "sin" to "in". The vote was unanimous.

C. Committee Reports**1. Continuing Education – Dr. Woolf**

The Board then had a discussion about approving Continuing Education Credits for optometrists who participate in Live Webinars. Dr. Bittings submitted a request to the Board for approval of a 1 hour COPE approved live post-tested Webinar as a live lecture as opposed to online. Dr. Doyle stated that the Board should evaluate each request for Webinar course credit on a case by case basis. He stated that the Board should grant Dr. Bittings the hour of Continuing Education credit as requested. Dr. Walsh made the motion to grant the licensee the Continuing Education credit and Dr. Bunyon seconded the motion. The vote was unanimous. Dr. Doyle also stated more discussion should take place because Live Webinar usage is the trend and is becoming a popular CE format. Drs. Bunyon and Woolf agreed to review the current CE regulation, CE categories and hour limits and recommend changes to the Board to reflect current trends in CE delivery formats.

2. Credentialing – Dr. Kwan

Dr. Kwan stated that there were no issues to discuss or report.

3. Budget – Dr. Kwan

The Board's Special Fund balance as of November 7, 2016 was \$183,480 and the expenditure balance for the remainder of the fiscal year was \$116,156. As of the same date, 33% of the fiscal year has lapsed.

4. QEI – Dr. Doyle

Dr. Doyle indicated that after the QEI meeting in October, educational letters were sent to the licensees whose records had been audited, indicating compliance or non-compliance. He indicated that there was an issue that he observed in his review of the records that needed to be discussed in administrative session.

5. Rehabilitation – Dr. Doyle

There were no issues relevant to the rehabilitation of impaired licensees.

6. ARBO – Dr. Doyle

The upcoming annual meeting will be held in Washington, DC in June 2017 and Board members are encouraged to attend and sit in on sessions to hear about similar issues that are discussed and presented by optometry board members, staff and stakeholders from this country and other jurisdictions throughout the world.

7. Legislation – Dr. Walsh

Dr. Walsh indicated that he had no additional information to provide or discuss as there were items listed on the agenda under Old Business – Legislation.

8. Executive Committee – Dr. Bunyon

Dr. Bunyon reported that the committee held its first meeting to brainstorm and come up with some ideas about the committee, its purpose/vision, how it should function and the role of its members. Topics of discussion included the development of the Board’s mission statement and the Board’s sunset in 2023. The work of the committee is in process. Meetings will be held as needed via teleconference in the off-meeting months or in- person following Board meetings.

D. Old Business

1. Regulations

Regulatory Review – Dr. Woolf

Pat Bennett, as committee representative, will meet and work with Kristen to draft the proposed language for the regulations where the committee identified the need for amendments. The changes proposed are not substantive, but basically update the language. The deadline for submission of changes to the Department’s Regulations Coordinator is the end of February 2017.

2. Legislation

MOA - Scope Bill

Board members had received the proposal in early October 2016. There was discussion about the bill and what the Board’s position should be as the bill expands the scope of TPA certified optometrists to add another level of certification. The new level requires additional continuing education. In addition, requirements for DPA certification are modified. The session begins in January and in early 2017, the Board will decide on the best position to take on the legislation with the goal and mind set of public protection. Kristen Neville informed Board members that there are 6 options available to address a piece of legislation: support, support with amendments, oppose, letter of concern, letter of information and no position.

NC Dental Workgroup Recommendation

Ari Elbaum discussed the legal implications and ramifications of the decision. There were 2 main recommendations that came out of the North Carolina Workgroup:

1. Authorize the Secretary or designee to provide active supervision
2. Send Board decision to OAH for review.

The Boards are leaning toward forwarding Board decisions to OAH to meet the active supervision requirement.

Prescription for Lenses Bill

Delegate Lam has proposed legislation to add the 24 month expiration that is currently in statute for contact lenses to eyeglass prescriptions. The Board supports the bill but would amend it to include language already in statute that provides for a prescription of less than 24 month for clinical reasons with verbal and written documentation in the patient record. Dr. Doyle asked for a motion to send a letter to the Delegate with the proposed language added. Dr. Woolf made the motion and it was seconded by Dr. Walsh and Ms. Pepper. The vote was unanimous.

E. Executive Director's Report

1. 2017 Newsletter Draft

The newsletter skeleton was emailed to Board members for their review. Rona Pepper will draft an article for the Consumer's Corner. Dr. Doyle will draft the President's Address and the QEI Update. Pat Bennett will draft an article From the Executive Director's Desk. Other articles and topics will be written by staff members. The goal is to have Constant Contact send out the newsletter in January. Therefore, articles should be submitted by the end of December.

2. Associate Director – Health Occupation Boards – Brandon Wright

Brandon introduced himself as the Associate Director and discussed his background and former positions and his desire to assist the Boards to continue its work and to be a resource.

F. New Business

1. Licenses Issued

The Board unanimously voted to accept and approve the 5 new applicants who applied for licensure in Maryland.

2. 2017 Board Meeting Schedule – FYI

3. Upcoming Board Vacancy – Dr. Kwan's position will be become vacant in May 2017. He is ineligible for appointment. The Appointment's Office will communicate with the MOA about the process for submitting nominations. The Board will also post the vacancy on its website and the instructions for those who are interested in serving.

4. J.C.Penney

It was brought to the Board's attention by Dr. Bunyon, that J.C. Penney Company, Inc. was starting a new program for customers coming to their stores who need eye exams and prescriptions for lenses/glasses. The Regional Manager says that the stores propose having an optometric technician assigned to the affected locations and to have an Ophthalmologist on call/readily available off site. The optometric technician would supposedly practice under the Ophthalmologist's license and perform refractions and other tasks. The Ophthalmologist would actually determine the proper course of action and write the prescriptions. Since these actions would directly impact Optometrists, a motion was made by Dr. Walsh to send a letter to JC Penney to clarify what their plans are. Dr. Mezu seconded the motion. The vote was unanimous.

Dr. Doyle closed the regular session at 11:20 a.m. to move into administrative session in order to comply with specific constitutional, statutory or judicially imposed requirements that prevents public disclosure about a particular proceeding or matter and to discuss the investigation of complaints against specific licensees. Dr. Mezu seconded the motion. The motion passed unanimously.

X 

Patricia G. Bennett, M.S.W.
Executive Director