

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

Wed. December 19, 2018
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, December 19, 2018. Board members present were, Andrew Doyle, O.D., Mesheca Bunyon, O.D., Rona D. Pepper and Margaret Hubbard (via teleconference call). Board Members Francisco Burgos, O.D., Mark Gordon, O.D. and Kelechi Mezu Nnabue, O.D. were not in attendance. Also present was Adam Malizio, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Lillian Reese, Board Legislation/Regulations Liaison was present as well as guest, Jennifer Cohen, MOA.

A. Call to Order

Dr. Doyle, Board President, called the regular session to order at 10:47 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. Minutes

The regular session minutes of the September 26, 2018 meeting were reviewed and a motion was made by Dr. Doyle and seconded by Ms. Pepper to accept the minutes as written. The Board's vote was unanimous.

C. 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 reported that as of November 8, 2018, the budget figures for FY '19 were:

Special Fund Balance (Revenue) \$153,252
Budget Balance (Expenditures) \$222,697

3. President's Report– Dr. Doyle

Dr. Doyle reported that he will be attending a Board Chair/President meeting scheduled for January 3, 2109 with the Secretary of the Department. Ms. Bennett will also be in attendance.

4. QEI Committee

Dr. Doyle reported that there was no current information to report.

D. Old Business

1. Regulations

COMAR 10.28.02 & 10.28.12- Continuing Education & TPA

Dr. Doyle reported that the final draft of the regulatory amendments, COMAR 10.28.02 & 10.28.12 was signed by the Secretary. The next process is for it to be sent to Annapolis to the AELR Committee and then posted in the Maryland Register for a 30 day Public Comment Period. The Board will respond to any comments and then the regulations are amended and the Board will receive an effective date.

2. Legislation-2019 Session - MOA

Dr. Doyle reported that Board members had reviewed the legislation that the MOA plans to introduce in the 2019 session. Ms. Bennett stressed the importance of the Board willingness to testify and address any questions from legislators, per the request of both committee chairs, regarding the new CE requirements, the 110 hour requirement, steroids course and QEI committee, etc.

3. Voluntary Healthcare Provider Referral

The MVA has updated its Voluntary Physician/Healthcare Provider Referral form to allow for referral from all healthcare providers who are concerned with a patient's medical fitness to drive. The form is received and reviewed by the Medical Advisory Board who will proceed with a medical review. MVA has asked the Board to inform licensees about the form and the process. A motion was made by Dr. Doyle and seconded by Dr. Bunyon to inform optometrists of the MVA Referral form. The Board's vote was unanimous. The Board will include an article in its upcoming newsletter and will post a link on the Board's website.

Action item: Ms. Bennett will draft an article for the newsletter and have the information posted on the Board's website.

E. Executive Director's Report - Patricia Bennett

- 1. Online Applications** – The Boards and Commissions IT staff have been working on the Board's Online Application system and the project is in its final stages of completion. Applicants will be able to apply online for original and partial waiver licenses as well as reactivation, reinstatement and reapplication. Applicants will be able to pay online via credit card or by mailing a check. Applicants will need to upload all supporting documents. The system is projected to go live in February 2019.
- 2. 2019 Newsletter** - The Board's Annual newsletter will be disseminated In January 2019 via Constant Contact. Any outstanding articles are due to Board staff immediately. Board members will receive the draft for final review and editing prior to the mail out date.

Action item: Ms. Bennett will send the newsletter draft to Board members for review and editing.

- 3. Retreat Follow-Up Strategic Plan** – Ms. Bennett reminded the Board that there are action items from the retreat that need to be developed. Dr. Doyle volunteered to work on this along with Ms. Bennett and two additional Board members.

Action item: Ms. Bennett will send an email to members soliciting additional workgroup members.

- 4.** Ms. Bennett informed the Board that the Patterson Avenue building manager had received quotes for the conference rooms and Wi-Fi upgrades for the building. He estimates that each board would be assessed \$7,000 for the project, which includes the 2 conference rooms, #110 and #106 on the first floor generally used by the boards. He was asked to explore the cost for upgrading #105. He will provide the boards with revised figures.

F. New Business

- 1. Licenses Issued-** A motion was made and seconded to approve the licenses issued to 3 new licensees. The Board's vote was unanimous.
- 2. Request from Paul Hsiao, O.D.**

The Board received a letter from Dr. Paul Hsiao regarding his application for TPA certification. Dr. Hsiao has been practicing optometry in Maryland for 31 years and successfully passed parts I, IIa, IIb, and the TMOD of the NBEO in 1987. At the time, part III was not available. The Maryland Board required passing all three parts, I, II, III, and the TMOD for TPA certification. Dr. Hsiao is asking the Board to waive part III of the NBEO for TPA certification. The Board decided to table the discussion until the January 30, 2019 meeting.

Action item: Agenda item is tabled for discussion at the January 30, 2019 Board meeting.

- 3. Correspondence from Kara E. Gerger, O.D.** –Dr. Gerger sent correspondence to the Board inquiring about the use of Atropine Sulfate Ophthalmic Solution 1%. The Board's response is that the current provisions of the Optometry Statute do not allow its use. In order for the Board to consider allowing it, there would have to be a change in the statute.

Action item: Ms. Bennett will send a response to Dr. Gerger's inquiries that the current Optometry statute does not allow the use of the solution.

G. Adjournment

Dr. Doyle closed the regular session at 11:42 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. The motion was seconded and passed unanimously.

Respectfully submitted,



Patricia G. Bennett
Executive Director