

## BOARD OF EXAMINERS IN OPTOMETRY

# A

### Regular Session Minutes

Wed. March 28 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, March 28, 2018. Board members present were, Andrew Doyle, O.D., Mesheca Bunyon, O.D., Francisco Burgos, O.D., Kelechi Mezu Nnabue, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D. and Rona D. Pepper. Also present was Adam Malizio, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator.

### A. Call to Order

Andrew Doyle, O.D., Board President, called the regular session to order at 9:31 a.m. and read the following statements into the record:

#### **Maryland of Examiners in Optometry Mission Statement**

The Board of Examiners in Optometry was created in 1914. It is composed of five optometrists, Dr. Andrew Doyle, Dr. Fran Burgos, Dr. Mesheca Bunyon, Dr. Kelechi Mezu, and Dr. Brian Woolf and two consumer members, Dr. Frederick Walsh, and Ms. Rona Pepper 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 to ensure the delivery of vision services by qualified optometrists. It is the responsibility of the Board to:

- Credential and approve applicants for licensure
- 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.

Dr. Doyle introduced Board members and staff and invited guests who were present to introduce themselves. Guests present were Janice Simmons, O.D. and Jennifer Cohen from the MOA.

### B. Minutes

The regular session minutes of the January 31, 2018 meeting were reviewed and a motion was made Dr. Woolf and seconded by Dr. Bunyon to accept the minutes as written. The Board's vote was unanimous.

**C. Committee Reports**

**1. Continuing Education – Dr. Woolf**

**Review of COMAR 10.28.02 Continuing Education**

Dr. Woolf reported that the CE Committee held a teleconference meeting on March 26, 2018 to discuss and plan for the comprehensive review of the continuing education regulation. In addition, Dr. Woolf proposed that the Board approve any pharmacology course given at an accredited optometry school as an approved course to meet the 110 hour requirement for TPA certification. The committee will continue to explore the possibility of having reciprocity in Maryland.

**Waiver on Restriction of Online CE – L. Hill, O.D.**

Dr. Woolf reported that Dr. L. Hill is requesting an increase of the number of online continuing education credit hours for this renewal period due to being her husband’s caregiver. After further discussion, the Board decided to honor her request allowing Dr. Hill to complete her remaining hours online. A motion was made by Dr. Woolf and seconded by Dr. Mezu to allow Dr. Lennet Hill to complete up to 50 hours online. The Board’s vote was unanimous.

**MOA CE Waiver Request**

Dr. Woolf reported that the MOA is requesting a CE waiver exception for their three day Annual Convention, June 29-July 1, 2018 at Maryland Live Casino. The request is to permit optometrists to apply the CE credits they receive toward either their current or next renewal period. The MOA made a similar request in 2009. However, the Board waived requirements because there was a potential “Undue Hardship” for some licensees. In that year, all licenses expired on the same date as the end of the MOA annual meeting held in Maryland. It would present problems for some licensees to receive their certificates in sufficient time to meet the CE compliance deadline. After discussion, a motion was made by Dr. Woolf and seconded by Dr. Doyle not to grant the “Undue Hardship” exception. The Board’s vote was 4 in favor and 3 opposed.

**Glaucoma Course Update**

Dr. Woolf reported that Dr. Doyle attended a Glaucoma Update Lecture that was approved by the Board for 3 hours and the presentation was only fifty minutes. A letter was sent to Ms. Karen Shelton, CE Sponsor, informing her of the sponsor’s responsibility to ensure that Board approved programs are conducted for the time approved. She was advised that ARBO would be contacted to change the three hours that were previously approved to one hour of credit in attendees OE Tracker records.

**2. Budget – Rona Pepper**

Ms. Pepper reported that as of March 7, 2018, the FY’18 budget figures are as follows:

Special Fund Balance (Revenue)	\$137,348
Budget Balance (Expenditures)	\$115,684

**3. President’s Report– Dr. Doyle**

**ARBO**

Dr. Doyle reported that the next ARBO meeting is scheduled for June 17, 2018 in Colorado, Denver. Dr. Doyle will be a member of the nominating committee and will report at the July, 2018 Board meeting.

**QEI**

Dr. Doyle reported that the next scheduled QEI committee meeting is April, 26, 2018.

**D. Old Business**

**1. Regulations**

**COMAR 10.28.02- Continuing Education & COPE Accreditation Program- Brian Woolf, O.D.**  
Report noted in CE Committee section

**COMAR 28.04 OAH – Review of Decisions and Actions of Health Occupation Boards (Pending final approval and effective June 1, 2018)**

Dr. Doyle reported that the supervision outlined in the proposed regulation is intended to prevent the unreasonable anticompetitive actions by a Board or Commission and to determine whether the actions of a Board or Commission furthers a clearly articulated State policy to displace competition in the regulated market.

**2. Legislation-2018 Session Status Report**

**HB 798- Vision Impairments-Requirement for Student Vision Screening**

The process of requiring certain vision screening to be given in certain years to certain students unless evidence is presented that the student has been tested by certain doctors: requiring the results of certain screening be given to the parents or guardians of certain students with certain educational materials; requiring that certain additional information be provided to the parents or guardians of certain students who fail a certain vision screening

**SB711-Health Occupations-Applications for Renewal by Mail**

The purpose of requiring health occupations board to send by first-class mail a renewal application at the request of a licensee, permit holder, certificate holder, or registrant if the health occupations board chooses to send renewal notices or renewed licenses, permits, certifications, or registrations exclusively by e-mail under certain provisions of law; and generally relating to applications for renewal of licenses, permits, certifications, or registrations for health occupations.

**HB 1597- Occupational Licenses- Application-Use of Criminal History**

The purpose of prohibiting certain departments that issue occupational licenses or certificates from denying an application for a license or certificate based on an applicant's criminal history of a certain period of time has passed since the applicant's conviction for any crime under certain circumstances providing for the application of the Act: and generally relating to the use of criminal history for application determinations of occupational licenses or certificates.

**HB600-Child Abuse and Neglect-Training**

The purpose of requiring the Maryland Department of Health to provide certain boards with a list of certain recommended courses: requiring certain boards to post a certain list prominently on the board's website, provide information about certain recommended courses to certain health care professionals at a certain time, and advertise the availability of certain recommended course in certain media: defining certain terms and generally relating to child abuse and neglect.

**SB230-Disclosure of Medical Records-Compulsory Process-Timeline**

The purpose of requiring a health care provider to disclose a certain medical record in accordance with compulsory process not later than a certain number of days after receiving certain documentation and certain fees: authorizing health care provider, on a showing of good cause, to request up to a certain number of additional days beyond a certain date to disclose a certain medical record: and generally relating to the disclosure of medical records by health care providers.

**SB132-Crimes-Child Abuse and Neglect-Failure to Report**

The purpose of establishing that certain persons who are required to provide certain notice or make certain reports of suspected child abuse or neglect may not knowingly fail to give the notice or make the report; establishing the misdemeanor of knowing failure to report child abuse or neglect under certain circumstances; providing certain penalties for violation of this Act; and generally relating to child abuse and neglect.

**E. Executive Director's Report - Patricia Bennett**

**1. Department News/Updates –**

**“Maryland One Stop” Statewide Licensing Portal** – Boards have been invited to join the website that is a customer friendly initiative that allows individual to locate information on how to apply for various licenses in Maryland.

**Financial Disclosures Filing for 2017** – The deadline for filing is April 30, 2018

**Board Vacancies** – Margaret Hubbard, consumer member, was submitted to the Senate by the Governor's Appointments Office. The MOA has submitted names for the professional member vacancy.

**Legislation/Regulations Coordinator Vacancy** -- The recruitment process is in motion and the projected date to fill the position is in early April following the close of the legislative session.

**2. 2018 Board Retreat** - The date for the retreat will be August 29, 2018 at Turf Valley in Howard County. Ms. Bennett received several menus from the venue. Ms. Pepper will assist with the food selection. Ms. Bennett will coordinate with the consultant, Teri Saff, about the date and schedule an initial planning session.

**3. 2018 Online Renewal** – There are 532 licensees slated for renewal.

**F. New Business**

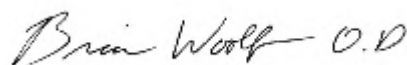
**1. 2019 Legislative Proposal** – Dr. Doyle discussed the feasibility of submitting a concept proposal to add reciprocity/endorsement provisions to the Board's statute for the 2019 session. The major issue is to address ways for applicants to meet the 110 hour requirement for TPA certification. Dr. Doyle, Adam Malizio and Pat Bennett will work on this project. Ms. Bennett will survey other state Optometry Boards to determine which jurisdictions have the best language in statute.

**2. Licenses Issued-** A motion was made by Dr. Woolf and seconded to Dr. Burgos to approve licenses issued to the 2 new licensees. The Board's vote was unanimous.

**G. Adjournment**

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 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,



Brian Woolf, O.D.  
Board Secretary