

BOARD OF EXAMINERS IN OPTOMETRY

A

Regular Session Minutes

Wed. May 30, 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, May 30, 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 9:15 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. The Board of Examiners in Optometry is composed of five optometrist members, in our case, Andrew Doyle, Mesheca Bunyon, Kelechi Mezu, Fran Burgos, and Brian Woolf and two consumer members, Rona Pepper and Dr. Fredrick Walsh. 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.

Dr. Doyle introduced Board members and staff and invited guests who were present to introduce themselves. Guests present were Anupreet Chawla, O.D., Kim Lang, MDH Director, Health Occupations Boards and Commissions and Lillian Reese, Regulations and Legislative Coordinator for Health Boards.

B. Minutes

The regular session minutes of the March 28, 2018 meeting were reviewed and a correction will be made to change "Andre" to "Andrew" and "Marc" to "March". A motion was made Dr. Woolf and seconded by Dr. Burgos to accept the minutes as corrected. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education – Dr. Woolf

Report noted in Old Business section under regulations.

2. Budget – Rona Pepper

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

Special Fund Balance (Revenue)	\$140,138
Budget Balance (Expenditures)	\$76,746

3. President's Report– Dr. Doyle

ARBO

Dr. Doyle reported that the next ARBO meeting is scheduled for June 17, 2018 in Denver, CO. Dr. Doyle will serve again as a member of the nominating committee and will present the Board's report at the July, 2018 Board meeting. Pat Bennett is attending as well and serving as the Member Board Executive Director consultant to the ARBO Board and a non-voting delegate.

QEI

Dr. Doyle reported that the next scheduled QEI committee meeting will be in October 2018.

D. Old Business

1. Regulations

COMAR 10.28.02& 10.28.12- Continuing Education & TPA - Brian Woolf, O.D.

Dr. Woolf reported that the CE Committee completed a comprehensive review of the continuing education and TPA regulations and submitted a proposal. The proposed changes include Board approval and acceptance of any pharmacology course taken at an accredited optometry school to meet the 110 hour requirement for TPA certification. In addition, Ms. Bennett stated that the Board might want to consider amending the CE audit provision. She suggested that the Board allow an increase in the percentage of renewal applications audited from 20% to a minimum of 20%. A motion was made by Dr. Woolf and seconded by Dr. Walsh to amend the continuing education, to include the CE audit increase, and TPA regulations and submit the proposal for review and MDH approval. The Board's vote was unanimous.

2. Legislation-2018 Session Status Report

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. The bill was approved by the Governor on May 8, 2018 and will be effective October 1, 2018.

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. The amended law was approved by the Governor on May 15, 2018 and will be effective June 1, 2018. The law requires that MDH and other state departments report to the Governor before October 1, 2018 regarding applicants for licenses who had criminal records who applied during the preceding 5 years.

2019- Pre-Concept Proposal – The Board has elected not to submit a proposal.

E. Executive Director's Report - Patricia Bennett

1. Department News/Updates –

Financial Disclosure Filing for 2017 - 4/30/18 was the deadline

Board Vacancies – Margaret Hubbard has been appointed as the consumer member. The practitioner member has yet to be appointed.

Legislation/Regulations Coordinator- Lillian Reese introduced herself and her background in the MDH Office of Regulation Development.

Office Secretary Contractual Position - Dwaine Lashley was hired effective May 16, 2018 to fill the vacant part-time Office Secretary position through June 30, 2018. She is supervised by Kecia Dunham. The contract may be renewed in FY'19.

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. The Board approved the \$2,500 budget for the facilitator, venue and meals.

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

4. ARBO Board of Director's Meeting/NBEO Tour – Ms. Bennett discussed her attendance at her second board meeting as well as a tour of the NBEO testing facility. She indicated that she was more comfortable in sharing and commenting during the discussions. She definitely sees the value of having an executive director's perspective on the Board. She indicated that the Bylaws committee is recommending an amendment at the upcoming delegate assembly to have one of the 8 Board member positions filled by an executive director. Ms. Bennett encouraged board members to visit the testing site to see that it is a state of the art facility with current technology, equipment, exam rooms, etc.

F. New Business

1. Licenses Issued- A motion was made by Dr. Woolf and seconded by Dr. Burgos to approve licenses issued to the 4 new licensees. The Board's vote was unanimous.

2. Request from Chrystyna Kuzmowych, O.D.

The Board received an email from Dr. Chrystyna Kuzmowych who is a retired and no longer practicing optometry but see patients at Walter Reed as a Red Cross volunteer. She already has a VA license but is required to have a MD license to be part of the credentialing process. She is asking the Board to waive the \$626.00 renewal fee to renew her license. The Board will send Dr. Kuzmowych a letter informing her that the Board has statutory authority to set fees for the renewal of licenses and there are no provisions set forth to waive those fees. The Board, therefore, must deny the request for a fee waiver.

3. Board Election- Secretary

Ms. Bennett reported that the Board Secretary's position becomes vacant when Dr. Woolf's term expires at the close of the May meeting. Dr. Mezu volunteered to serve as the new Secretary and the Board accepted her offer.

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,

Kelechi Mezu Nnabue, O.D.
Board Secretary