

## BOARD OF EXAMINERS IN OPTOMETRY

### Regular Session Minutes

Wed. May 29, 2019  
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 29, 2019. Board members present were, Andrew Doyle, O.D., Mesheca Bunyon, O.D., Francisco Burgos, O.D., Marc Gordon, O.D., Kelechi Mezu Nnabue, O.D. and Margaret Hubbard. Also present was Deborah Donohue, Interim Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Jennifer Cohen, Executive Director, MOA, Kim Lang, Boards and Commission Liaison, and Sabrina Greenspun-Levitt, O.D. was present. Rona D. Pepper was not in attendance.

#### A. Call to Order

Dr. Doyle, Board President, called the regular session to order at 9:33 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. Approval of Agenda

A motion was made and seconded to approve the meeting agenda. The Board's vote was unanimous.

**C. Minutes**

The regular session minutes of the March 27, 2019 meeting were reviewed and a motion was made by Ms. Hubbard and seconded by Dr. Bunyon to accept the minutes as written. The Board's vote was unanimous.

**D. Committee Reports**

**1. Continuing Education – Dr. Bunyon**

Dr. Bunyon reported that there were no items for review or discussion.

**2. Budget – Rona Pepper**

Ms. Bennett reported for Ms. Pepper, that as of May 8, 2019, the budget figures for FY '19 were:

Special Fund Balance (Revenue) \$161,187  
Budget Balance (Expenditures) \$52,439

**3. ARBO**

Dr. Doyle reported that the upcoming ARBO meeting is June 16-18, 2019 in St. Louis, MI. Dr. Doyle and Ms. Bennett will attend as delegates for the State of Maryland. Ms. Bennett has submitted a letter of interest to ARBO for the upcoming Executive Director position on the Board. ARBO has requested the Boards to bring for discussion 3 areas of concerns. Board members suggested telehealth and patient care; the National Practitioner Data Bank (NPDB) reporting and timely dissemination of disciplinary actions to state boards; and reciprocity.

**4. QEI Committee**

Dr. Doyle reported that with the passage of the new law, the QEI Committee and quality assurance program will no longer be mandated effective June 1, 2019. However, the Board needs to effect regulations to establish standards of quality for TPA certified optometrists and optometric care and remove the quality assurance committee provisions from regulation.

**E. Old Business**

**1. Regulations**

**COMAR 10.28.02 & 10.28.12- Continuing Education & TPA – Effective Date**

Dr. Doyle reported that the 30 day public comment period ended on March 4, 2019, without comment. The regulatory proposal was signed by the Secretary and became effective May 20, 2019.

**2. Legislation-2019 Session Update**

A summary copy of the End of Session Report-2019 was included as an agenda item.

**3. HB 471 Enrolled Bill/Chapter 344- MOA 10-hour Course- Jen Cohen, MOA**

Ms. Cohen reported that the MOA had developed a 10-hour course that is required for TPA certified optometrists to practice within the expanded practice scope. The course will be offered in July with Board approval and at the MOA Convention in November with COPE accreditation. The required course must be taken and completed by June 30, 2020 with documentation submitted to the Board. A disclaimer will be added to the certification of completion stating that no optometrist is allowed to practice under the New Scope Before March 1, 2020. The course will be available online with a 30 question post-exam after the MOA conference with a 3 attempt limit and a passing score of 70. A motion was made and seconded to approve the 10-hour course sponsored by the MOA. The Board's vote was unanimous.

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

1. 2019 Online Renewals– The online renewal process has been live for 1 month and running smoothly.
2. Online Applications – The process has been active for 4 months and applications are steadily coming in.
3. Board Retreat Follow-Up – Ms. Bennett reviewed with the Board the draft elevator speech, mission statement and goals/ objectives that the committee had devised. This will be an issue for future Board discussion and approval. She also indicated that she was working on a draft standard operation procedures for Board review, discussion and approval at an upcoming meeting.
4. Board Re-Appointment – Ms. Bennett advised members that Dr. Bunyon has been re-appointed to serve for a second 4-year term.

**G. New Business**

1. **Licenses Issued-** Dr. Bunyon entertained a motion made by Dr. Gordon and seconded by Dr. Mezu to approve the licenses issued to 6 new licensees. The Board's vote was unanimous.

2. **Implementation – Regulatory & Statutory Amendments- Mesheca Bunyon**

The Board determined that any TPA certified optometrist who does not take the 10 hour course will be downgraded to DPA certification. If they decide later to upgrade to TPA, the optometrist will have to meet the current TPA certification requirements including the 10 hour course. The Board will also notify vision insurance providers of the new statutory changes relevant to TPA certification maintenance.

3. **State Ethics Commission Presentation- Conflicts of Interest – Kate Thompson**

Kate Thompson of the State Ethics Commission presented to the Board a Power Point Presentation highlighting the Maryland Public Ethics Law and its impact on board members and meeting minimum standards of ethical conduct. A copy of the presentation is attached to the minutes.

4. **NBEO Six-Attempt Limitation Policy**

Dr. Doyle and the Board were contacted by optometrists asking to be sponsored to appeal the Six-Attempt Limitation Policy implemented by the NBEO effective 8/1/19. Once a candidate has reached the six-attempt limit, the candidate must utilize the appeals process and be approved by an appointed appeals committee of the NBEO Board of Directors before the candidate is eligible to register for that exam again. The sponsor must be an accredited optometric institution or a member of a U.S. state or Canadian provincial regulatory board. After lengthy discussion, Deb Donohue, recommended that the Board consults the Ethics Commission for informal advice whether or not particular sponsorship creates ethical problems for board members in future license application review and approval processes.

**H. Adjournment**

Dr. Doyle closed the regular session at 10:34 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