

BOARD OF EXAMINERS IN OPTOMETRY

A

Regular Session Minutes

**Thursday, February 6, 2020
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 Thursday, February 6, 2020. 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., Rona Pepper and Margaret Hubbard. Also present was Deborah Donohue, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Jennifer Levy, Director of MOA was also present.

A. Call to Order

The Board meeting was called to order at 9.33 am by the newly elected Board President, Dr. Bunyon. This was the first meeting presided by Dr. Bunyon as well as the re-elected Board Secretary, Dr. Mezu-Nnabue. Dr. Bunyon read the mission statement.

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 to approve the meeting agenda was made by Ms. Hubbard and seconded by Ms. Pepper. The Board's vote was unanimous.

C. Minutes

The regular session minutes of the November 20, 2019 meeting were reviewed. Following corrections to be made, Dr. Doyle he stated that he had not approved the minutes as previously reported on page 3. Corrections were also made to refer to Dr. Refahi as female and not male. A motion was made and seconded to approve the minutes with corrections. The Board's vote was unanimous.

D. Committee Reports

1. Continuing Education – Dr. Bunyon

Since Dr. Bunyon is now the Board president, Dr. Burgos volunteered and accepted the nomination to head the CE Committee. There were discussions regarding the ongoing 10 hours of in-person and in-state training in Maryland requirement. It was stated that it can be by a non- profit, the MOA, Clinical observations, CPR but in Maryland. Other relevant issues were also clarified.

2. Budget – Rona Pepper

Ms. Pepper gave a summary of the budget. She stated that as of 01/10/2020, 50% of the FY'20 had elapsed. There was also \$196,547 remaining in the board's expenditure budget. As of 01/10/2020, again, 50% of the FY'20 has elapsed/ the Board's special fund balance is \$117,780.

3. ARBO- Dr. Bunyon

Dr. Bunyon reported that the next ARBO meeting will be held on June 21-23, 2020 in Alexandria, VA. She will be attending with Ms. Bennett.

E. Old Business

1. Regulations

Standards of Quality for TPAs and optometric care – Effective March 1, 2020, the Board must recommend to the Secretary quality assurance guidelines for therapeutically certified optometrists and optometric care. It was also stated that Dr. Bunyon, Dr. Mezu and Dr. Doyle will submit proposed changes by the March 25th meeting.

2. Legislation

2019 Scope Expansion – Mandatory Course Status Update – 470 licensees have taken the live MOA course. The MOA online course launched on 1/14 /20 and there are 150 who have registered. The Wilmer Institute's live course will be held on 3/1/20.

2020 Legislative Session – Bills of Interest – The Board voted to add its support/or opposition as appropriate to any legislation when joint Board position papers ae submitted.

HB 42 – Public Information Act Inspection – Responses and Time Limits

This was also the same as the Senate Bill 67. The Board voted to oppose HB42/SB67 due to the unrealistic time frame for responses. A motion was made by Dr. Doyle and seconded by Ms. Hubbard.

HB 717 – Public Information Act – Required Denials – Distribution Lists

The Board voted to oppose HB 717/SB 514 because of privacy issues. A motion was made by Ms. Rona Pepper and a 2nd was made by Dr. Bunyon. The Board's vote was unanimous. Dr. Gordon will provide the rationale for the Board's opposition.

SB 297 – Administrative Procedures Act – Dispositions Summary Suspensions

The Board voted to oppose SB297/HB 483. A motion was made by Dr. Gordon and a 2nd was made by Dr. Burgos. The Board's vote was unanimous.

HB 448 – Health Care Practitioners- Telehealth

The corresponding senate version was SB/402

This bill was supported with amendments. Dr. Mezu will propose some amendments and review with Ms. Bennett for inclusion in the position paper. A motion was made by Dr. Mezu and seconded by Ms. Hubbard. The Board's vote was unanimous.

HB 639 – Public Health – Health Care Professionals – Cultural Competency

A motion was made to oppose HB 639 due to undue hardship on licenses and practices and as well as the exorbitant costs. A motion was made by Dr. Mezu and it was seconded by Dr. Burgos. The Board's vote was unanimous.

HB 259 – Health Occupations – Patient's Access to Integrative Healthcare Act of 2020

The corresponding senate bill was SB 103. The board voted to oppose and join other boards. A motion was made by Dr. Gordon and seconded by Dr. Mezu.

HB 820 Child Abuse and Neglect Training of Health Care Professionals

This was discussed during the meeting. The Board decided to take no position and the motion was passed.

3. NBEO Six Limit Appeal Process

Poyesh Refahi, O.D.

Dr. Doyle reported he will be having an in- person meeting with the optometrist.

Letter to ASCO and Response

The letter was read and discussed. It was addressed to Dr. Doyle's issues that the Puerto Rican school had a history of their students not being able to pass parts of the NBEO exam after graduation. Many were advised to keep taking the boards while not realizing that there was a 6 time term limit on taking the exam. ASCO responded that the Dean of the Puerto Rican Optometry School would contact the Board for further discussion. The Board chose not to continue the dialogue with the school. However, the Board decided to forward the letter to ACOE the accrediting body for optometric education. Ms. Bennett will send the letter to the ACOE.

F. Executive Director’s Report – Pat Bennett

1. Annual Newsletter
Ms. Bennett stated that we have a newsletter that had been sent to everyone. It had also been emailed previously for review if anyone had a comment prior to dissemination.
2. Budget – Special Fund Balance projected target for FY ‘21
It was stated that our fund balance may be less than the 20% target and we had to keep an eye on that.
3. In-Person Trainings - as defined in COMAR 10.28.02. 5 (B)
Discussion was included in the CE committee minutes.

G. New Business

1. **Licenses Issued-** The 6 newly licensed optometrists listed below were approved by the Board and read into the record. Dr. Doyle made a motion to approve the new licensees and it was seconded by Dr. Gordon. The Board’s vote was unanimous.

TA 2714	John Austin Manard,O.D.
TA 2715	Rebecca Kivlin,O.D.
TA 2716	Christopher Hay Caldwell,O.D.
TA 2717	Lawrence Jan Orendain, O.D.
TA 2718	Deborah Gerbetz, O.D.
TA 2719	Laura Ann Goldberg, O.D.

2. **Jay J. McDonald, O.D. – Waiver for Part III of NBEO**

This issue was discussed about granting a waiver so that he can apply for licensure. He was granted a waiver to proceed with his application.

3. **Adverse Events – Lauren Rubin, O.D.**

The adverse event was reviewed. Adverse events reporting was discussed as initially being under the now Defunct” QEI committee which does not exist any longer. It was agreed that the event was mildly related and the doctor handled it appropriately.

4. **Telemedicine**

The Executive Director of the North Carolina Board of Optometry shared their Board’s policy statement on telehealth. The Board found the policy and guidelines to be thorough and could be helpful in the future when developing telehealth guidance for licensees in Maryland.

H. Adjournment

Dr. Bunyon adjourned the open session at 11:16 a.m. and convened an administrative session to discuss administrative matters and quasi-judicial matters and to comply with 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. A motion was made by Dr. Burgos and it was seconded by Ms. Rona. The Board’s vote was unanimous.

Respectfully submitted,



Kelechi Mezu Nnabue, O.D.
Board Secretary