

## BOARD OF EXAMINERS IN OPTOMETRY

May 27, 2020

Regular Session Minutes Video Conference

9:30 a.m.

**A. Call to Order** - The virtual meeting was called to order at 9:32 am by the Board President, Mesheca Bunyon, O.D. Board members also present included, Kelechi Mezu-Nnabue, O.D., Mark Gordon, O.D. Andrew Doyle, O.D. Fran Burgos, O.D. and Rona Pepper. Margaret Hubbard was not in attendance. Staff present were Patricia Bennett, Board Director, Board Counsel, Deb Donohue, and Lilian Reese, Legislation/Regulations Liaison. Guests in attendance on the call included Cheryl Frazier and Jen Cohen, MOA.

Dr. Bunyon read the Board's opening statement into the record at 9:40 am and read the Board's 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

A suggestion was made to change the reference to the quality assurance monitoring program as it is no longer in effect.

## **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:** Deb Donohue corrected the section to read – A motion was made by Rona Pepper to accept the agenda after a CE agenda item was added. It was moved and seconded to approve the amended agenda. The motion carried.

**C. Review and Approval of Minutes** - The minutes were reviewed and there was a correction made by Board Counsel, Deb Donohue, who noted that the spelling of her last name on page 5 “d” was incorrect. A motion was made by Rona Pepper and seconded by Dr. Doyle to approve the minutes as corrected.

## **D. Committee Reports**

### **1. Continuing Education – Fran Burgos, O.D.**

**COPE** - Dr. Burgos spoke about the extension of temporary COPE rules till December 31st.

**Online CE Clarification – Tracie King, O.D.** - A question was asked about how to verify attendance for those seeking online webinar credit. Pat Bennett suggested that they could submit for board approval. Dr. Bunyon also discussed accepting some webinars that people have attended and Dr. Mezu added that some were also related to Practice Management. Dr. Gordon wondered why people could not find the needed courses since most courses were now online Board Counsel, Deb Donohue said they could submit so that we can make a decision. Dr. Mezu wanted us to look into this issue while Dr. Gordon disagreed. Dr. Bunyon asked for a motion to be made while Dr. Mezu made a motion which was seconded by Dr. Burgos. This motion was voted on and got a yes vote from 5 Board members and 1 no vote. Dr. King will submit information for review. Deb Donohue also explained to Dr. Gordon the difference between providers versus participants asking for that information. Pat Bennett then stated that the Board has always approved courses retroactively after Dr. Gordon mentioned Katzen Eye Group.

### **Waiver Request - Rizwana Iqbal, O.D.**

Board Counsel in response, after Dr. Burgos spoke about the Dr. Iqbal’s issue, advised us not to go into details. An extension was agreed upon for her and Pat Bennett mentioned that she still had to take the 10 hour online certification. The MOA course was now online though retaking it would not give one credit. Dr. Doyle felt that it would not be too difficult

to take the course. He wondered why she had over a year to take it and did not do so. Board counsel reiterated the law for everyone. Dr. Mezu advised that we should follow the law and give her the time she was requesting and Dr. Bunyon agreed with that and suggested that we make an amended motion. Dr. Gordon suggested that we revisit this issue after 60 days to ensure compliance. Dr. Gordon then made a motion to extend up to 60 days for compliance and it was seconded by Dr. Mezu and Dr. Burgos. Board Counsel, Deb Donohue will draft the response with Executive Director, Pat Bennett.

**2. Budget – Rona Pepper:** The budget was read by Patricia Bennett for Ms. Pepper. As of March 9, 2020, there was a total of \$103,896 in the Board’s expenditure balance and the special fund balance was \$126,265.

**3. ARBO - Mesheca Bunyon, O.D. -** Dr. Bunyon gave an ARBO update and stated that she was registered to attend the virtual annual meeting due to COVID restrictions still in place, as well as Pat Bennett, Executive Director and ARBO Board member.

## **E. Old Business**

- 1. Standards of Quality for TPA Regulation:** This has been pretty much concluded and Ms. Reese said she only had to make the change regarding emergency versus sight threatening. Everyone including Dr. Bunyon thanked Ms. Reese for all her hard work in putting the draft into correct format. The committee will meet to review the proposed regulatory amendment.
- 2. Telehealth Regulation:** A vibrant discussion was held regarding Telehealth. Dr. Gordon suggested that we have technically always had Tele health even as we hold conversations with patients. Ms. Bennett explained that the committee met in April and the bill was signed the next day. They will hold another meeting prior to the next board meeting. Lillian Reese stated that they needed consistency amongst the different boards. Dr. Gordon inquired about what they were looking at and Ms. Reese stated that they should be quite broad. Board Counsel, Ms. Donohue, stated that being consistent was better and that there were statutory requirements for an eye exam. Ms. Reese advised for us to keep it as general and broad as possible.

## **F. Executive Director’s Report – Pat Bennett**

- 1. Legislative Audit -** This was discussed and explained that the auditors basically look at cash receipts and issuance of licenses to ensure that the same staff handling cash through the process does not have access or rights to the licensing system - separation of duties.
- 2. ARBO** may still have its annual meeting but due to travel restrictions, the Board will not send a representative.
- 3. The Governor** has provided that licenses can be extended to 30 days beyond the end of the emergency state. This situation could impact the Board’s revenue for FY 2020, which ends on 6/30/20, depending on the end of the emergency.
- 4. We have a new OD Board member** Dr. Marcie Lerner coming. Dr. Mezu’s appointment to a second term was confirmed.

5. Renewal for licenses was discussed. Dr. Bunyon asked whether licensees were notified whether they had been selected for CE audit. Ms. Bennett explained that one would know when they logged in.

#### **G. New Business**

1. The Board approved the following 5 applicants for licensure. Dr. Gordon moved and Dr. Doyle seconded the motion to accept. The Board's vote was unanimous.

TA 2728 Deanna Ippolito, O.D.  
TA 2729 Todd Freeman Smith, O.D.  
TA 2730 Michelle Tiffany Hoyt, O.D.  
TA 2731 Evelyn Dearing, O.D.  
TA 2732 Hang Nguyen, O.D.

2. **Chinweuba Obi, O.D.** This issue regarding getting his license was discussed. Dr. Gordon asked what we did in previous situations and they often considered the WES equivalent. A robust discussion was had by everyone and since this doctor had his license and was already working in 2 states, the Board will accept his application. He already had his NBEO scores and WES equivalency which he can use to apply for his license. A motion was made by Dr. Gordon and seconded by Dr. Mezu to accept the WES equivalency evaluation and permit him to apply for licensure. The motion carried.
3. **David Jupiter, O.D.** This doctor sent in a request for waiving his fees for renewal. He reinstated in October 2019 and asked whether he had to do 50 hours and pay the \$600 renewal fee. Ms. Donohue stated that there were different requirements for license reinstatement and renewal. He paid \$300 and met the 100 CE requirement from 2013-2019. He had 10 hours in 2019 and 10 in 2018. We made a motion to have him take the 10 hour CE and the balance of requirements to add up to the 50 he needed. Dr. Mezu made a motion and was seconded by Dr. Doyle. Motion passed. A second motion was made to deny his 2nd request for waiver of \$600 by Dr. Gordon, and the motion also passed.
4. **Richard Corea, O.D.** This doctor wanted his 100 hours to satisfy the requirements for reinstatement + the 10 hour required online CE. The Board decided that based on regulation, he had to take the 100 hours and the 10 hour mandated CE course.
5. **Jill Klein, O.D.** Dr. Bunyon stated that there was no provision to discount fees because licenses are for 2 years. This will be the Board's response to this doctor's query for fee discount for holding her license for one year until retirement.

6. **Miscellaneous:** Dr. Bunyon asked about accepting CME courses. Ms. Bennett stated and clarified that COPE was already equivalent to ACCME. Based on regulation 10.28.02.02, Board Counsel explained that we could now accept ACCME courses or their equivalent.

7. **Ethics Course Requirement for Dr. Azman**

Dr. Burgos recused himself. We were informed that he had to take an ethics course in person but due to COVID, he could take it online and it could not count towards this continuing education requirements. A motion was made by Dr. Gordon so he could take the ethics course online from Rosen School of Optometry Competency course, it was seconded by Ms. Pepper. The motion carried.

**H. Adjournment**

Dr. Bunyon adjourned the open session at 11:25 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 Ms. Pepper and it was seconded by Dr. Gordon. The Board's vote was unanimous. The motion passed.

Respectfully submitted,



Kelechi Mezu- Nnabue, O.D.  
Secretary