

## BOARD OF EXAMINERS IN OPTOMETRY

### 09/30/2020 - Regular Session Minutes - Videoconference

**A. Call to Order** Virtual meeting was called to order at 9:36 am by the Board President, Mesheca Bunyon, O.D. Board members also present included, Kelechi Mezu Nnabue, O.D., Mark Gordon, O.D. Marcie Lerner, O.D. Fran Burgos, O.D., Rona Pepper and Margaret Hubbard. Staff present were Patricia Bennett, Board Director, Board Counsel, Deb Donohue. Lillian Reese Legislation/Regulations Liaison was on the call. Kim Link, Secretary's Liaison to the Boards was on the call. Guests in attendance on the call included Cheryl Frazier and Jen Cohen, MOA, Jeremy Goldman, O.D. and immediate past Board President, Andrew Doyle, O.D.

Dr. Bunyon read the Board's opening statement into the record at 9:37 am and read the Board's mission statement and notice about public attendance..

### **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, Mesheca Bunyon, Kelechi Mezu, Fran Burgos, Marcie Lerner 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

Conduct hearings concerning these violations

Discipline licensees found to be in violation of the law

## **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. Bunyon also asked if there were any other people joining us today. She asked for them to introduce themselves. DR. Andrew Doyle, Dr. Jeremy Goldman, Cheryl Frazier from MOA and Jen Cohen from MOA introduced themselves. Lillian Reese was also on the call and Kim Link. Based on google meet count, there were 14 people on the call at the meeting.

Dr. Bunyon asked to modify the agenda and made a change to the agenda to move up the farewell for past Board President Dr Doyle. It was moved by Ms. Pepper and seconded by Ms. Hubbard and approved unanimously.

Dr. Bunyon proceeded to recognize Dr. Doyle for all of his hard work. Dr. Doyle wished the Board luck. Ms. Pepper, Dr. Lerner and Dr. Mezu also thanked him for his hard work. Ms. Bennett expressed special thanks. She also stated that he had already received his gavel, Board plaque and citations and certificates from the Governor and the Secretary. Deb Donohue, Board Attorney, also thanked him for his work and efforts.

**B. Approval of Agenda:** Dr. Bunyon added correspondence from the MOA. Dr. Mezu made a motion, seconded by Ms. Pepper and motion passed. Ms. Bennett also stated that there was another correspondence to add new business to the agenda. Board Counsel Deb Donohue corrected the section to say that we needed to make a motion to amend and approve the agenda with 2 additions. A motion was made by Rona Pepper and second by Dr. Lerner. Motion passed.

**C. Review and Approval of Minutes** - The minutes were reviewed at 9:48 am and a correction made by Dr. Burgos and Deb Donohue, Board Counsel made a correction regarding the misspelling of her last name under #3. A motion was made by Dr. Burgos to approve minutes with the corrections and it was seconded by Dr. Gordon, Motion passed.

## D. Committee Reports

### 1. Continuing Education - Fran Burgos, O.D.

Dr. Bunyon talked about committee reports. She talked about the new COPE rules and the decision to extend temporary rules modification. She read this statement from COPE ***“COPE Administrators and Accredited Providers who are planning to present LIVE CE in an INTERACTIVE DISTANCE LEARNING format should submit all courses and activities to COPE as LIVE. The usual required pre- and post-activity data must be submitted to COPE for activities to be considered COPE Accredited. CEE (transcript quality or certified CE) courses are not included in the waiver. All CEE courses must be presented in person, face-to-face, per State Board requirements regarding CEE. Please note that although COPE's rules are being modified to allow INTERACTIVE DISTANCE LEARNING to count as LIVE CE, individual State and Provincial Optometry Boards may have different rules. We advise you to contact the State or Provincial Boards where your attendees are licensed for verification.”***

If a course is virtual and interactive, it is accepted as live. If a person has to watch it only, then it must have a post assessment. If Live, it can be taken as many times as possible.

Questions from the following people and doctors were addressed. Cristin Miller, Dr. Davies, Dr. Burke, Dr. David Bittings and Dr. Jeremy Goldman. Dr. Burgos also talked about the 10 hour CE in person Maryland requirement. A discussion was made regarding the in-person CE and questions were answered about issues with CEs, COPE approved and Dr Burgos also stated a course had to be COPE approved or Board Approved. Dr. Gordon also joined in the discussion. How do we determine who logged in or who didn't? Unless there is a post test involved in the course which means the grading has to be done by a school. Dr. Buyon asked if based on COPE rules, maybe the board can have its own requirements. Deb Donohue stated that we have our own CE requirements for the CE rules. Our rules are on the Board's website. The Board has made changes for the 2020-2021 renewal cycle only. We will discuss more at the November meeting as suggested by Deb Donohue and we have to wait to see how things change.

He also discussed another question about the upcoming Glaucoma Virtual society meeting. Dr. Burgos also stated that such a meeting would count as it is COPE approved. Every other question sent to the board was covered and discussed. Other questions regarding CEs were also discussed regarding web based CE, renewal for 2022. Ms. Bennett stated she will post an update on the website and update regarding virtual CEs and COPE's policy.

Dr. Burgos also discussed the question regarding the “PA child Abuse requirement course” and asked if it was needed in Maryland? Dr. Bunyon stated that this may fall under general. Dr. Buyon suggested that we make a motion. Dr. Lerner asked if we looked at the course outline and Deb Donohue stated it mostly referred to PA law not Maryland. A motion was made to send to Dr Bittings a note not approving the course based on fact that it is strictly PA law and seconded by Dr Lerner and the motion passed.

Dr Burgos also asked Dr. Goldman about his course and how many credits needed? He was concerned about how many actual minutes of lecture versus rapid fire sessions. Dr. Goldman answered the question stating he adds up actual lectures hours/50 mins and then gets the # of hours. He was told to submit the package so a decision can be made. Dr. Gordon, Dr. Lerner, Dr. Bunyon discussed more on this issue. Board meets in November. Deb Donohue said it was better to make a decision regarding the course now since it has been approved in the past. Dr. Bunyon said to make a motion to approve this as pending while waiting for the CE hours and submission of the package proposal. Dr. Gordon made a motion to approve the course “Current concepts in Ophthalmology” and seconded by Dr Burgos. Motion passed.

## **2. Budget - Rona Pepper - As of 9/16/20 for FY 21**

Expenditure Budget Available - \$279,411

Revenue \$29,776

Expenditures to date \$27, 014

**3. ARBO - Highlights by Mesheca Bunyon, O.D.** NBEO has signed an agreement with ARBO to continue to administer the three part licensing examination. She mentioned this will be discussed later in detail when ARBO sends communication to the Member Boards.

## **E. Old Business**

### **1. Telehealth Regulation:**

Lilian Reese said she was working on a variety of Board proposals based on Board of Physicians which they are using as a template for all Boards. Deb Donohue noted that there were some stylistic changes that had been made. She also had questions about taking the Board too far away from the draft the Physician Board had initially made. Deb Donohue pointed out the many differences she had observed. After an extensive discussion between board members, Ms. Reese, Board Counsel Deb Donohue and Ms. Bennett, Dr. Gordon made a motion to accept the draft regulations with modifications made and Ms. Hubbard seconded the motion. Motion passed. Deb Donohue will send the latest version that was approved to Ms. Bennett to forward to Lil Reese.

**2.NBEO/ OSLE** - Dr Bunyon discussed the new Law Exam. She mentioned Dr Lerner's notes and thanked her for the notes. She also asked for volunteers and Dr. Lerner volunteered to work on it with Dr. Bunyon and agreed they can set up a teleconference. It was also mentioned that a contract needed to be signed. Ms. Bennett mentioned approving the contract and deferring to Board Counsel Deb Donohue to negotiate on the Board's behalf. Dr. Lerner made a motion and Dr. Mezu seconded. Motion passed. Board Counsel also stated that this was a No-Cost contract.

### **Executive Director's Report - Pat Bennett**

**1. ARBO Board** - ARBO and NBEO have entered into a contractual agreement so NBEO can continue to give the exam. She mentioned that she will have a FACT sheet at some point. She also talked about the Task Force that was formed to discuss and address the issues of students physically traveling for Part 3 and going to the other testing sites. The report will come out soon. There is a Fall ARBO Board meeting to be held in North Carolina.

**2. Legislative Audit** - Ms. Bennett mentioned the Optometry Board audit was completed and will share results when the information becomes public.

3. **Budget FY 2022:** Board revenue for close of FY 2020 was \$343,921 with more than 500 licenses renewed. \$306,425 is the expenditure budget for FY 2021. Special Funds balance is great, because the Board has to maintain 25% in its special fund and we ended FY 2020 at the 25% target. FY 2022 is projected to be at 28%.

4. **2022 Legislative Proposal.** The Board needs to discuss any bill to clean up its statute that it wants to put forth. It takes a while to work on and a proposal will need to be submitted to the Department in the spring of 2021 for the 2022 legislative session.

5. **Per Diems/SOPs** - Last meeting, per Diems were discussed. Ms. Bennett suggested that the Board discuss expenses as it relates to the minimum number of hours of participation in Board meetings to receive per diems. Dr. Gordon made a motion to allow per diem only for meetings that are 2 hours or longer. It was seconded by Dr. Lerner. Motion passed.

6. **2021 Newsletter Bulletin:** Ms. Bennett explained that if anyone had suggestions or information that needed to be included, it should be submitted in November/December. The annual newsletter is disseminated in January of the new year.

7. **Vaccines:** The Department may extend the opportunity for licensees to administer the COVID-19 vaccine when it becomes available. It could be a possibility.

8. **WES:** The Board has used them for the review of foreign trained optometrists' transcripts. They are pulling together a work group to form a task force to look at barriers for those coming from foreign countries to these states.

9. **FYI:** Ms. Bennett discussed the cancellation of the use of all conference rooms in the

building and stated that meetings this year and perhaps into 2021 will be virtual.

**10. Statute and Regulations** - The updated statute and regulations were posted on the Board's website. The Board may republish the red book after the new updates to the telehealth and standards of quality for TPA regulations are finalized.

**G. New Business**

**1. Licensees issued** - The Board approved 20 applicants for licensure. Dr. Mezu made a motion to approve and Ms. Pepper seconded the motion to accept. The Board's vote was unanimous.

Licenses Issued - August – September 2020				
RegAlph	RegNum	LName	FName	OrigLicDate
TA	2757	Okala	Emmanuel Onyekachi	7/27/2020
TA	2758	Pisetzner	Andrew James	7/30/2020
TA	2759	Gardner	Reid Brian	8/3/2020
TA	2760	Taylor	Ariel Jordan	8/6/2020
TA	2761	Leo	Nicole	8/6/2020
TA	2762	Wong	Nicholas	8/11/2020
TA	2763	Maner	Tasneem Musa	8/11/2020
TA	2764	KEHINDE	YEWANDE Olufisayo	8/14/2020
TA	2765	Wilcox	Jessica Ann	8/18/2020
TA	2766	Cassella	Frank Vincent	8/21/2020
TA	2767	Patel	Nisha	8/25/2020
TA	2768	Seidler	Kelly Margaret	8/25/2020

TA	2769	Sutsko	Nikolas R	8/31/2020
TA	2770	Boese	Diane	8/31/2020
TA	2771	Van Dell	Selinda Lehneis	9/4/2020
TA	2772	Smith	Amber	9/4/2020
TA	2773	Chohan	Amit	9/8/2020
TA	2774	Prasain	Sadiksha	9/14/2020
TA	2775	Cooper	Kelly McKenna	9/14/2020
TA	2776	Duong	Tan Kim	9/23/2020

**2. State Updates:** Dr Bunyon asked for updates and Ms Pat commented on that. Restrictions to travel were discussed. Board Counsel stated that it was strictly for work related travel.

**3. Other Board Issues - Bethzaida Arias, O.D.** She is requesting sponsorship from the board due to failing the NBEO exam. . Deb Donohue discussed our previous option of finding a liaison to review potential sponsorships. The Board agreed to see if someone can volunteer and to ask the student to submit a study plan so that we can consider her request. Dr Gordon volunteered to be the Liaison.

Dr. Bunyon discussed a question from a doctor regarding **transformation and issues of gender regarding a patient**. Dr. Gordon noted that he didn't see any issue with this. Deb Donohue stated that this was not a licensing issue and suggested the Commission on Civil Rights may be helpful in issues like this.

Deb Donohue discussed the survey for licensees from **Maryland Attorney General's COVID-19 Access to Justice Task Force**: Opinions were varied from the doctors. It was agreed to post the link on the Board's website. A motion was made by Ms. Pepper and seconded by Ms. Hubbard. The motion passed.

Ms. Bennett talked about the new **MD.Gov emails** and inquired whether Board members had been able to log in. Ms. Pepper stated that she will send an email with details on how she activated hers. Ms. Bennett will also contact the Help Desk and ask that they reactivate the accounts for the 5 Board members who had not been successful.

## H. Adjournment

Dr. Bunyon adjourned the open session at 12:11 p.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. Motion was made by Dr. Gordon and seconded by Dr Lerner. The Board's vote was unanimous. The motion passed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "KR Mezu". The signature is written in a cursive, flowing style.

Dr. Kelechi Mezu Nnabue, O.D.,  
Secretary