

BOARD OF EXAMINERS IN OPTOMETRY

A

Regular Session Minutes

Wed. January 25, 2017
DHMH
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, January 25, 2017. Board members present were, Andrew Doyle, O.D., Stephen Kwan, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D., Mesheca Bunyon, O.D., Kelechi Mezu-Nnabue, O.D. and Rona D. Pepper. Also present was Ari Elbaum, Board Counsel, Patricia G. Bennett, Board Executive Director, Arthura H. Easter, Staff Assistant and Kecia Dunham, Licensing Coordinator and Kristine Neville, Board Legislation Liaison.

A. Call to Order

Dr. Andrew Doyle, O.D. called the regular session to order at 9:40 a.m.

B. Minutes

The regular session minutes of the November 30, 2016 meeting were reviewed. A motion was made by Dr. Walsh and seconded by Rona Pepper to accept the minutes as written. The vote was unanimous.

C. Committee Reports

1. Continuing Education – Dr. Woolf

Dr. Woolf stated that there were no issues to discuss or report.

2. Credentialing – Dr. Kwan

Dr. Kwan stated that there were no issues to discuss or report.

3. Budget – Dr. Kwan

The Board's Special Fund balance as of January 9, 2017 was \$185,285 and the expenditure balance for the remainder of the fiscal year was \$166,351.26. As of the same date, 50% of the fiscal year has lapsed.

4. QEI – Dr. Doyle

Dr. Doyle stated that there were no issues to discuss.

5. Rehabilitation – Dr. Doyle

There were no issues relevant to the rehabilitation of impaired licensees.

6. ARBO – Dr. Doyle

The upcoming annual meeting will be held in Washington, DC in June 2018 and Board members are encouraged to attend and sit in on sessions to hear about similar issues that are being discussed and presented by Optometry board members, staff and stakeholders from this country and other jurisdictions throughout the world.

7. Legislation – Dr. Walsh

Dr. Walsh stated that he had no issues to discuss but would defer to the discussion in the Legislation section of the agenda.

8. Executive Committee – Dr. Bunyon

Dr. Bunyon reported that the committee held its meeting via teleconference on December 13, 2016 at 7pm and discussed ideas about the committee, its purpose and how it should function and the role of its members. Topics

of discussions included the development of a Board mission statement. Dr. Bunyon prepared a draft for the committee's review. The importance of consumer member involvement in all Board activities and on all committees was emphasized because their input and feedback is crucial to the work of the Board.

D. Old Business

1. Regulations

Regulatory Review – Dr. Woolf

Pat Bennett, as committee representative, will meet and work with Kristen to draft and submit the amendments proposed by the committee and approved by the Board. The changes proposed are not substantive, but basically update some of the provisions. The deadline for submission of changes to the Department's Regulations Coordinator is the end of February 2017.

2. Legislation

MOA - Scope Bill

Board members had received the proposal in early October 2016. There was discussion about the bill and what the Board's position should be as the bill expands the scope of TPA certified optometrists to add another level of certification. The new level requires additional continuing education. In addition, requirements for DPA certification are modified. The bill had not been introduced to the legislature as of today's meeting. The Board will decide on the best position to take on the legislation with the goal and mind set of public protection. Kristen Neville informed Board members that there are 6 options available to address a piece of legislation: support, support with amendments, oppose, letter of concern, letter of information and no position. In addition, Pat Bennett advised the Board that per directives from the Governor's Office, Boards should only take positions on bills that impact the Board's public protection mandate or its budget. The Board will take no position at this time.

Prescription for Lenses Bill

Delegate Lam has proposed legislation and was able to add the 24 month expiration language to eyeglass prescriptions that exists currently in statute for contact lens prescriptions and provides for a shorter expiration period for clinical reasons. The Board supports the bill as amended.

E. Executive Director's Report

1. 2017 Newsletter Draft – The newsletter had been disseminated to all licensees via email.
2. FARB Advocacy Talking Point –FYI - FARB put together several talking points that Board members can use as resource documents when speaking with other licensees, the public or stakeholders about the regulation of professionals.
3. MHCC Fees – The fees have been reduced for Health Occupation Boards effective for the 2017 renewal cycle to \$32.00
4. MOU with MVA – Several Boards have renewed and signed a MOU with the MVA to allow the agency access to licensee data for any new customer service programs that require license certification.
5. Budget Hearings - The House and Senate budget hearings for the Health Occupation Boards will be held in early February 2017. Pat Bennett indicated that she would attend.
6. Financial Disclosure filing – Ms. Bennett reminded board members that the deadline for filing online is 4/30/17 to remain in compliance with the Ethics Law.

F. New Business

1. Licenses Issued

The Board unanimously voted to accept and approve the 2 new applicants who applied for licensure in Maryland.

2. Correspondence from U.S. Vison-

It was brought to the Board's attention by Dr. Bunyon, that J.C. Penney Company, Inc. was starting a new program for customers coming to their stores who need eye exams and prescriptions for lenses/glasses. The Refac Optical Group responded to the Board's request for additional information and sent a letter outlining the company's supplemental tele optometry services. After reviewing and discussing the letter it was decided that Dr. Woolf will draft a letter to get clarification of the procedure to insure that it does not violate the optometry statute's definition of what constitutes a minimum optometric examination.

2. Correspondence from Bausch & Lomb

The Board received a letter from the Bausch & Lomb Company requesting the Board to add a specific diagnostic test for ocular allergies to the approved list of codes for Maryland Optometrists- CPT 95004. A motion was made and seconded to send a letter stating that there is no language in the Optometry statute to prevent an optometrist from performing the ocular allergy testing procedure and because it is a diagnostic test, it would fall within the definition of practice optometry. The Board's vote was unanimous.

Dr. Doyle closed the regular session at 11:28 a.m. to move into administrative session in order to comply with specific constitutional, statutory or judicially imposed requirements that prevents public disclosure about a particular proceeding or matter and to discuss the investigation of complaints against specific licensees. Dr. Mezu seconded the motion. The motion passed unanimously.

Respectfully submitted,

Brian T. Woolf, O.D.
Secretary