

# BOARD OF EXAMINERS IN OPTOMETRY

# A

## Regular Session Minutes

May 31, 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, May 31, 2017. Board members present were, Andrew Doyle, O.D., Stephen Kwan, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D., Rona Pepper and Kelechi Mezu-Nnabue, O.D. Also present was Katherine Giblin, Assistant Attorney General, who covered for Ari Elbaum, Board Counsel, in his absence; Patricia G. Bennett, Executive Director and Arthura Easter, Staff Assistant. Kristen Neville, Boards and Commission Legislation/ Regulations Liaison was also present. Kecia Dunham, Licensing Coordinator, was not in attendance.

### A. Call to Order

Dr. Andrew Doyle, O.D. called the regular session to order at 9:31 a.m.

### B. Minutes

The regular session minutes of the March 29, 2017 meeting were reviewed. A motion was made by Dr. Woolf and seconded by Rona Pepper to accept the minutes as written. The Board's vote was unanimous.

### C. Committee Reports

#### 1. Continuing Education – Dr. Woolf

Dr. Woolf explained that the CE committee had halted its review of the CE regulation pending passage of the MOA Scope Bill. The bill as proposed would have added specific CE requirements for the new TPA II level of licensure. Dr. Woolf stated that the committee had postponed its first meeting but will conduct one in the future and solicit the input of newly appointed Board member, Dr. Burgos, who was the former CE Chair for the MOA.

#### 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 May, 2017 was \$185,285 and the expenditure balance for the remainder of the fiscal year was \$38,518. The appropriation for FY 17 was \$294,163. Rona Pepper was nominated to serve as Treasurer when Dr. Kwan leaves the Board. It was moved and seconded. The Board's vote was unanimous.

#### 4. QEI – Dr. Doyle

Dr. Doyle stated that there were no issues to discuss and the next meeting scheduled for April 20, 2017 was postponed and re-scheduled for October 2017.

#### 5. Rehabilitation – Dr. Doyle

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

#### 6. ARBO – Dr. Doyle

Dr. Doyle reported that plans have been made for attendance at the Annual Meeting which will be held in Washington, DC from June 18 – 20, 2017. Dr. Doyle will attend as the Board's voting delegate and Pat Bennett will attend as a non-voting delegate. The Board's Annual Report will be discussed in addition to the Board's issues of concern relevant to the CE review, approval and evaluation process – Quality and Quantity – Board Approved and COPE approved and the Impact on Board decisions as a result of the passage in Maryland of HB 628/SB 517 Supervision and Review of Decisions and Actions by Units within Departments (NC Dental Bill). Ms. Bennett is Co-chair of the ARBO Executive Directors' committee.

### D. Old Business

#### 1. Regulations

##### Regulatory Review – Dr. Woolf

The proposed regulatory changes were published in the May 12, 2017 issue of the Maryland Register and the public comment period ends on June 12, 2017.

**Review of COMAR 10.28.02 – Continuing Education** - Dr. Woolf reported about the activities of the Committee under the general Continuing Education Committee report.

## 2. Legislation

### 2017 Legislative Session Summary - Kristen Neville

#### Bills of Interest to All Boards

**HB 180/SB 82** – Both bills passed the legislature. The bills changed the name from DHMH to the Department of Health effective 7/1/17.

**HB 880/SB 450 Open Meetings Act** – Both bills were amended to require a designated member of a public body to take an Open Meetings Act training course; both bills passed the legislature.

**SB 503 – Health Occupation boards – Racial and Ethnic Health Disparities** – Bill passed the legislature.

**HB 628 / SB 517 - NC Dental Proposal** – Supervision and Review of Decisions and Actions by Unis within Departments (NC Dental Bill). Both bills passed the legislature.

## E. Executive Director's Report

1. **New Board Member** – Dr. Francisco Burgos, O.D. has been appointed to replace Dr. Kwan. Dr. Burgos will attend his first meeting in July 2017.
2. **2017 Online Renewal** - There are 445 active licenses that will expire on June 30, 2017 and 20% of renewals will be randomly audited for CE compliance.
3. **Budget FY '18** – The Board's appropriation for FY'18 is \$311,150.
4. **Board Retreat / Strategic Planning** – Dr. Walsh has strongly recommended this in the past. Pat Bennett will explore with Department Training and Staff Development the planning of an event during the next fiscal year and prior to Dr. Walsh's retirement from the Board in May 2018.

## F. New Business

1. **Licensed Issued** – The Board moved and seconded to accept and approve the licensure applications for 4 optometrists. The Board's vote was unanimous.
2. **Medical Hardship Request** – Allan Wasser, O.D. requested a CE waiver for medical reasons. The Board unanimously approved his request to take an additional 8 hours of online CE.
3. **Survey of Boards** – The Board received a survey from Venable LLP regarding disciplinary actions imposed on its licensees. It was determined that based on the review of its public disciplinary records, over the past 5 years, the Board had not imposed any disciplinary actions against any licensees regarding the following:
  - Treatment or management of any type of glaucoma
  - Prescription of any FDA-approved therapeutic agents/drugs
  - Ordering or performing diagnostic testing
  - Removal of a "superficial" foreign body from the eye

Dr. Woolf moved and Dr. Kwan seconded the motion to respond as noted to the request. The Board's vote was unanimous.

**4. Oneyeka Illoh, O.D.** – Dr. Illoh sent a request to the Board to review and consider her credentials as a foreign trained optometrist to meet the Board's educational requirement for licensure. Dr. Illoh was sponsored by the California Board to sit for the NBEO exam. After numerous attempts, Dr. Illoh passed the exam and was licensed in DC. Dr. Illoh had also contacted Dr. Doyle directly about her situation. After reviewing the statute in 11-305 – Waiver of Examination, and further discussion, Attorney Giblin indicated that the language could permit the Board to accept educational equivalence but more research is required. Ms. Bennett indicated that the Maryland Board did permit foreign trained optometrists to sit for the national exam in the past; however, the regulation permitting educational equivalence was deleted in 2003. The Board accepted at that time the WES (World Education Services) equivalency evaluation. The Board requested further investigation into Dr. Illoh's situation and her licensure in DC. Ms. Bennett will contact the DC Board to get more information. It was moved and seconded to contact the DC Board. The Board's vote was unanimous.

Dr. Doyle closed the regular session at 10:45 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,

Brian T. Woolf, O.D.  
Secretary