

## BOARD OF EXAMINERS IN OPTOMETRY

### Regular Session Minutes

Wed. January 30, 2019  
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 Wednesday, January 30, 2019. 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 D. Pepper and Margaret Hubbard. Also present was Adam Malizio, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Lillian Reese, Board Legislation/Regulations Liaison was present.

#### A. Call to Order

Dr. Doyle, Board President, called the regular session to order at 9:35 a.m. and read the following statements into the record:

#### **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. Minutes**

The regular session minutes of the December 19, 2018 meeting were reviewed and a motion was made by Dr. Doyle and seconded by Dr. Burgos to accept the minutes as written. The Board's vote was unanimous.

**C. Committee Reports**

**1. Continuing Education – Dr. Bunyon**

Dr. Bunyon reported that there were no items for review or discussion.

**2. Budget – Rona Pepper**

Ms. Pepper reported that as of January 22, 2019, the budget figures for FY '19 were:

Special Fund Balance (Revenue) \$155,113  
Budget Balance (Expenditures) \$132,135

**3. President's Report– Dr. Doyle**

Dr. Doyle reported that he will be attending a Board Chair/President meeting scheduled for January 3, 2109 with the Secretary of the Department. Ms. Bennett will also be in attendance.

**4. QEI Committee**

Dr. Doyle reported that the QEI Committee has included a Practice Management Educational News article with a post-exam in the Board's Annual Newsletter. Optometrists may receive two (2) hours of credit in the General Category in addition to the 20 hours of online continuing education credit.

**D. Old Business**

**1. Regulations**

**COMAR 10.28.02 & 10.28.12- Continuing Education & TPA**

Dr. Doyle reported that the final draft of the regulatory amendments, COMAR 10.28.02 & 10.28.12 was signed by the Secretary and posted in the Maryland Register for a 30 day Public Comment Period. The Board will respond to any comments and then the regulations are amended and the Board will receive an effective date.

**2. Legislation-2019 Session - MOA**

Dr. Doyle reported that Board members had reviewed the legislation that the MOA plans to introduce in the 2019 session. Ms. Bennett stressed the importance of the Board's willingness to testify and address any questions from legislators, per the request of both committee chairs, i.e. the new CE requirements, the 110 hour requirement, steroids course and QEI committee, etc.

**3. 2019 Newsletter**

Ms. Bennett indicated that Board member had submitted no edits for the newsletter, therefore it would be disseminated via Constant Contact on 2/1/19. Ms. Bennett asked for feedback regarding the newsletter and commended Kecia Dunham for her efforts in publishing the draft. Board members were pleased with the quality of the publication.

**Action Item: Kecia Dunham will disseminate the electronic newsletter to licensee and stakeholders on 2/1/19.**

**4. Request from Paul Hsiao, O.D.**

The Board received a letter from Dr. Paul Hsiao regarding his application for TPA certification. Dr. Hsiao has been practicing optometry in Maryland for 31 years and successfully passed Parts I, IIa, IIb, and the TMOD of the NBEO in 1987. At the time, Part III was not available. The Maryland Board required passing on all three parts, I, II, III, and the TMOD for TPA certification. Dr. Hsiao is asking the Board to waive Part III of the NBEO for TPA certification. The Board has determined that if Dr. Paul Hsiao meets all other TPA requirements according to the Maryland Annotated Code 11-404.1 and submits all required documentation, the Board will allow Dr. Hsiao to apply for TPA certification. A motion was made by Dr. Doyle and seconded by Dr. Gordon to allow Dr. Hsiao to apply for TPA certification. The Board's vote was unanimous.

**Action item: Ms. Bennett will send Dr. Hsiao a letter advising him that the Board will waive the Part III requirement provided that he meets all other requirements for TPA certification.**

**E. Executive Director's Report - Patricia Bennett**

1. **Board Member Term Expiration** – Dr. Bunyon's first term expires in May 2019 and she must notify Jen Cohen, MOA, about her desire to be re-appointed. Dr. Bunyon must also complete an application and submit to the Appointments Secretary.
2. **Online Applications** - The Boards and Commissions IT staff have been working on the Board's Online Application system and the project is in its final stages of completion. Applicants will be able to apply online for original and partial waiver licenses as well as reactivation, reinstatement and reapplication. Applicants will be able to pay online via credit card or by mailing a check. Applicants will need to upload all supporting documents. The system is projected to go live in February 2019.
3. **Meeting Room Upgrades** –Ms. Bennett informed the Board that the Patterson Avenue building manager had received additional quotes for the conference rooms and Wi-Fi upgrades for the building. He now estimates that each board would be assessed \$11,000 for the project. The Boards feel that this figure is cost prohibitive.
4. **Financial Disclosure** – Ms. Bennet reminded members that the deadline for completion of the online form is 4/30/19.
5. **House and Senate Budget Hearings** – Upcoming hearings will be held in February for the Health Occupation Boards and Commission. Ms. Bennett will attend at least one of the hearings.
6. **Retreat Follow-up- Strategic Plan** – The workgroup plans to meet after the today's Board meeting to develop and review the mission statement, elevator pitch and goals.

**F. New Business**

1. **Licenses Issued**- Dr. Doyle reported that the Board has not issued any new licenses since the last meeting.

**G. Adjournment**

Dr. Doyle closed the regular session at 10:24 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,



Kelechi Mezu Nnabue, Secretary