

BOARD OF EXAMINERS IN OPTOMETRY

7/28/21- Regular Session Minutes - Videoconference

- A. Call to Order** Virtual meeting was called to order at 9:35 am by the Board President, Dr. Mesheca Bunyon, O.D. Board members also present included, Marcie Lerner, O.D., Fran Burgos, O.D., Mark Gordon, O.D., and Rona Pepper. Kelechi Mezu Nnabue, O.D. and Margaret were not present. Staff present were Patricia Bennett, Board Executive Director, Kecia Dunham, Licensing Coordinator and Board Counsel Deb Donohue. Also present was Lillian Reese Legislation/Regulations Liaison, as well as Jennifer Cohen from MOA and Cheryl Frazier from MOA and Kim Link, Dr. Bunyon read the Board's opening statement into the record as well as 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, O.D., Kelechi Mezu, O.D., Fran Burgos, O.D., Marcie Lerner, O.D., and Mark Gordon, O.D., 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
- *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 asked whether there were any other people joining the meeting and to introduce themselves. Guests in attendance on the call were introduced.

B. Approval of Agenda: Dr. Bunyon asked for a motion to approve the agenda. It was properly moved and seconded to approve the agenda. The motion passed.

C. Review and Approval of Minutes: The minutes were reviewed. Dr. Lerner moved to accept the minutes as drafted and Dr. Burgos seconded the motion. Minutes were accepted and motion passed.

D. Committee Reports

1. Continuing Education - Fran Burgos, O.D. –There was no report

2. Budget - Rona Pepper

End of Fiscal Year' 21 Report

As of 7/26/21

Revenue	\$282,271
Special Fund	\$106,826
Total	\$389,097

Expenditures \$297,702

Special fund Carryover Over to FY'22 - \$91,395

3. ARBO – Mesheca Bunyon, O.D.

Dr. Bunyon reported on her attendance at the virtual Annual Meeting that was held on June 18 and 19. In addition to Pat Bennett, Executive Director, Deb Donohue, Board Counsel, attended as well. A lot of the discussion among the delegates centered around Board operations pivoting during COVID and post- COVID

E. Old Business

1. Regulations

Standards of Quality for TPAs –COMAR 10.28.12 - Regulation will be submitted to DSD for publication in the Maryland Register.

2. Legislation

2021 Legislative Session – Bills impacting the Boards effective in FY'22

HB 123/SB 3 Preserve Telehealth Access Act of 2021 – 7/1/21

HB28/SB 5 Implicit Bias Training – 10/1/21

HB 224/SB 262 DOIT – Study of a Common Information Technology Platform for Health Occupations Boards – 7/1/21

2022 Legislative Session

Termination of Board Sunset – Lillian prepared the legislative proposal for Department approval.

Telehealth Regulations – Proposal Authority – Deb Donohue, Board Counsel

The telehealth regulations drafted by Health Occupations Boards are still awaiting the Governor's approval. Despite the Secretary signing off on the regulations is, the Governor's office is taking issue with the regulations not being consistent with the verbiage that passed in HB 123/SB 3 - Preserve Telehealth Access Act of 2021. The consensus among Board Counsel is to recommend adding the following language to the proposed regulations (subject to the Boards' discussions and votes on the recommendation):

"Nothing in these regulations restricts or limits reimbursement requirements pursuant to the Health General and Insurance Articles of the Annotated Code of Maryland."

After lengthy discussion, Dr. Lerner moved and Dr. Gordon seconded the motion to approve the language, recommended by Deb Donohue and the Health Occupation Board Counsel, pending approval by the Governor's Office. The Board vote was unanimous. However, Dr. Gordon suggested that a committee/work group be formed to research telehealth laws and regulations within the profession throughout the country and later amend the Board's telehealth regulation to better clarify optometrists' role and function in providing telehealth service. The committee members will be Drs. Gordon, Bunyon and Lerner, staffed by Ms. Bennett. One of the committee's tasks will be to meet with the Board of Physicians.

F. Executive Director's Report – Pat Bennett

1. Termination of Extension of Licenses — 6/30/21 — Governor's Order

Ms. Bennett stated that there 35 TPA certified optometrists slated for downgrade to DPA effective August 1, 2021 due to non-compliance with documenting completion of the 10-hour scope expansion course. Licensees will be notified via email and USPS mail.

3. Board Planning – This item remains on the agenda for future Board discussion. Suggested topic areas included evaluating goals and objectives, Board's vision and mission statement, customer service and post pandemic issues. Ms. Bennett indicated that many of the Boards have decided to reconsider/resume in-person meetings in 2022. The Board voted to continue virtual meetings through the calendar year.
4. Department News: Pat Bennett and Kecia Dunham continue to work hybrid schedules with in-office and telework days. Effective July 1, 2021, State offices have re-opened, however, employees can continue teleworking and hybrid schedules upon supervisory approval.

5. ARBO Annual Meeting – Ms. Bennett reported that the meeting was successful and that the minutes would be forthcoming.

6. End of FY'21 Stats

New Licenses Issued – 65
 Applications – Exam 39; Partial Waiver 34
 Complaints – 15
 CE Programs Approved - 14
 Renewals – 413
 Reinstatements – 5
 Reactivations – 5

7. Revised SOPs – Rona Pepper moved and Dr. Burgos seconded the motion to approve the amended SOPs that described the composition and duties of the DRC. The motion passed.

8. NBE0 Six-time Limit Appeals Change – This was for informational purposes. Effective 1/1/22, a member of a U.S. state regulatory board will no longer sponsor candidates who have exceeded the six-time limit.

9. Board elections will be held at the 11/17/21 Board meeting for the following officers – president, secretary and treasurer.

G. New Business

1. Licenses Issued – The Board approved licenses that were issued to the following applicants. A motion was made by Dr. Burgos and seconded by Dr. Gordon. The motion passed.

New Licenses Issued

RegAlph	RegNum	LName	FName	OrigLicDate
TA	2798	White	Donald Felix	5/26/2021
TA	2799	Kantor	Christine	5/26/2021
TA	2800	Grynyk	Ivanna Stepanivna	5/28/2021
TA	2801	Kim	Yea Eun	5/28/2021
TA	2802	Ward	Carley McKenzie	6/1/2021
TA	2803	Maihotra	Tanya	6/1/2021
TA	2804	Chen	Shuyi	6/4/2021
TA	2805	Prodan	Luiza Livia	6/8/2021
TA	2806	Atueyi	Beverly Obiamaka Nkem	6/7/2021
TA	2807	Bhatti	Zarsh	6/10/2021
TA	2808	Freedman	Jared E	6/10/2021
TA	2809	Mahmoud	Sarah Burlock	6/11/2021
TA	2810	Kessler	Samantha Rose	6/17/2021
TA	2811	Yeung	Lorraine	6/17/2021
TA	2812	Ng	Carol	6/23/2021
TA	2813	Connorton	Bridgette	6/28/2021
TA	2814	Saraan	Jessica	6/30/2021
TA	2815	Krupa	Caroline	6/30/2021
TA	2816	Ebraheem	Adel	6/30/2021
TA	2818	Zhang	Jennifer Jiyun	7/13/2021
DA	2819	Koo	Gina Jung Eun	7/16/2021
TA	2820	Lui	Sarice	7/22/2021

F

2. Lynn Hatrick, O.D. – contact lens question about liability to dispense trials or a script without having a patient in the office. It was properly moved and seconded to advise the licensee to consult an attorney and direct her to review COMAR 10.28.16, 10.28.06.04 and in the statute 11-404 Contact Lens. The Board vote passed.
3. Board opinion re: DEA certification. – The Board takes no position on this issue as TPA certified optometrists are not required to have DEA certification.
4. Online CE for 2022 Renewal – The Board voted to table further discussion about the number of online hours accepted for the 2022 cycle until the 11/17/21 Board meeting. The Board has not decided on the acceptance of all online CE for the 2022 renewal. At this time, the Board is aligned with COPE in allowing online interactive CE as live through 12/31/21.
5. New Board Member Training is planned for 2- half day sessions one with the Governor's Appointment's Secretary and Secretary Schrader. Topics will include board member ethics and roles. Hearings training will also be offered.

Adjournment

Dr. Bunyon called for a motion to adjourn regular session at 11:50 a.m. and convene 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.

It was properly moved and seconded to adjourn the regular session. The Board's vote was unanimous. The motion passed. The meeting adjourned at 11:55 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia G. Bennett". The signature is written in black ink and is positioned above the typed name and title.

Patricia G. Bennett, MSW
Executive Director