



MARYLAND Department of Health

Larry Hogan, Governor · Boyd Rutherford, Lt. Governor · Robert R. Neall, Secretary

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Patient Bill of Rights

Several years ago, the Board adopted this document. It was posted on the Board's website. The points are as pertinent now as they were when originally drafted. The Board encourages all licensees to not only review the document but post it conspicuously in your practice locations. [Click here to review and print a copy.](#)

2019 Online License Renewal

Licensees whose last name begins with the letters M-Z, your licenses will expire on June 30, 2019. You will receive a reminder via email from the Board about the renewal process, fees and other requirements. Therefore it is important that the Board has a current email address on file for all licensees. The online renewal system will be available April 30, 2019 and will close on June 30, 2019.

President's Address Looking Back... Seeing Ahead



As 2018 came to an end, the Board of Optometry reflected back on the year in preparation for our annual newsletter. This process often leads to thinking about the future direction of the Board as well. This year was my second full year as the president of the board, and was the most eventful so far. I'll try to summarize the boards' activities over the last 12 months here.

One of the biggest endeavors we tackled throughout the year was finalizing language to change regulations regarding the 110 hour TPA continuing education requirement for initial Maryland licensure. This effort to modernize the law was led by Dr. Brian Woolf. Because of Dr. Woolf and the other Board members on the continuing education committee, optometrists who are transferring to the state of Maryland to practice will find the steps to getting a TPA license much less steep than before. Now, instead of having to first obtain a DPA license and then working towards acquiring the 110 hours needed for TPA certification, as was the case for most ODs coming to Maryland, optometrists will be able to count the hours of completed pharmacology courses that were taken and passed at their accredited optometry school towards the total. The Board felt this would provide better outcomes for the citizens of Maryland. Now, optometrists would be able to obtain a TPA license and practice at that level initially and no longer have to start with a DPA license. Patients who are seen by these doctors will now be able to be treated on the spot and not have to be referred to someone else. This reduction in visits will result in patients having issues addressed promptly which will improve outcomes and reduce burdens on patients. For more information on this topic see the related article in this newsletter entitled: "Optometry Board Proposes Regulatory Amendments."

The Board also had a bit of turnover this year. Two members finished their eight years of voluntary service on the Board this May. Dr. Frederick Walsh and Dr. Brian Woolf both joined the Board in 2010. Dr. Walsh was one of the Board's consumer members. His insight and thought provoking questions were invaluable. Equally valuable was Dr. Woolf's ability to think outside the box and to force the Board to consider non-traditional solutions to potential problems. Drs. Walsh and Woolf will be tremendously missed. The large shoes left behind will be filled by Dr. Mark Gordon and Margaret Hubbard.

Dr. Gordon and Margaret Hubbard were both able to attend our Board retreat in August. The idea for a retreat was first proposed by Dr. Walsh, and it was dubbed "The Frederick Walsh Board Retreat." At this daylong event the entire Board worked on strategic planning and formulation of mission and vision statements. It was a long day that forced each member to really reflect on what they thought was most important for the Board to address going forward. I really feel the ideas and plans hashed out during this meeting will help guide our decisions as the board enters 2019 and beyond.

In the summer, I was also able to attend the annual Association of Regulatory Boards in Optometry (ARBO) meeting. This year's meeting in Denver further made it clear to me that regulatory boards have a primary function of protecting the public through licensee application verification, issuing and renewing licenses, hearing complaints brought against licensed

Licensees can renew from July 1, 2019 through July 31, 2019 by paying an additional \$100.00 late fee.

Board Meetings

The Regular Session of Board meetings are open to the public and held at the Metro Executive Building, at 9:30 a.m. The schedule is as follows:

Wed. Jan 30, 2019

Wed. Mar. 27, 2019

Wed. May 29, 2019

Wed. July 31, 2019

Wed. Sept. 25, 2019

Wed. Nov. 20, 2019

Licensed optometrists can attend public meetings of the Board and receive continuing education credit.

Meet the New Board Members



Dr. Mark B. Gordon, O.D. was appointed to the Board in July 2018 to fill the vacancy created by Dr. Brian Woolf, O.D.'s departure. Dr. Gordon holds a B.S. degree in Biology from the University of Maryland and a B.S. degree in Visual Sciences and an O.D. degree from the Pennsylvania College of Optometry. Dr. Gordon's extensive experience includes being C.E.O and President of Barenburg Eye Associates, Inc. from September 1975 - January 1990 and returning to that position in 2002 until the present; C.E.O and Board Member of Vision Twenty-One, Inc. As C.E.O. of MEC Health Care Inc., Dr. Gordon established the first managed eye Care Corporation in the United States. Dr. Gordon's professional affiliations include membership in the Greater Baltimore Optometric Association, Maryland Optometric Association, and the American Optometric Association. Additionally, he has served on the Board of Directors and as Clinical Director and Clinical

optometrists, and disciplining licensees found to be in violation of statute after investigation. I would highly recommend ARBO's blog as a great resource for those interested in learning more about regulatory boards and why and how they are different from trade organizations.

On the disciplinary side of things the Board has been busy also. Both closed session meetings and QEI committee meetings have resulted in the Board having to take informal and formal action towards optometrists who were found to have violated the state's optometry law. The actions taken have ranged from letters of admonishment to suspension of licenses. The Board will always try its best to protect citizens and is always looking for ways to work with other states to make sure licensees found in violation of other state laws do not evade discipline simply by crossing state lines. An article in USA Today by John Fauber and Matt Wynn titled "Malpractice, mistakes, and misconduct: Doctors who surrender medical licenses in one state still practice in others" brought this issue to the Board's attention this year, and is a very interesting read.

The Board knows that 2019 will likely be a very busy year also. We are aware of legislative efforts that are underway to modernize all aspects of Maryland's optometry law. We know that we will be asked our opinions of such a law and are ready to offer our thoughts when called upon. We are excited for the new year and we wish all reading this a very happy New Year! Thanks for your time and attention.

Optometry Board Proposes Regulatory Amendments

The Board intends to raise its educational standards by requiring that continuing education for maintenance of licensure (renewal) be approved by the Board and either COPE accredited or non-COPE accredited programs that meet the criteria deemed as equivalent to the ACCME standards. The Board proposes to increase the number of online CE from 20 to 30 hours. By allowing for more credit to be earned online, the Board believes that licensees will have access to a broader range of continuing education opportunities. The Board will continue to require that each licensee attend in-person continuing education courses for 10 hours to ensure licensees also earn Maryland-focused continuing education. The Board believes that licensees who receive continuing education in a wide range of subjects online in addition to Maryland focused courses provided in the State will provide better quality of care to Maryland citizens. In addition, to further ensure continued competence and compliance, the Board has proposed that the continuing education audit procedure be amended to monitor a minimum of 20% of licenses renewed. These amendments, therefore, serve to protect the health, safety, and welfare of the public. There are proposed increases in the number of allowable hours for courses prepared and given by Maryland licensed optometrists; clinical observation and cultural competency.

The Board's amendment to the TPA certification requirements for initial license applicants is intended to eliminate barriers and allow documented education, which has been Board approved, to meet the therapeutic educational requirements for out-of-state applicants when applying for Maryland licensure. By encouraging out-of-state optometrists to apply for Maryland licenses with TPA certification, the Board hopes to attract qualified licensees to the State, provide more access to optometric services to Maryland citizens, and, in turn, promote and protect the health, safety, and welfare of the public.

The Board's full proposal is scheduled to be printed in the February 1, 2019 Maryland Register. In addition, it will be posted on the Board's website. There will be a 30 day public comment period. Once all comments, if any are received, are responded to, the Board can do one of the following: adopt the regulations as proposed; adopt the regulations with non-substantive changes; re-propose the regulations with substantive changes; or withdraw the proposal.

Board Member Vacancy- May 31, 2019

Applications and nominations for the Maryland Board of Examiners in



Margaret Hubbard was appointed to the Board in July 2018 to fill the consumer member vacancy created by Dr. Frederick Walsh, Ph.D.'s departure. Ms. Hubbard has worked in the healthcare setting since 1989. She has been a Licensed Nursing Home Administrator since 2007 and holds licenses in Maryland and Virginia. Ms. Hubbard enjoys working to ensure that good quality care is provided to seniors. Her educational credentials include an Associate's Degree as a Paralegal, a Bachelor's Degree in Social Work and she is currently pursuing a Master of Business Administration degree. Margaret is the proud parent of two, loves dogs and is a fierce motorcyclist.

The QEI Committee Needs You

The Board is seeking to fill vacancies as soon as possible. The quality assurance program includes a record review program, TPA self-assessment surveys and other activities.

As a committee member, you will be expected to attend scheduled meetings, perform peer record reviews, draft educational topics, review adverse reaction reports and other related tasks.

Committee members receive a small stipend. Please contact Kecia Dunham, Licensing Coordinator by phone at 410-764-4711 or by email kecia.dunham@maryland.gov to express your interest. The next scheduled meeting will be held on Thursday, April 25, 2019 at 4:00 p.m. at the Board Office, 4201 Patterson

Optometry are being accepted through February 28, 2019.

1 licensed optometrist Member which will be vacant May 31, 2019.

Criteria

The criteria for members is outlined in the Board statute, Health Occupations §11-202. All Interested candidates must be licensed optometrists. Each optometrist member shall have resided in the State and practiced optometry actively and continuously in this State for at least 5 years before appointment. Terms are for four years and members may not serve more than 2 consecutive full terms.

Board member duties

- Attend six Board meetings per year which are held generally on the last Wednesday of odd numbered months, i.e. January, March, May, July, September and November. The meetings, (held at the Board office in Baltimore), begin at 9:30 and end at 12:00 noon. The meeting includes a closed and a public (open) session, and members receive a stipend of \$150 per meeting plus mileage. Board members receive documents in advance of the meeting for review. There are attendance requirements in order to remain a board member.
- Serve on Board committees including budget, credentialing, executive, discipline, legislation, continuing education, rehabilitation and ARBO (Association of Regulatory Boards of Optometry). Committees meet as needed either in person or via teleconference.
- Participate in disciplinary hearings and case resolution conferences.
- Testify before the General Assembly regarding legislation that affects consumers and/or licensees.
- File an annual financial disclosure with the State Ethics Commission and be subject to the State Ethics Law.

All interested applicants are required to submit a formal application through the Governor's Appointment Office website at www.govappointments.maryland.gov no later than February 28, 2019.

Please be aware that one of the application documents, Appointee Exemption Disclosure (AED) form, is required by the Maryland State Ethics Commission (SEC) to document any potential conflicts of interest. On the AED form, applicants should request an employment exemption for all current employment.

Applicants that are self-employed, own or co-own a business should also request a financial exemption on the AED form.

If an applicant is serving in an official capacity with Board/Association, the applicant should list their role and note their willingness to resign immediately if appointed to the Health Occupation Board. Applicants may contact the SEC at 410-260-7770 with questions or to request guidance.

Any additional questions regarding applications or nominations may be addressed to Kim Bennardi at kim.bennardi@maryland.gov.

The Governor appoints the optometrist members with the advice of the Secretary of the Department of Health from a list submitted to the Secretary by the Maryland Optometric Association. Please note that all applicants are thoroughly vetted and may be interviewed by a subject matter expert.

Farewell

Continuing Education Credit

The Board accepts continuing education programs that are either Maryland Board approved or COPE approved. Programs are categorized as either general or therapeutic.

The following COPE codes are accepted as therapeutic: GL, PO, RS, AS, PS, NO, PH, PD, SD, OP, IS, LP, SP.

Review the full text of regulation, COMAR 10.28.02- Continuing Education Requirements.

COMAR 10.28.02.05 C Course Credit

"Credit will be allowed on the basis of an hour for an hour, except for pro bono work. To receive 1 hour's credit, one shall attend or participate 1 full hour. There shall be no fractional hour credits."

Listed below is a summary of the categories and maximum hours allowed in the two-year license period.

CE Prep and Delivery	12 hours
Journal or Online with a Post Test	20 hours
Clinical Observation	6 hours
CPR	3 hours
Ethics	4 hours
Practice Management	4 hours
Pro Bono Work	6 hours
Published Papers	12 hours
Public Meeting	4 hours



Rona Pepper, Fran Burgos, O.D., Brian Woolf, O.D., Patricia Bennett, Mesheca Bunyon, O.D., Dr. Frederick J. Walsh, Ph.D., and Kelechi Mezu, O.D.

On July 25, 2018, Board members and staff bid farewell to outgoing members, practitioner, Brian T. Woolf, O.D. and consumer, Frederick J. Walsh, Ph. D. During a luncheon in their honor, both were presented with certificates of appreciation from Robert R. Neall, the Secretary of the Maryland Department of Health, citations from Governor Larry Hogan and plaques from the Board. Dr. Woolf served two full terms for a total of eight years and Dr. Walsh served for 10 years, two - 4 years terms in addition to completing the remaining two years of another appointee's term. Drs. Walsh and Woolf contributed admirably to the vision health and public protection of the citizens of Maryland.

Board Launches Online Licensure Application

The Maryland Board of Examiners in Optometry launches its Online Licensure Application project effective February 1, 2019. Applicants will be able to apply online for the following :

- Licensure by Examination - DPA/TPA Certification
- Licensure by Partial Waiver - DPA/TPA Certification
- Reapplication - A Non-Renewed License more than 5 years from the expiration date
- Reactivation - An Inactive License within 5 years of the expiration date
- Reinstatement - A Non-Renewed License within 5 years of the expiration date

Applicants will need their social security numbers, OE Tracker numbers and a working/valid email address. Payment can be made online using Visa, MasterCard or a check made payable to the Board can be mailed. Applicants will still be required to send in supporting documents to the Board, i.e. official transcripts, score reports, references, etc.

The Board continues its efforts to "Go Green" and to use the available technologies to provide the highest level of customer service and delivery to licensees, students, applicants and the public we serve.

Strategic Planning Retreat



Mark Gordon, O.D. Mesheca Bunyon, O.D., Margaret Hubbard, Patricia Bennett, Jo Anne Brilliant, O.D., Dwaine Lashley, Andrew Doyle, O.D., Teresita Saff, Brian Woolf, O.D., Fran Burgos, O.D., Adam Malizio and Kelechi Mezu, O.D.

On August 29, 2018, the Maryland Board of Examiners in Optometry held a Strategic Planning Retreat at the Turf Valley Resort and Conference Center in Ellicott City, MD. Current Board members, two former Board members and Board staff spent the day together planning for the Board's future. The theme for the day was "Vision - Moving Toward 2020 and Beyond". The activities were facilitated by Teresita Saff, president of TOP Training, LLC. Ms. Saff is an experienced training professional and organization development consultant. Through individual discussions, break out groups and presentations, participants explored Board successes, challenges, critical issues and desired outcomes. The day ended with participants having a template/blueprint for the Board's continuity. The retreat was merely the beginning of the process and the work continues in 2019 as the Board finalizes its plan.

The four prongs of the plan are as follows:

1. Elevator Speech
2. Vision Statement
3. Mission Statement
4. Goals & Objectives

Consumer's Corner



**Margaret
Hubbard,
Consumer
Member**

As a Consumer Member on the Board of Examiners in Optometry, I have had the opportunity to expand my knowledge base of the internal operations of a professional health regulatory board. The Board's responsibility goes beyond licensure renewal, issuance, and/or review of continuing education programs. The Board establishes policy on numerous matters where warranted, reviews complaints, drafts legislative changes to the Practice Act and promulgates regulations. The Board plays an important role in ensuring patient safety while protecting and respecting the licensed optometrists. I am extremely honored to be a part of such diligent effort.

Quality Enhancement & Improvement

Andrew Doyle, O.D., QEI Chair

In 2018, as required by the current Optometry Statute §11.404.3 and COMAR 10.28.12.05&.06, the Quality Enhancement and Improvement (QEI) committee audited the exam notes of therapeutically certified, or TPA, optometrists (ODs). The audit randomly selects ten percent of TPA ODs to submit ten patient records in which therapeutic pharmaceutical agents were used. Those selected in the audit will not be audited again for at least four years, unless the committee determines the quality of their notes requires more frequent monitoring.

The QEI committee is made up of two Optometry Board members and volunteer TPA ODs. This committee does commit its personal time to reviewing TPA records and meeting two times a year. Their efforts are greatly appreciated by the Board. The QEI committee does also appreciate the efforts TPA ODs go through to get their records to the Board. The committee does recognize the burden put upon TPA ODs, but also recognizes that this process is part of what is required to practice optometry in Maryland. So, the burden of the QEI audit will remain as long as it is in statute and the Board is in existence to enforce that statute.

The QEI committee would like to make the auditing process easier for TPA ODs by providing the following guidelines. First, make efforts to submit legible records. If you hand write records presently, and it has been brought to your attention that your notes are difficult to read, consider switching to an electronic medical record (EMR), or having a scribe with legible handwriting write the notes. Second, be sure that your TPA notes include slit lamp findings for both eyes at all TPA visits, and not just the initial encounter. Third, be sure that pupils and tonometry are performed at all TPA visits. If tonometry is contra-indicated because of the patient's condition, be sure to document why it was not performed. The QEI committee is aware that a minimum optometric exam includes "tonometry without anesthetic when indicated or for a patient over 40 years of age." Because so many TPA exams involve conditions or treatments that can influence intraocular pressure (IOP), or that the management of the condition can be better performed when the IOP is known, the QEI committee considers it the standard of care to perform tonometry at all TPA visits unless clearly contraindicated. Third, the QEI committee highly recommends that special attention be made to not rely too heavily on EMR auto-fill entries. If additional notes are made to the exam body that contradict the EMR's default or normal findings, the notes validity is muddied. It is best to make sure all aspects of the note are consistent to avoid the potential of the note being interpreted as a false record. Lastly, be sure to include a statement in all TPA notes that addresses the "72 hour rule." This rule originates in the section of the statute that states a TPA OD must consult with an ophthalmologist if a patient does not have the expected response to the prescribed TPA within 72 hours. The QEI committee recognizes the following methods as ways of knowing if the patient had the expected response: a. examining the patient; b. documenting that communication with the patient occurred within 72 hours; c. noting that the patient was educated to contact the office if their condition has not improving after 72 hours.

The QEI committee genuinely thanks you for reading this and feels that if you are audited, the process will be less burdensome on all involved, and patient safety will be better protected if these recommendations are followed. If you have any interest in joining the QEI committee, please contact the Board office to learn how you can volunteer. Thanks again and Happy New Year!

Motor Vehicle Administration (MVA) Voluntary Healthcare Provider Referral

The Maryland Department of Transportation Motor Vehicle Administration has updated its Voluntary Healthcare Provider Referral form to allow for referral from all healthcare providers who are concerned with a patient's medical fitness to drive. The form is received and reviewed by the Medical Advisory Board who will proceed with a medical review. MVA has asked the Board to inform its licensees about the form and the process. MVA provides trainings for healthcare professionals regarding the medical review process, referral process and fitness to drive.

Medical Review Process

What is the Medical Advisory Board (MAB)

The Medical Advisory Board (MAB) is comprised of physicians from various medical specialties. The objective of the MAB is to assess mental and medical fitness to drive of individuals who have conditions that may impact their ability to safely operate a motor vehicle. The MAB functions by reviewing the medical information of drivers and providing advice and recommendations to the [Driver Wellness and Safety Division](#) (DW&S) of the MVA. The MAB does not make the final decision as to whether or not to license or to suspend a driver's license. Each case is reviewed on an individual basis.

Depending on the stability and progressive nature of a medical condition, MAB may recommend periodic evaluation. Drivers whose license privileges have not been approved or have been suspended, may be approved at a later time when their medical condition has improved.

When a person is referred to the Medical Advisory Board for evaluation, the MAB reviews pertinent medical information from the individual's personal healthcare providers or other treatment provider(s). Upon review of those materials, the MAB may determine that additional information or evaluation is needed. On occasion, the MAB may request a personal interview with an individual before a recommendation is made to the Driver Wellness & Safety Division of the MVA.

The Referral & Medical Review Process

Self-reports of any medical condition can be submitted at the MVA office at the time of renewal, or can be submitted anytime by email or fax to the MVA.

Referrals from professionals, particularly law enforcement officials and health care providers should be reported directly to MVA if there are concerns about medical fitness to drive. Health care professionals generally report to MVA by simply providing a letter on their letterhead or by completing a [Volunteer Physician's Referral \(DC-220\)](#).

In addition, the MVA accepts referrals from concerned private citizens, including neighbors, friends, and family members of drivers with potential problems regarding their ability to safely drive. A letter of concern should be submitted via email or fax to the MVA. The letter of concern should include as much of the basic information as possible. If the concerned citizen wishes to remain anonymous, they should indicate that wish in their communication to the MVA.

- Letters of concern are first investigated for authentication of information. If the concern is validated, the referred driver is requested to submit a medical report and health questionnaire for further review.
- If you have specific concerns about a loved one, it is recommended that you discuss this with their physician or treatment provider. The physician can then contact the MVA directly with the necessary information. This will expedite the review process.

Once MVA receives a referral, they are processed as follows:

- Driver Wellness & Safety Division (DW&S) of the MVA first checks to see if that individual has previously been evaluated.

- DW&S will request an individual to complete a health questionnaire, furnish current reports from their physician or other treatment provider, and to sign an authorization so that those clinicians can be contacted to provide additional information for clarification. In addition, individuals may be asked to complete a functional capacity test screening.
- DW&S may schedule a driver for a personal interview with the MAB physician. At this interview, the individual may submit additional medical information. It is important to stress that the interview is to clarify matters. As it is not a legal proceeding, a lawyer is not required for this interview.
- When all the necessary information is received, the case is thoroughly reviewed by MAB, and then a recommendation is made concerning the individual's medical fitness to drive. Examples of possible recommendations are:
 - Approves applicant or driver and recommends the case be closed.
 - Recommends retention/return of driving privilege, but requires periodic medical reports to the MVA
 - Allows driving with certain restrictions placed on the license. An example would be daylight driving only
 - Suspension/continued suspension of the driver's license until the medical condition is corrected or brought under control to permit safe driving
 - Reexamination (which may include a functional capacity test screening, vision test, law test, and/or a driving test)
- The case, along with the MAB opinions and recommendation is returned to the Driver Wellness & Safety Division (DW&S) for their review, and DW&S makes a decision on the individual's license status. The individual is then informed of the decision regarding their license.
- If the MVA's decision is to refuse, suspend, or revoke the driving privilege and the individual wishes to contest the proposed action, an administrative hearing may be requested.
 - These hearings are conducted in accordance with Code of Maryland Regulations (Title 11) by the Office of Administrative Hearings and presided over by an administrative law judge.
 - Anyone wishing to request an administrative hearing may do so through the MVA's Driver Wellness and Safety Division.
- A decision of an administrative law judge may be appealed to the Circuit Court in the person's county or city of residence.

TPA Record Review Article with Post Exam

Optometry in the state of Maryland is a self-regulating profession. We are required by Maryland regulations to conduct peer reviews of 10% of our "TPA records" each year. All TPA-certified optometrists must label TPA records in a manner that makes them retrievable and available for review and the optometrist must remove the patient's name (and be able to identify the patient) on all submitted records. Your colleagues on the QEI committee of the Maryland Board of Examiners in Optometry volunteer to complete this review. Of course the process moves more smoothly when the optometrists submitting records understand exactly what is necessary to have their records deemed "In Compliance" following review.

Therefore, we are presenting this informative article as an opportunity to gain 2 Practice Management CE credits for your current renewal cycle. Following the article are 5 questions to be submitted to obtain your CE credits [Click here.](#)

