

BOARD OF EXAMINERS IN OPTOMETRY

A

Regular Session Minutes

**Wed. September 27, 2017
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, September 27, 2017. Board members present were, Andrew Doyle, O.D., Meshca Bunyon, O.D., Francisco Burgos, O.D., Kelechi Mezu Nnabue, O.D., Brian T. Woolf, O.D., Frederick J. Walsh, Ph.D., and Rona D. Pepper. Also present was Ari Elbaum, Board Counsel, Patricia G. Bennett, Board Executive Director and Kecia Dunham, Licensing Coordinator. Guests present were Jennifer Levy and Cheryl Frazier of the MOA.

A. Call to Order

Andrew Doyle, O.D., Board President, called the regular session to order at 9:36 a.m. and read the following statement into the record:

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 July 26, 2017 meeting were reviewed with no corrections made. A motion was made by Dr. Walsh and seconded by Dr. Bunyon to accept the minutes as written. The Board’s vote was unanimous.

C. Committee Reports

1. Continuing Education – Dr. Woolf

Dr. Woolf stated that there were no general continuing education requests, issues or matters to discuss.

2. Budget – Rona Pepper

Ms. Pepper reported that as of September 13, 2017, FY’18 budget figures are as follows:

Special Fund Balance (Revenue)	\$132,918
Budget Balance (Expenditures)	\$277,978

3. QEI – Dr. Doyle

Dr. Doyle reported that the next QEI meeting is scheduled for October 26, 2017 and the Committee is currently conducting the 2016 Record Review Audit. Dr. Doyle stated that 88 optometrists were selected for the audit, 55 optometrists had submitted records, 23 responded either Not Using TPA or Not Practicing in Maryland and the remaining 10 have not responded to the request for records.

4. ARBO – Dr. Doyle

Dr. Doyle reported that the COPE CE accreditation system has been deemed substantially equivalent to the Accreditation Council for Continuing Medical Education (ACCME) accreditation system.

D. Old Business

1. Regulations

Regulatory Moratorium

Ms. Bennett reported that the Governor has halted the promulgation of regulations in the state while the Regulatory Reform Commission conducts its third year of work. Exceptions may be granted if the regulatory action is necessary to protect the health, safety and welfare of Maryland citizens. In addition, the Department has been asked to prepare a list of any regulations that can be repealed or amended.

Review of COMAR 10.28.02 – Continuing Education

During the regulatory review process, the Board did not review its CE regulation due to the introduction of legislation by the MOA which would have amended the current CE requirements. The Board had originally planned to submit a NORD – Notice of Regulation Development by October but advised the Office of Regulation that it would more likely be in the spring of 2018. Dr. Woolf reported that the committee would be scheduling meetings for a comprehensive review of the CE regulation. Drs. Bunyon and Burgos will be a part of this review process. Dr. Woolf noted that Dr. Burgos’ experience as the MOA’s Education Committee chair would prove to be an invaluable asset.

COMAR 28.04 OAH – Review of Decisions and Actions of Health Occupation Boards

OAH- the Office of Administrative Hearings is drafting the regulation. Ms. Bennett reported that these regulations set out the procedure for the supervision of each Board or Commission that is composed, in whole or in part, of individuals participating in the occupation or profession regulated by the Board or Commission. The supervision outlined in these procedures is intended to prevent the unreasonable anticompetitive actions by the Board or Commission and to determine whether the actions of the Boards or Commission further a clearly articulated State policy to displace competition in the regulated market. The next meeting will be held in October at the Office of Administrative Hearings.

2. Legislation

Nominations for Health Occupations Boards

There is a Department legislative proposal under consideration that will permit nominations for Health Occupation Board health practitioner vacancies to come from additional sources and not solely from the professional associations.

3. Oneyeka Illoh, O.D.

Dr. Illoh petitioned the Board to allow her foreign optometry degree to meet the educational requirement for licensure in Maryland. The Board determined that the WES evaluation is acceptable; the Board agreed to allow Dr. Illoh to begin the application process and will accept her education. A motion was made by Dr. Doyle and seconded by Dr. Walsh that Dr. Illoh has satisfied the educational requirements for licensure. The Board’s vote was unanimous. A letter will be sent to Dr. Illoh advising her of the Board’s decision.

4. MTA Reduced Fare Program

The Reduced Fare Program sponsored by the MTA allows visually impaired people to get free bus passes and other services. The Board voted to allow the MTA to send letters regarding the program to licensees on Board letterhead. Ms. Bennett stated that as of the Board meeting date, the letter had not been mailed to licensees.

E. Executive Director's Report - Patricia Bennett

1. **ARBO Board Consultant** – Ms. Bennett had reported previously that she had been invited to serve as a consultant to the ARBO Board of Directors until the 2018 Annual Delegate Assembly. The Board had approved of the appointment. Ms. Bennett referred the matter to the State Ethics Commission for review. The commission determined that as long as the Board viewed the service as an extension of her state position, ARBO could pay for any expenses related to meeting attendance. Ms. Bennett plans to attend an ARBO Board meeting to be held in Nashville, TN beginning on 9/29/17.
2. **Board Member Training** - The annual New Board Member Training will be held on Monday, December 4, 2017 at the UMBC Tech Center in Baltimore County. Dr. Burgos and Ms. Bennett will attend.
3. **FY19 Budget** – The expenditure budget for FY'19 is \$306,932.00.
4. **2018 Board Newsletter Planning** – Ms. Bennett informed Board Members that the 2018 edition of the Newsletter will be disseminated in January. A template will be included in the November Board packet for members to review and select articles/topics of interest to draft.
5. **Board Retreat** – Ms. Bennett reported that she contacted an individual who would facilitate the Board's Strategic Planning in 2018. It was recommended that the session be held in the fall of 2018 as Drs. Walsh and Woolf will be replaced by new Board members in the spring on 2018. Ms. Bennett requested that Drs. Walsh and Woolf meet with her to plan the event and the agenda as their experience and input would be very helpful. Ms. Bennett is looking into having the event at a location outside of the Department.
6. **Shared Licensing and Regulatory Management System** – The Department is exploring the possibility of a shared licensing system for all of the Health Occupation Boards. Currently 11 of the Boards have been successfully using an online renewal system. The larger Boards are more in need of a system. It may be cost prohibitive for the smaller Boards to incur the expense for a new system. The Department plans to move forward and put out Requests for Information and Proposals to determine what exists in the marketplace.
7. **Online New Application/Updated Renewal Application/pdf License Printing Proposal** - The Board had previously approved the proposal from Fells Point IT. The work began on July 10, 2017 and was slated to be completed by October 1, 2017.
8. **PIA Request from State Ethics Commission** – Fells Point IT and David Mitchell are under investigation and the Board had to submit documents relative to the Board's interaction with them. The Board had been advised not to use the corporate purchasing card to pay for the services.
9. **COPE Accreditation Program** – COPE achieves substantial equivalency with ACCME. The COPE Ce

accreditation program has been formally recognized as substantially equivalent to the ACCME accreditation program.

F. New Business

- 1. Licensees Issued -** A motion was made by Dr. Woolf to approve the licenses issued to 7 new licensees and it was seconded by Dr. Mezu. The Board's vote was unanimous.
- 2. HealthMD Constituent Inquiry –**Abigail Purcell
The Board received an email from the Department regarding regulations for reading glasses. Ms. Purcell found a Maryland Statute, §24-301 (a) The Department shall adopt rules and regulations that establish safety requirements for eyeglass and sunglass lenses and frames. Ms. Bennett stated that she would contact Michele Phinney, Director of Regulations and Policy and refer the inquiry to her.
- 3. Eye Glass Prescriptions –** Barbara Knack
Ms. Knack emailed the Board asking if there is any reason that a seller of eyeglasses in the state of Maryland could not use her prescription from the state of Utah, which has no expiration date written on it by the optometrist. Ms. Bennett responded to Ms. Knack that neither Optometry law nor regulations addresses expiration dates for eyeglasses or the use of out of state prescriptions.
- 4. Waiver Request –** Dr. Michele Komal, O.D.
The Board received an email from Michele Komal, O.D., requesting a waiver for the 8 hour Steroids course since she has been practicing Optometry since 2004 and served in many capacities including the Department Head of the Naval Medical Clinic in Quantico and Head of Optometry at Walter Reed Hospital. After discussion, the Board agreed to allow Dr. Komal to contact the MOA and schedule a time to take the 8 hour Steroids exam without sitting through the course dvd and to pass it with a 70% grade. The Board will also inform Dr. Komal that if she fails to pass the exam, she would at her own expense, take the entire course and exam. A motion was made by Dr. Woolf and seconded by Dr. Mezu to allow Dr. Komal to sit for the steroids exam without taking the course. The motion carried with 4 yes and 3 no votes.
- 5. Temporary Licensing-** OA Negrón, O.D.
The Board received an email from OA Negrón, O.D. asking whether the Board would grant temporary licenses to optometrists who have been displaced by Hurricane Maria in Puerto Rico what requirements applicants would be required to meet. The Board will respond to Dr. Negrón informing him that it has no statutory authority to grant temporary licenses to practice in Maryland.

Dr. Doyle closed the regular session at 11:00 p.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 Woolf, O.D.
Board Secretary