

## BOARD OF EXAMINERS IN OPTOMETRY

### Regular Session Minutes

November 18, 2015  
DHMH  
4201 Patterson Avenue #105  
Baltimore, MD 21215  
11:00 a.m.

The regular session of the Board of Examiners in Optometry's meeting was held on Wednesday, November 18, 2015. Board members present were, Phyllis Strickland, O.D., Frederick J. Walsh, Ph.D., Brian T. Woolf, O.D., Andrew Doyle O.D., Mesheca Bunyon O.D., and Rona D. Pepper. Also present were Ari Elbaum, Board Counsel, Patricia G. Bennett, Board Executive Director, and Kecia Dunham, Licensing Coordinator. Stephen Kwan, O.D. was not in attendance.

#### A. Opening of Meeting

Dr. Phyllis Strickland, O.D., Board President, opened the regular session of the Board meeting at 11:19 a.m.

#### B. Minutes

The regular session minutes of the meeting held on September 30, 2015 were reviewed and the following corrections were made: Under letter D, Regulatory Review the 1<sup>st</sup> sentence will read: **"The Committee held a teleconference on 8/27/15."** Under letter E the **Executive Director's Report New Board Member Training**, insert "to" between "open" and "newly" in the last sentence. Dr. Strickland asked for a motion to be made to accept the corrected minutes. A motion was made and seconded to accept the minutes as corrected. The Board's vote was unanimous.

#### C. Committee Reports

##### 1. Continuing Education - Dr. Woolf

Dr. Woolf reported that there was no information to report.

##### 2. Credentialing- Dr. Kwan

Ms. Bennett reported that there was no information to report. This committee reviews and approves continuing education for applicants applying for diagnostic and therapeutic certification.

##### 3. Budget – Dr. Kwan

Ms. Bennett reported that the Special Fund balance for FY 16 as of November 6, 2015, is \$165,888.00 and the available Expenditure balance as of November 6, 2015 is \$175,466.00

##### 4. QEI – Dr. Doyle

Dr. Doyle reported that the QEI Committee held its meeting on November 5, 2015 and they are currently conducting 2014 Record Review. The Committee has reviewed 83 doctors' records; 46 records are still being reviewed by Committee members and 35 doctors do not use or prescribe TPA's.

##### 5. Rehabilitation- Dr. Doyle

Dr. Doyle indicated that there was no committee report. The committee handles issues related to impaired professionals.

##### 6. ARBO- Dr. Strickland

Dr. Strickland reported that a copy of the minutes for ARBO Annual Board of Directors Meeting that was held on October 9-11, 2015 was included in the Board packet.

##### 7. Legislation – Dr. Walsh

Dr. Walsh reported that there was nothing to report.

**D. Old Business****Regulations****Regulatory Review – Dr. Woolf, Chair**

The committee's charge is the review of the Board regulations. The committee is deciding how best to conduct the review and include topics, issues and content areas that identify trends in the optometry profession. Dr. Woolf reported that an informal meeting was scheduled following the Board meeting.

**Legislation- Dr. Walsh**

There was nothing new to report because the Board has not introduced any legislative proposals for the 2016 session.

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

**Joint Chairmen's Report of 2015**– Ms. Bennett reported that the Boards had to respond to the budget committees of the House and the Senate mandating the performance of individual financial analysis on current fee structures. The Department had to submit a report by November 1, 2015 on how the current licensing fee levels for each professional board and commission relate to corresponding expenditures and fund balances. The report was prepared and signed off by the Attorney General's Office and the Boards.

**Legislative Audit** – The Office of Legislative Audits (OLA) has recently initiated their regular fiscal compliance audit of Regulatory Services for the period beginning March 25, 2013 and ending September 27, 2015. The objective of the audit is to examine Regulatory Service's financial transactions, records and internal controls and to evaluate its compliance with the applicable State laws, rules and regulations. The Board received a letter dated October 15, 2015 confirming that its disclosures were complete.

**F. New Business**

- 1. New Licenses Issued** – It was moved and seconded to approve and accept the 4 newly licensed optometrists since the September 30, 2015 Board meeting. The Board's vote was unanimous.
- 2. Email regarding Angiography** – Dr. Budner emailed the Board asking the Board to advise him whether or not he can have a certified fluorescein angiographer come to his office and perform angiograms. The Board will send Dr. Budner a letter recommending that he seek legal counsel for interpretation of the Optometry Statute as it relates to his inquiry.
- 3. 2015 Constant Contact Board Newsletter/2016 Newsletter Skeleton** – Board members had the opportunity to review last year's newsletter and the skeleton for the 2016 issue, which will be disseminated in the New Year. Newly appointed Board members will be featured. Dr. Doyle will draft a letter in the QEI Committee section. Dr. Woolf will submit an article about the Regulatory Review process. Staff requested that members submit articles prior to the holidays.
- 4. Non Licensed Optometric Assistant** –The Board received an email asking whether a non-certified optometric assistant can perform refractions, slit lamp examinations and dilation of patients. After lengthy discussion, it was determined that a non-certified optometric assistant cannot perform any minimum optometric examinations. Dr. Strickland asked for a motion to be made to send Dr. Ashfaq a letter informing him to seek the advice of legal counsel.

A motion was made by Dr. Woolf and seconded by Dr. Walsh to adjourn. The Board's vote was unanimous. The regular session of the Board adjourned at 12:28 p.m. to go into Administrative Session.

Respectfully submitted,

Brian T. Woolf, O.D.  
Board Secretary