

**Maine Board of Optometry
113 State House Station
Augusta, Maine 04333**

**MINUTES OF May 1, 2026
BOARD MEETING**

CALL TO ORDER: The meeting was called to order by Dr. Smith, O.D. at 9:00 a.m. Members present by Zoom; Todd Hamilton, O.D., James Smith, O.D., Timothy Rioux, O.D., James Murphy, James Smith, O.D., Eric Hebert, O.D., were present in person.

Others present in person; Donna Spear, Temporary Contractor Office Specialist II, and Lisa Wilson, Assistant Attorney General.

Others present by Zoom, nine members of the public.

OLD BUSINESS:

Action on Minutes of March 20, 2026: A motion was made by Mr. Murphy, seconded by Dr. Hebert, to accept the minutes as written.

The motion passes 5 in favor and 0 opposed.

NEW BUSINESS:

ME Optometry Association Meeting: Dr. Rioux mentioned the necessity of attending the MOA meeting in June, to have a chance to speak with all the attendees regarding Continuing Education credits and the importance of ensuring they are all earned in the proper timeframe, April 1 – March 31. Dr. Hebert agreed and stated he too would like to attend, so one of them could speak about the matter. Mr. Murphy made a motion for them both to attend. Dr. Smith seconded. Motion passed 5 in favor, 0 opposed.

Review of Exam Procedure SOP's: Dr. Rioux and Donna presented the fact that the SOP's are now written for taking the jurisprudence examination. A timeline was discussed on how long to allow applicants to provide all necessary documentation to qualify to sit for an examination, 90 days were agreed upon. A motion was made by Dr. Hebert, seconded by Mr. Murphy to set the timeframe for 90 days, start the rule-change procedure and make the applicants ineligible if they have not provided everything within the 90-day window. A rule change will be required to specify the 90-day timeframe, so currently, the examination will be offered after all necessary documentation has been received.

The motion passes 5 in favor and 0 opposed

Review of Exam Procedure SOP's: A second motion was made by Dr. Hebert, seconded by Dr. Smith that the passing score is 88%, limit the examination to exactly 20 questions, open book, 30-minute timeframe to take the exam. If the applicant fails, they must wait 30 days to retake.

Further, Donna brought up the timelines for new applicants and when to deny an application. A licensed OD from another state submitted an application in Feb, during the transition between Tina and Donna, so Donna has allowed the OD extra time to provide all necessary documentation. As we are approaching 90 days, Donna was looking for guidance from the Board as to how much longer to allow. Board discussed 90 days is a reasonable limit.

The motion passes 5 in favor and 0 opposed

Review of doctors who have a shortfall on their CEU's for their 25/26 renewal cycle: Donna explained to the Board that there were 9 doctors who were able to renew their licenses without the mandatory 25 hours of CEU's for 25/26. Donna and Dr. Rioux had reviewed each of these doctors, sent out an email to each of them asking them to explain why they were short, and Donna read their responses to the Board. Initially, the flag that would have prevented renewal for each licensee was either not applied at all, or turned off, and the CEU's had never been verified. Additionally, each doctor that responded had similar answers in that they were confused about the timeframe in which to earn their CEU's. Old time frame had been Jan – Dec, but this had ended in 2025. Donna confirmed that 2 emails had gone out to each Doctor on Jan 30, 2025, and Jan 2, 2026, reminding them about the CEU's required. Since the initial emails went out, 4 of the 9 doctors did earn the necessary CEU's.

A motion was made by Dr. Hebert and seconded by Dr. Smith to send out an email to the doctors that did earn the required CEU's explaining that the CEU's earned will count toward the 25/26 renewal and not be counted toward the 26/27 renewal cycle. Additionally, the 5 doctors that have not earned their required CEU's will be given 90 days to earn, explaining they will not be counted toward the 26/27 renewal cycle

The motion passes 5 in favor and 0 opposed

Jurisprudence exam – Dr. Rioux would like to review several questions on the exam:

A motion was made by Dr. Hebert and seconded by Mr. Murphy to table this discussion.

The motion passes 5 in favor and 0 opposed

Language on the renewal application – Discuss wording of several questions prior to the 2027 renewal cycle:

A motion was made by Dr. Hebert and seconded by Mr. Murphy to table this discussion.

The motion passes 5 in favor and 0 opposed

OTHER BUSINESS: Review of Complaints

- A. **2025-OPT-21151** – After presentation and discussion, a motion was made by Dr. Smith and seconded by Mr. Murphy to dismiss the complaint on the ground of no violation of the Maine Optometry Laws and Rules.

The motion passes 4 in favor and 0 opposed, 1 abstained (Dr. Hebert)

- B. **2026-OPT-21175** - After presentation and discussion, a motion was made by Dr. Hebert and seconded by Dr. Smith to send out a Consent Agreement, \$1,500 fine, reprimand, allow the doctor 90 days to earn 15 hours CEU's, on top of the normally required 25 hours per year, of DEA training on controlled substances.

The motion passes 4 in favor and 0 opposed, 1 abstained (Dr. Hebert)

- C. **2026-OPT-21289** - After presentation and discussion, a motion was made by Dr. Smith and seconded by Mr. Murphy to send out a Letter of Guidance, to be kept in the file for 3 years, requiring the doctor to use the diabetic report form, review office policies regarding patient privacy and provide the Board with proof that the policies have been reviewed with the office staff.

The motion passes 4 in favor and 0 opposed, 1 abstained (Dr. Hebert)

- D. **2026-OPT-21217** - After presentation and discussion, a motion was made by Dr. Rioux and seconded by Dr. Smith to send a Consent Agreement warning, requiring 5 hours, on top of the regular 25 CEU's required, specifically on glaucoma training, to be completed within 90 days. 2 hours of the 5 should focus on narrow or closed angle glaucoma.

The motion passes 3 in favor, 0 opposed, 1 abstained, 1 recused (Hebert abstained, Hamilton recused)

PRESIDENT'S REPORT: Discussed job posting for hiring the Office Specialist II, permanently. Still waiting for more information from HR, and for the Commissioner to write the requisition for the position. It is still in question how many Board members can be part of the interview panel.

May 12, 2026, at 1130am, Dr. Smith, Mr. Murphy and Donna will go to 109 Capitol Street to view the new office space, see the meeting rooms and tour the building.

LD1803 has died in legislature.

SECRETARY'S REPORT: Donna discussed the Website updates, at 100% of ADA compliance requirements. Added in an FAQ's section about complaints. It was discussed whether billing disputes could be declined at the initial complaint stage. The AAG stated all complaints must go through the full process, although the Board does not act on billing disputes.

Donna informed the Board that starting August 7, the Board meetings will now take place at 109 Capitol St.

Public Comment Opportunity: No public comments made.

ADJOURNED: A motion was made by Mr. Murphy, seconded by Dr. Hebert to adjourn the meeting at 11:30 a.m.

The motion passes 5 in favor and 0 opposed.

The next meeting will be held on August 7, 2026.

Respectfully submitted,

Donna Spear
Office Specialist II, Maine Board of Optometry