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

MINUTES OF August 7, 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.; Mr. James Murphy, Eric Hebert, O.D., were present in person.

Others were present in person; Donna Spear, Temporary Contractor Office Specialist II, and Suzanne Burke, Assistant Attorney General, 4 members of the public.

Others present by Zoom, Kristen Bowker, Office Specialist I, co-host, and nine members of the public.

OLD BUSINESS:

A) **Action on Minutes of May 1, 2026**: A motion was made by Dr. Hebert, seconded by Mr. Murphy, to accept the minutes as written.

The motion passes 5 in favor and 0 opposed.

B) **Tabled discussion on the language of the renewal application**: AAG Burke had provided the Board proposed new language for each question, starting with, "Since your last renewal". Most of the discussion centered around the CEU's question, which currently states, *"Do you have any continuing education credits (up to 5) you would like to roll over to the next renewal year? If yes, please contact the Board of Optometry with the continuing education information."* Donna and AAG Burke proposed changing the language to *"Have you met the minimum required 25 hours of CEU's in this renewal cycle? If yes, do you have any continuing education credits (up to 5) you would like to roll over to the next renewal year?"*
Dr. Rioux had some concerns about the language of this question and wanted more clarification on the wording. Dr. Rioux made a motion to table this discussion until the November 2026 Board meeting. Mr. Murphy seconded.

The motion passes 5 in favor and 0 opposed.

C) **Report from Dr.'s Rioux & Hebert re: the June MOA meeting.** The doctor's co-reported that they thanked the MOA for the opportunity to speak at the meeting. They spoke to the doctors attending re: the importance of accounting for their CEU's properly. They both reported there weren't as many doctor's present as they had hoped, but they were happy they were able to reach out. It was discussed to send out a reminder about the CEU's with the renewal reminder.

No motion was made.

D) **Office Specialist II vacancy** – moved to the end of the meeting. A motion was made by Dr. Hebert and seconded by Mr. Murphy to go in to executive session to discuss employment. A motion was made by Dr. Smith and seconded by Dr. Hebert to come out of executive session.

The motion passes 5 in favor and 0 opposed.

NEW BUSINESS:

A) **Review of new exam to be approved by the Board**: Dr. Smith thanked Dr.'s Rioux & Hebert for working on the new exam. Questions were asked if all the questions on the exam are from the law, or did some come from the rules as well. Board was told questions came from both. Dr. Smith requested some more work be done on the exam, with Donna acting as go-between for the 2 doctors to fix any grammatical errors and ensure the questions come from the law. Dr. Rioux also wanted clarification if the exam is going to be open or closed book. His assertion is that if the exam is open book, it should require a 100% score. If it's closed book, they can lower the passing score.

A motion was made by Dr. Smith and seconded by Mr. Murphy to table discussion until the November meeting to allow time to re-review the exam, with the answer sheet and citations as to where the answers came from.

Motion passed 5 in favor 0 opposed.

B) **Board member membership expiration**: Dr. Smith thanked Donna for preparing the information as to when each member seat expires. Mr. Murphy mentioned a concern about his seat, as he has served on this board twice, and the Board may want to find a new member of the public for his seat. Donna reported that 1 optometrist has reached out about applying for a seat on the Board. Per the Governor's office, if a seat is declined, a letter is not sent to the candidate, as they may decide at a later date to seat them. Currently, there is no one showing as pending for this Board. Dr. Smith has reached out to several optometrists about applying for a seat. He has no leads on public members to replace Mr. Murphy at this time.

No motions were made.

C) **Request to carry forward credits for OPT 921**: Board read an email from the requesting licensee. This doctor had renewed their license in February, 2026 with enough CEU's and had answered "No" on the carry-forward question. However, after the license was renewed, more CEU's had been credited. Dr. wanted the ability to carry 5 CEU's forward.

A motion was made by Dr. Smith and seconded by Dr. Hamilton to allow the 5 CEU's be credited in 2027 renewal cycle.

The motion passes 5 in favor and 0 opposed

OTHER BUSINESS: Review of Complaints

A. **2026-OPT-21298** – After presentation and discussion, a motion was made by Dr. Hamilton and seconded by Dr. Smith 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-21299** - After presentation and discussion, a motion was made by Dr. Hamilton and seconded by Dr. Rioux to dismiss the complaint on the ground of no violation of the Maine Optometry Laws and Rules. It was discussed that a Letter of Guidance be added to the file for 3 years, explaining if a complainant requests multiple copies of their glasses/contacts prescription, it should just be given, regardless of payment status to Dr. office.

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

C. **2026-OPT-21300** - After presentation and discussion, a motion was made by Dr. Rioux and seconded by Dr. Smith to dismiss and send out a Letter of Guidance, to be kept in the file for 3 years, recommending abstaining from responding to social media posts, but if one does respond, no patient specifics can be given, (patient name, demographics, services provided, diagnoses, treatments, insurance information or billing) In this case, explaining that the FTC Eyeglass rule is acceptable, but discussing the patient specifics is not acceptable.

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

D. **2026-OPT-21306** - After presentation and discussion, a motion was made by Dr. Rioux and seconded by Mr. Murphy to dismiss the complaint on the ground of no violation of the Maine Optometry and Rules.

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

E. **2025-OPT-21344** – After presentation and discussion, a motion was made by Dr. Hamilton and seconded by Dr. Rioux 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)

F. **2025-OPT-21347** – After presentation and discussion, a motion was made by Dr. Rioux 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)

G. **2025-OPT-21356** – After presentation and discussion, a motion was made by Dr. Rioux and seconded by Mr. Murphy to dismiss the complaint on the ground of no violation of the Maine Optometry Laws and Rules. A secondary complaint was opened on behalf of the complainant to be heard in November.

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

H. **2025-OPT-21358** – After presentation and discussion, a motion was made by Dr. Hamilton and seconded by Dr. Rioux 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)

I. **2025-OPT-21361** – After presentation and discussion, a motion was made by Dr. Rioux and seconded by Mr. Murphy to send a Consent Agreement as well as charge a civil penalty of $6,250 ($250/day x 25 days practicing without a license)

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

J. **2025-OPT-21372** – After presentation and discussion, a motion was made by Dr. Hamilton and seconded by Dr. Rioux to send out a Letter of Guidance, to be kept in the file for 5 years, reminding licensee to keep communication with patients on a professional level and to avoid topics, tones or innuendo's that might be perceived as offensive or uncomfortable for patients.

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

K. **2025-OPT-21408** – After presentation and discussion, a motion was made by Dr. Hamilton and seconded by Dr. Rioux to send out a Letter of Guidance, to be kept in the file for 3 years, reminding licensee to promptly return calls to patients. In addition, providing an after-care summary would be a useful tool to provide explanations of examination findings and management plans. Finally, the licensee should consider staff training to facilitate patient communications.

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

Dr. Hebert made a request of the Board to have a back-up complaints officer, for when the complaint load is excessive. Dr. Hamilton volunteered. Dr. Smith made the motion and Mr. Murphy seconded it to have a back-up complaints officer.

The motion passes 5 in favor and 0 opposed

PRESIDENT'S REPORT: Dr. Smith wanted to again thank Tina for all her years of service and dedication to the Board.

SECRETARY'S REPORT: Donna discussed:

A) Invoices paid for FY26 = $37,776.96, including subscriptions, travel, advertisements and rent.
B) Disciplines on the website, discussed need to remove and create a link to ALMS to verify licensing status.
Dr. Smith made a motion and Dr. Hebert seconded to remove the information on the page and create a link to ALMS.

The motion passes 5 in favor and 0 opposed

C) ARBO meeting in June '27, looking to see who is interested in attending, as out of state travel requires advance work. Dr. Hebert mentioned he is interested. Dr. Smith highly recommended attending at least once.
D) Report of licenses – prior to April 1, 2026, 267. Currently licensed 263. New licensees since April 1, 2026, 12. Pending exams 3. Exams proctored 12, denied applications 1. 2 exams in the next 2 weeks.
E) Dr. applied for a license by endorsement 6/12 and has provided all necessary documentation. Exam has been rescheduled twice due to technical issues. Donna asked how long should be given to offer the examination. Discussion was held around the language of "All necessary items" in the rules. In this situation it was decided to allow 90 days from the date all necessary items are received by the board. Dr. Hebert made a motion and Mr. Murphy seconded to clarify the language in the rules for licensure by endorsement.

The motion passes 5 in favor and 0 opposed

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 November 6, 2026.

Respectfully submitted,

Donna Spear
Office Specialist II, Maine Board of Optometry