

# Idaho Board of Optometry

## Board/Commission Members:

- Dr. Joy E. Johnson, O.D., Nampa - Chair
- Dr. Aaron J. Warner, O.D., Eagle
- Dr. Lance William Fagan, O.D., Coeur d'Alene
- Dr. Raymond C. Goodman, O.D., Gooding
- William von Tagen, J.D., Boise

**Board/Commission Composition:** The Board consists of five (5) members: four (4) licensed optometrists, and one (1) public member. Board members serve a term of five (5) years. [Idaho Code § 54-1503](#).

**Operating costs per licensee: \$139.25.** This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, and investigative services.

**Total number** of current licensees in Idaho on May 19, 2018: **471**

For the Idaho Board of Optometry, the **shortest time** from complete application to issuing a license was **same day**. The **longest time** from complete application to issuing a license was **21 days**. Of all licenses, **53.1 percent** were issued the **same day**. The **average time** from complete application to issuing a license was **5.5 days**. The total number of licenses issued from May 19, 2017 to May 19, 2018 was **32**.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. Idaho Code [§ 74-204](#).

Idaho Board of Optometry

**A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal**

		<b>Statute</b> <a href="#">Title 54,</a> <a href="#">Chapter 15</a>	<b>Rule</b> <a href="#">IDAPA</a> <a href="#">24.10.01</a>	<i>*Policy</i>	<b>Application</b>	<b>Basis to Deny</b> <b>Issuance or</b> <b>Renewal</b>	<b>Fees</b>
Optometrist License	Issuance for Initial License	I.C. <a href="#">§ 54-1520</a>	<a href="#">24.10.01.1201</a>	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1520</a>	<a href="#">\$110: Application fee</a> <a href="#">\$150: Renewal fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1522</a>	<a href="#">24.10.01.300</a>	*		I.C. <a href="#">§ 54-1522</a> I.C. <a href="#">§ 67-2614</a>	<a href="#">\$150: Renewal fee</a>
Optometrist License W/ DPA	Issuance for Initial License	I.C. <a href="#">§ 54-1520</a>	<a href="#">24.10.01.1201</a>	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1520</a>	<a href="#">\$110: Application fee</a> <a href="#">\$150: Renewal fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1522</a>	<a href="#">24.10.01.1401</a>	*		I.C. <a href="#">§ 54-1522</a> I.C. <a href="#">§ 67-2614</a>	<a href="#">\$150: Renewal fee</a>
Optometrist License W/ TPA	Issuance for Initial License	I.C. <a href="#">§ 54-1520</a>	<a href="#">24.10.01.1201</a>	*	<a href="#">Application</a>	I.C. <a href="#">§ 54-1520</a>	<a href="#">\$110: Application fee</a> <a href="#">\$150: Renewal fee</a>
	Renewal Requirements	I.C. <a href="#">§ 54-1522</a>	<a href="#">24.10.01.1401</a>	*		I.C. <a href="#">§ 54-1522</a> I.C. <a href="#">§ 67-2614</a>	<a href="#">\$150: Renewal fee</a>

*\*All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

**B. Applications and Renewals Denied, May 19, 2017-May 19, 2018**

Refusal to Issue Initial License [Total Number: 0 ]

	Statutory Basis	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0 ]

	Statutory Basis	Summary of Factual Basis
	None	

## Idaho Board of Optometry

### C. Disciplinary Actions for the Last Five (5) Years\*\*

The Idaho Board of Optometry received **70 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **52 complaints were closed** by the Board with no disciplinary action; **5 resulted in disciplinary action**; **12 remained under investigation**; and **1 awaited Board determination** for a final outcome.

*\*\*The Board did not take any disciplinary action between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No.	Date of Final Action	Action Taken	Basis in Statute and Rule	Summary of Factual Basis
None				

**D. Changes or Attempted Changes in the Last (5) Years to Eliminate Barriers to Entry**

Law and Rule

Session	Legislation or Rule	Summary
2013	Docket <a href="#">24-1001-1201</a>	<p>The Board changed its rules to update, clarify, and simplify Board procedures and processes as follows:</p> <ol style="list-style-type: none"> <li>1. Updates the rule governing Board meetings to set forth the requirements of the Open Meeting Law, including the elimination of the provision that the chairman may instruct the secretary to notify each member of the Board either by telephone or telegraph as to the time, place and purpose of the meeting.</li> <li>2. Updates the application section by eliminating an outdated address, simplifies the photo requirement, deletes an exam that is no longer available, and clarifies the exam passage rate.</li> <li>3. Corrects the name of the national accrediting body of schools of optometry.</li> <li>4. Change the continuing education rule to allow for electronic verification of completion of a course.</li> <li>5. Updates the Code of Ethics.</li> <li>6. Updates the rule defining gross incompetence by updating a federal code section and adding a ground for lack of education.</li> <li>7. Clarifies and updates the prescription rule for glasses and contact lenses.</li> <li>8. Updates the patient record section to require compliance with federal law – Health Insurance Portability and Accountability Act (HIPAA).</li> <li>9. Updates the medications that may be used in the diagnosis of conditions of the eye and eyelid.</li> </ol>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2015	Docket <a href="#">24-1001-1401</a>	<p>These rules changed the timeframe for obtaining continuing education from a licensee's birthdate to a calendar year.</p> <p><b>Impact:</b> This change will lessen the confusion regarding when continuing education must be earned for license renewal.</p>
2016	<a href="#">House Bill 341</a>	<p>In 2015, the Board of Physical Therapy, State Board of Podiatry, State Board of Optometry, Board of Chiropractic Physicians, Idaho State Board of Psychologist Examiners, State Board of Medicine, State Board of Dentistry, Board of Nursing, and the Department of Administration, worked together and reached out to interested parties on proposed legislation to revise IDACARE. The Boards' proposed legislation was considered by the 2016 Legislature.</p> <p><b>Background:</b></p> <p>In an attempt to expand information accessible to the public regarding available options of health care providers in the State of Idaho, the Legislature passed the Patient Freedom of Information Act in 1998, also known as IDACARE. Through IDACARE, profiles of licensed health care professionals became readily accessible to the public through an online database. These health care professionals included physicians, osteopaths, physical therapists, dentists, podiatrists, chiropractors, optometrists, psychologists, physician assistants, and advanced practice professional nurses currently licensed in the State of Idaho.</p> <p>The intent of IDACARE was to create public access; however, implementation relied upon health care providers to input their data on the IDACARE web page. This was in addition to renewal information they provided to the relevant licensure board. Licensees could be fined \$50 per day for incomplete or inaccurate data.</p> <p>The bill proposed by the Boards in 2016 eliminated the requirement for licensees to annually update their IDACARE profile. It did away with the fines, and it ensured the public still had access to relevant licensure information on each Board's website.</p>

		<p>Furthermore, the Boards documented the number of website visits. The numbers showed:</p> <ul style="list-style-type: none"><li>• IDACARE page received about 750 visits per month. Most visits were providers updating their data.</li><li>• Board of Medicine page received about 7,500 visits per month.</li><li>• The web pages for the Board of Physical Therapy, State Board of Podiatry, State Board of Optometry, Board of Chiropractic Physicians, Idaho State Board of Psychologist Examiners, and other Boards served by the Bureau of Occupational Licenses received over 14,000 visits per month.</li></ul> <p><b><u>Impact:</u></b> From a fiscal point of view, eliminating the IDACARE website/database created a savings of \$1,700 annually, and a one-time upgrade cost of \$30,000 for the Department of Administration, all from the general fund. It also eliminated the duplication of effort for individual Boards to support both the IDACARE and Board websites, saving the Boards' dedicated funds over \$12,000 annually.</p> <p>More importantly, it did away with a duplicative effort on the part of licensees since they no longer would have to update the IDACARE profile in addition to submitting their license renewal. The law change removed the practitioners' burden to manually update information on the IDACARE web page annually, and removed the ability for Boards to fine licensees \$50 per day if the data was not entered.</p> <p>In short, the bill to revise IDACARE relieved the burden upon healthcare providers to report information to two different state web pages, eliminated the Boards' ability to fine licensees \$50 per day, and relieved the burden on the State, both administratively, and financially, to support two different websites for licensees. Since the Boards' charge is public protection, this change also ensured that the health care provider information would be verified and publically available on each Board's website. This bill passed the House (69-0) and Senate (35-0). It was signed into law by the Governor on March 17, 2016, and went into effect July 1, 2016. After the bill went into effect, the Boards notified all licensees and updated each of their websites.</p>
--	--	--

Law and Rule (continued)

Session	Legislation or Rule	Summary
2016	<a href="#">House Bill 333</a>	<p>In 2015, the Bureau of Occupational Licenses proposed and the legislature passed House Bill 117, which simplified the renewal and reinstatement of licenses statute, I.C. <a href="#">§ 67-2614</a>. This bill will allow the Board to amend its rules to adopt I.C. <a href="#">§ 67-2614</a> as its renewal and reinstatement.</p> <p><b>Impact:</b> This bill will allow the Board to amend its rules to adopt I.C. <a href="#">§ 67-2614</a> in its entirety and lower its reinstatement fee from \$150 to \$35.</p>
2017	Docket <a href="#">24-1001-1601</a>	<p>The rules were amended to align the reinstatements section with Idaho Code <a href="#">§ 67-2614</a>. They also increased continuing education credit allowed for correspondence courses, individual home study, and observation from six (6) to nine (9) hours per year.</p> <p><b>Impact:</b></p> <ol style="list-style-type: none"> <li>1. Reduced the reinstatement fee from \$150 to \$35.</li> <li>2. Expanded opportunities to meet the continuing education requirement.</li> </ol>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2017	<a href="#">House Bill 11</a>	<p>House Bill 11, by the Board of Optometry, proposed the following:</p> <ol style="list-style-type: none"> <li>1. Removes the requirement that optometrists display their license in a conspicuous part of their office.</li> <li>2. Removes duplicative licensing language.</li> <li>3. Amends the Board’s laws to require that by January 1, 2019, all applicants for a license to practice optometry and all existing licensees be qualified to use therapeutic pharmaceutical agents. Many people think that all optometrists are already trained and qualified to use pharmaceutical agents to diagnose and treat. The Board believes that all optometrists in the state should be trained to the same standard and the fact that some are not is a public safety issue. In addition, this would have removed a barrier with regard to portability for Idaho licensees who wish to practice in another state.</li> </ol> <p><b>House Bill 11a:</b> House Bill 11 was amended by the legislature. The amendments included the following:</p> <ol style="list-style-type: none"> <li>1. Grandfathered current license holders licensed prior to 1990 and excused them from the provisions.</li> <li>2. Allowed others who are not certified to use therapeutic pharmaceutical agents until January 1, 2021 to meet the standard.</li> </ol>

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p><a href="#">I.C. § 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p><a href="#">I.C. § 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>
2015	<a href="#">I.C. § 67-2614</a>	<p>Sets the reinstatement fee to \$35 and eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license had been expired. It also clarified the continuing education required to reinstate.</p> <p>Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduced barriers to re-entry in two ways.</p> <p><b>Impact:</b> For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p>

Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2015	<a href="#">Telehealth Access Act</a>	Allows practitioners to offer telehealth services. ( <a href="#">Title 54, Chapter 57</a> )
2011	<a href="#">Senate Bill 1137</a>	<p>This legislation updated the appointment process to the Idaho Board of Optometry, which was cumbersome, costly to state licensees, and often caused delays in filling vacancies. The appointment process was streamlined by removing balloting procedures while still allowing any optometric association or any individual residing in the state to provide recommendations for appointment to the Governor.</p> <p><b>Impact:</b> The process was updated to align with the process for Board appointments in more recent legislation. It saved money as there were no longer costs associated with the ballot process, and it reduced delays in filling vacancies. It also reduced barriers to serving on the Board.</p>
2010	<a href="#">House Bill 468</a>	This bill will remove members of the Idaho Board of Optometry from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. <a href="#">§ 59-509(h-n)</a> .

### **E. Assessment of Public Interest**

The optometry profession is recognized throughout the United States and the world as a licensed profession. It is practiced by those individuals who have been educated and trained, and who have demonstrated sufficient proficiency and knowledge to be trusted by the public for examination, diagnosis, and treatment of vision and eye health. Idaho law prohibits the practice of optometry without a license. While some states require prospective licensees to pass a stringent state board examination to demonstrate educational knowledge and clinical proficiency, in addition to national exams required by schools of optometry, Idaho law allows applicants to be licensed solely on the merits of their national board exams as required for graduation by accredited schools of optometry. The only additional testing required for licensure is a short open book assessment to familiarize the applicant with Idaho laws and rules governing optometry.

After extensive review and examination as required by the Licensing Freedom Act, the Idaho Board of Optometry believes the current law, rules, and procedures governing licensure for optometry are in compliance with the stated intention of the executive order. There were no barriers to entry identified. However, there are some clarifications and updates that need to be made. As outlined in the details of this report, several changes to rules and procedures have been implemented in recent years to reduce barriers to entry, or re-entry, to active licensure.

Licensure for all health care providers is necessary to protect the public health and wellness. Reasons include the prevention of unqualified practitioners jeopardizing patient safety, and creating and maintaining public trust in the competency of a licensed practitioner. For Optometrists, the protection of the public specifically concerns the eyes. The loss of vision or partial loss of vision for even one person in the State of Idaho carries with it not only a high personal cost to the affected individual, but a staggering societal cost from the resulting burden on state and local government to provide or supplement the provision of life-long services, including the potential need for a caregiver, related to the visual disability.

**F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. Delete language in the law regarding promotion of the interests of the profession of optometry. The Board's charge is public protection and the Association's role is to promote the profession. I.C. § 54-1509 states: (17) the state board of optometry shall have the power to hire attorneys, investigators, hearing officers or other employees for carrying out the purpose of this chapter or to promote the interests of the profession of optometry.
2. Review its rules regarding non-classroom and therapeutic continuing education hours.
3. Expand the options for meeting the diploma requirement for the application. For example, is there other proof that would satisfy the proof of graduation requirement such as a letter from the registrar? IDAPA 24.10.01.175.d
4. Review the need for including an inactive status in the Act.
5. Review the law and rule to determine if there are additional options available to qualify for diagnostic and therapeutic privileges.
6. Update the Act using the standard template.
7. Review I.C. § 54-1501(5) to ensure it does not include reading glasses and magnifiers.
8. Review felony section for adding rules regarding exemptions.
9. Review I.C. § 54-1525 regarding applicability.
10. Update IDAPA 24.10.01.300.01.a and .b, and IDAPA 24.10.01.300.02.a and .b, to reflect the January 1, 2017 date has passed.
11. Add language to IDAPA 24.10.01.300.04 to read, "or as otherwise approved by the Board."
12. Review IDAPA 24.10.01.425.10 to ensure language is current.
13. Delete IDAPA 24.10.01.125 and 24.10.01.625 as they are no longer necessary.

### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Optometry respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
  - ✓ Protect the public. (*I.C. § 54-1501*)
  - ✓ Portability of licensure. (*I.C. § 54-1509(5)*)
  - ✓ Eliminate barriers to entry to work. (*IDAPA 24-1001-1201*)
  - ✓ Do away with unnecessary regulation. (*House Bill 341*)
  - ✓ Modernize licensure and regulatory requirements. (*House Bill 333, 24-1001-1201*)
  
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
  - ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. [Title 54, Chapter 57](#)
  - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*IDAPA 24.10.01.300*)
  - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? *Proposed rule change under consideration as outlined in Section F. (I.C. § 54-1510(3)(17))*
  - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? ([IDAPA 24.10.01.175.d](#))
  - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*IDAPA 24.1001.300.04; see Section F*)
  - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met?