

MINUTES
IDAHO STATE BOARD OF OPTOMETRY
September 24, 1999

The meeting of the Idaho State Board of Optometry was called to order by Dr. Kenneth King, Friday, September 24, 1999, at 10:15 a.m. at the office of the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho.

Board Members Present: Dr. Kenneth W. King, Jr., Member
 Dr. Stanley Matsuura, Member
 Dr. Dick Vester, Member
 Dr. James Dean, Member

Also Present: Budd Hetrick, Jr., Deputy Bureau Chief
 Roger Hales, Administrative Attorney
 John Kersey, Supervising Investigator
 Dee Ann Randall, Administrative Secretary

Absent/Excused: Dr. Chris Card, Board Member

Minutes

Moved by Dr. Matsuura, seconded by Dr. Vester and carried that the minutes of the April 16, 1999 board meeting be approved.

Moved by Dr. Vester, seconded by Dr. Dean and carried that the minutes of the August 25, 1999 conference call be approved.

Election of Officers

Moved by Dr. Matsuura to elect Dr. King as Chair, seconded by Dr. Vester and carried.

Moved by Dr. Vester to nominated Dr. Matsuura as Secretary, seconded by Dr. Dean and carried.

Financial Report

Mr. Hetrick discussed with the Board the resignation of the Bureau Chief, Carmen Westberg, which the Board members had been notified of in correspondence from Ms. Westberg. By virtue of Mr. Hetrick's position as Deputy Bureau Chief, he will take over the responsibilities of the Chief until being notified by the Governor's office that a new Chief has been appointed. As of yet, a new bureau chief has not been appointed.

The current bureau fund balance for the optometry board is \$13,000; the current fund balance in the optometry special fund is \$23,000.

Mr. Hetrick was not aware of the Board's request for a \$50,000 ongoing budget request for legal costs. He will check to see if this is possible for FY2002 budget.

The Board asked if it would be possible to review a copy of the Board of Medicine and Dentistry budgets. Mr. Hetrick will see if this can be provided to the Board.

Board/Bureau Contract

Mr. Hetrick provided the Board members with a copy of the newly proposed contract between the Board and the Bureau. The Board will review the contract and discuss it at their November, 1999 board meeting.

Complaints

Mr. Kersey reported that to date four (4) new complaints have been received for 1999 and are under investigation.

A total of two (2) complaints were received in 1998. One (1) is under legal review and the other remains under investigation.

A total of five (5) complaints were received during 1997, of those one (1) remains open and is under legal review.

Moved by Dr. Dean, seconded by Dr. Vester and carried that Complaint OPT-P5-02-97-003 be closed.

The Board asked the question "When a patient releases records from a doctor, for a complaint investigation, why does the release form have to be notarized?" Mr. Kersey stated that, when the release form is notarized, it authenticates the signature and identity of the person giving the release.

Roger Hales, Administrative Attorney, stated that, though state law does not require notarization, Bureau policy requires that the release form be notarized, and that notarization for investigation purposes is preferred.

Continuing Education

Donetta Foss, continuing education secretary, met with the Board and requested guidance for review/approval of optometry continuing education courses. The Board informed her that if the courses are COPE approved, they are automatically approved. Courses provided by the Idaho Optometric Association or the American Optometric Association are also approved. The Bureau can also automatically approve courses provided by Pacific Cataract, unless the hour request is excessive. The Board provided Ms. Foss with a detailed list of approved course providers. Any questions Ms. Foss has regarding continuing education should be directed to the Chair of the Board.

IAB National Meeting

Dr. King attended the IAB meeting in San Antonio, Texas and made a report to the Board of information gleaned from this meeting. The International Association of Boards of Optometry Inc. has now changed to the Association of Regulatory Boards of Optometry (ARBO).

Dr. King informed the Board that he has been appointed to the National Board Examination Review Committee.

Health Insurance

Dr. King informed the Board that there is a data bank "Healthcare Integrity and Protection Data Bank" that is only accessible to state and federal agencies. This data bank would basically require submission of the same information as the Patient Freedom of Information Act, which will be in effect January 1, 2000.

The Board will not pursue this issue at this time, but, rather wait until the Patient Freedom of Information Act data bank is in place and operating.

Update on Jones vs. Idaho State Board of Optometry

Roger Hales was asked to provide the Board with an update of the case Jones vs. the Board. Mr. Hales informed the Board that the court is reviewing the Board's decision and he is waiting to hear from the Judge. The Judge has not entered an order to set for a hearing. It was the decision of the Board to not rush the issue and let it take its course.

1-800-Contacts Lawsuit

1-800-Contacts is a representative action lawsuit pending in the state of California. Dr. King asked if Idaho could file an Amicus Brief against this company. Mr. Hales informed him that an Amicus Brief couldn't be filed until the case reaches the appellate level. Mr. Hales will review the case with Idaho law and inform the Board what can be done to support them.

Proposed Rule Changes

The Board discussed the following rule changes, which Roger Hales will prepare the language for and will be reviewed at the next board meeting.
Rule 175, Rule 250, Rule 325.04.b., Rule 600.01.b.ii. & iii., and Rule 600.02.b.ii.

Discussion was held regarding adopting a rule for a temporary permit to practice optometry within the state of Idaho. The Board will prepare the language for this rule and Roger Hales will review it.

Ms. Randall asked the question of there being no rule allowing for the collection of a \$10.00 TPA application fee. Mr. Hales reviewed the law and could find no authority allowing for this fee, therefore, it should no longer be charged.

Texas Optometric Association Contact Lens Release Form

The Board reviewed a copy of the Texas Optometric Association contact lens release form to be possibly utilized in Idaho. The Board will further review this form and discuss further at their next board meeting.

Renewal of Board of Pharmacy Controlled Substance Abuse Licenses

The Board reviewed a list of optometrists holding controlled substance abuse licenses with the Board of Pharmacy. Dr. King wanted the Board to be advised that there are optometrists who have not renewed these licenses with the Board of Pharmacy.

Time and Place

The time and place of the next board meeting will coincide with the Idaho Optometric Association meeting which will be held in November, 1999.

Moved by Dr. Dean, seconded by Dr. Vester and carried that the meeting adjourn at 3:00 p.m.

Dr. Kenneth W. King, Jr. Chairman

Dr. Stanley Matsuura, Member

Dr. Dick Vester, Member

Dr. James Dean, Member

Dr. Christopher Card, Member

Budd A. Hetrick, Jr.
Deputy Bureau Chief
Bureau of Occupational Licenses

