

MINUTES
IDAHO STATE BOARD OF OPTOMETRY
November 5, 1999

The meeting of the Idaho State Board of Optometry was called to order by Dr. Kenneth King, Friday, November 5, 1999, at 1:05 p.m. at the Doubletree Riverside Inn, Topaz Room, Boise, Idaho.

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

Also Present: Thomas E. Limbaugh, Bureau Chief
 Roger Hales, Administrative Attorney
 Dee Ann Randall, Administrative Secretary

Minutes

Moved by Dr. Dean, seconded by Dr. Vester and carried that the minutes of the September 24, 1999 board meeting be approved.

Financial Report

The current bureau fund balance for the optometry board is \$8,969.00; the current balance in the optometry special fund is \$73,280.00. Moved by Dr. Vester, seconded by Dr. Matsuura and carried that the Board approves the financial report.

Discussion was held regarding the Board's support of a good quality of education being offered by the Idaho Optometric Association. They would encourage the Association to increase the therapeutic hours offered to coincide with the requirement for license renewal.

Memo from Budd Hetrick, Jr., Deputy Bureau Chief was circulated and reviewed regarding the Board's request for \$50,000 on-going legal appropriation. Mr. Hetrick reported that based on a review of the board of optometry accounts and fund balances, it was recommended by the Division of Financial Management and the Legislative Budget Analyst that such a request not be proposed at this time. Such a request should be made only if the Board's fund balances and projected revenues are sufficient to cover the request. At this time, such a request would exceed those balances and revenue projections. The Board requested that Mr. Limbaugh look further into this matter and request an appropriation for fiscal year 2002.

The previously requested copies of the executive budgets for the Board of Medicine and Board of Dentistry were reviewed.

Board/Bureau Contract

The contract between the Board and the Bureau was reviewed with changes made. Moved by Dr. Matsuura that the Board go into executive session for potential litigation. Motion dies from lack of a second.

Moved by Dr. Dean, seconded by Dr. Taylor and carried that the Board approve the contract between the Board and the Bureau subject to the changes discussed and authorize Dr. King to sign the contract.

Release of Draft Minutes

The question was asked to Roger Hales, Administrative Attorney, if the Bureau can send out draft minutes to anyone requesting them prior to the Board approval of the minutes.

Mr. Hales will research this question and advise the Board at their next meeting. He will also provide the board members with a current open meeting law booklet.

Proposed Rule Changes

Mr. Hales provided draft proposed rule changes to the board members. Proposed changes are:

Rule 175. Delete “by June 1, of each year.”

Add: “e. A copy of certified results establishing successful passage of the required examinations.”

Delete 175.02. and add “Application Review. Only fully completed applications accompanied by appropriate documents shall be reviewed for licensure.”

Delete 175.03.

Change 175.04 to 175.03 and add “and the “Treatment and Management of Ocular Diseases” examination approved by the Association of Regulatory Boards of Optometry, Inc.” A passing grade on ~~the National Board of examiners in Optometry~~ both E examinations shall be necessary before obtaining a license to practice Optometry in Idaho.

Rule 250. Change to read: “Any person whose license to practice optometry has been canceled for failure to renew for a period in excess of more than five (5) years may be reinstated in accordance with the requirements of Section 67-2614, Idaho Code, ~~after~~ subject to examination by the State Board of Examiners of the State Board of Optometry ~~as is required for new applicants under Section 175 set out above~~ at its discretion.”

Rule 600. Delete 600.01.b.iii.

Change 600.02.b.ii. from International Association of Boards of Examiners in Optometry, Inc. to Association of Regulatory Boards of Optometry, Inc.

Rule 575 Fees; add \$10.00 TPA application fee.

Moved by Dr. Vester, seconded by Dr. Dean and carried that the Board approves the proposed rule changes and authorize the Bureau to proceed with adoption as permanent rules. Changes in Rule 600 are to be submitted as a separate rule change.

1-800-Contacts Lawsuit

1-800Contacts lawsuit is pending in the state of California. The lawsuit alleges that consumers call a vendor, order contacts, and are being sent contacts without the vendor checking for valid prescriptions. Mr. Hales informed the Board that it could take up to three years to go to trial. The Board has asked how they could support this lawsuit. Mr. Hales does not know how this can be done at this time, and advised that it may be premature for the Board to get involved. Mr. Hales will monitor the lawsuit over the next year and keep the Board up-to-date on its progress.

The main concern of the Board is to insure that vendors are filling valid prescriptions and that their advertised costs to the public are accurate. Mr. Hales will again review the lawsuit and compile a letter for review by the Attorney Generals office.

Texas Optometric Association Contact Lens Release Form

The Board reviewed the Texas contact lens release form. It was their decision to forward a copy of the form to the Idaho Optometric Association to look at and indicate if this form might benefit Idaho optometrists.

Complaint Report

A written report from John Kersey, Supervising Investigator, was distributed to the Board members. There are no current optometry complaints.

National Association of State Controlled Substances Authorities Annual Conference

Dr. Vester attended the National Association of State Controlled Substances Authorities (NASCSA) annual conference in Coeur d'Alene, Idaho on behalf of the Idaho Board of Optometry. Dr. Vester gleaned information from the meeting, but felt it was not an appropriate meeting for the board to attend every year as it pertains more to pharmacy than optometry.

Sale of Colored Contact Lenses

Dr. King informed the Board of information from ARBO concerning the current fad of selling colored contact lenses in flea markets and dress shops. Any knowledge of such activity should be reported to the Bureau.

Endorsement Applicants

The Board reviewed endorsement applications.

The Board directed the Bureau notify Dr. Paul Koch that one of the requirements for licensure by endorsement is that his state of current licensure, Ohio, must have similar requirements for licensure as Idaho; therefore, he must submit a copy of Ohio law and rules for the Board's review.

The board directs the Bureau notify Dr. Alan Smith that although his therapeutic course had been previously approved, under current endorsement requirements, he must pass the TMOD prior to licensure.

Exceptions From Licensure

Dr. King discussed with the Board an optometrist practicing on an Indian Reservation without benefit of Idaho licensure. Mr. Hales informed the Board that this issue had been brought to his attention in March, 1999 and a letter was sent to an optometrist regarding this issue. After Mr. Hales review of federal and state law, an optometrist may practice optometry upon an Indian Reservation within the state of Idaho without obtaining an Idaho state optometry license, so long as the practice is limited to providing optometry services to members of the Indian Tribe. In the event an optometrist intends to provide optometry services upon the Reservation to individuals other than members of an Indian Tribe, they must obtain an Idaho optometry license.

Board Meeting Dates for 2000

February 4, 2000 – Boise

May 12, 2000 – Boise

July 14, 2000 – Boise

November 9, 2000 – Sun Valley

Moved by Dr. Vester, seconded by Dr. Dean and carried the meeting adjourn at 5:05 p.m.

Approved & Signed 2/4/2000