

Idaho State Board of Optometry
Minutes
May 12, 2000

The meeting of the Idaho State Board of Optometry was called to order by Dr. Kenneth King, Friday, May 12, 2000 at 10:05 a.m. at the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Boise, Idaho.

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

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

Minutes

Discussion was held regarding the draft minutes of the February 4, 2000 board meeting. Moved by Dr. Vester, seconded by Dr. Taylor and carried that the minutes of the February 4, 2000 board meeting be approved with correction to the first two questions under Managed Care Plans to state that the board decided not to pursue these matters further at this time.

Complaint Report

John Kersey reported that to date no complaints have been received. Four (4) complaints were received in 1999. One (1) remains under investigation.

Moved by Dr. Taylor, seconded by Dr. Dean and carried that complaint file OPT-P5B-02A-98-001, be closed as recommended of Kirsten Wallace, Deputy Attorney General. Dr. King asked to review a draft of the closure letter regarding this complaint prior to its being mailed.

Mailing Reports to Board Members Prior to Board Meetings

Mr. Kersey asked if the Board would like to have his complaint reports mailed to them a week prior to their board meeting. The Board indicated they would like the complaint report mailed to them along with the financial report prior to a board meeting.

Financial Report

Mr. Limbaugh reviewed the financial reports with the Board. The current fund balance of the optometry special fund account is \$62,865. The current fund balance of the optometry fund in the Bureau account is \$-8,831. The expenses coming into the bureau account are greater than there is money coming into this account. Currently, all expenses are paid out of the bureau account.

Discussion was held regarding the increase in expenses over the last few years. Mr. Limbaugh stated that the bureau expenses as a whole have increased \$13,000 over the last year. Part of the increase in the optometry expenses is due to the inclusion in the Bureau allocation formula of the costs associated with continuing education. Such costs are now a direct charge to all boards requiring continuing education. The investigative costs also continue to increase.

Mr. Limbaugh informed the Board that approximately half of the Bureau's increase in expenses was due to the cost of the Patient Freedom of Information Act program. The Bureau has received one bill, and is expecting another shortly.

Currently this program is not functioning properly and is not yet operating at full capacity.

Moved by Dr. Dean, seconded by Dr. Vester and carried that the Board authorizes transfer of funds from the Optometry Special Fund (431) to the Bureau Fund (427) in the amount of \$10,000 to take care of the negative balance in the Bureau Fund (427).

The Board requested that Mr. Limbaugh pursue approval for the Board to receive \$50,000 one-time appropriation for possible litigation.

The Board will review the FY2002 budget at their July board meeting.

Board Sponsoring Continuing Education

Discussion was held regarding the Board providing moneys to help sponsor the Idaho Optometric Association continuing education classes this year at the annual meeting in November, 2000. Moved by Dr. Vester, seconded by Dr. Matsuura and carried that the Board provides for one more year the Idaho Optometric Association with \$10,000 toward presenting continuing education courses for licensees.

Moved by Dr. Vester, seconded by Dr. Matsuura and carried that the motion be amended to state that the Board will contribute \$10,000 to the Idaho Optometric Association for FY2001 continuing education for licensees and ask the association to run this program. Also that they provide a section of continuing education classes that will be open for all Idaho licensed optometrists.

Board/Bureau Contract

Dr. King informed the Board that an attorney in Idaho Falls will be reviewing the contract between the Board and the Bureau.

HIPDB

The National Practitioner Data Bank/Health Care Integrity and Protection Data Bank, is a national program that requires all adverse actions on the part of practitioners be reported to them. Optometrists are considered a part of this program.

Mr. Limbaugh has registered with HIPDB all health care provider boards within the Bureau. Mr. Limbaugh has also written to them stating that there has been no disciplinary action taken against an optometrist since 1996.

Application Process

The application process regarding review of an applicant applying for licensure by endorsement was discussed. This individual's application will be reviewed further by Roger Hales, Administrative Attorney and will be discussed at the next board meeting.

Moved by Dr. Taylor, seconded by Dr. Vester and carried the Board adjourns for lunch.

The Board reconvened at 1:10 p.m.

Board Position on the American Board of Optometric Practice

The Board discussed their position on the American Board of Optometric Practice (ABOP). The Board agreed they are in favor of board certification through ABOP providing it is defensible.

Proposed Rule Changes

The Board reviewed proposed rule changes in Rules 175, 250, 575 and 600. Moved by Dr. Dean, seconded by Dr. Taylor and carried that the Board approves the draft of the proposed changes to Rules 175, 250, 575 and 600 and authorize the Bureau to proceed with adoption under the Administrative Procedures Act.

ARBO Annual Meeting

Discussion was held regarding board attendance at the Association of Regulatory Boards of Optometry (ARBO) annual meeting to be held in Las Vegas, Nevada, June 18, 19 & 20, 2000. Moved by Dr. Dean, seconded by Dr. Vester and carried that Dr. King attend the annual ARBO meeting and that he be reimbursed for expenses incurred for attending.

Scope of Practice

The Board reviewed a list of procedures that optometrists are authorized to perform that was compiled by Dr. Dean. The Board members will review this list and recommend additions/deletions that will be discussed at the next board meeting.

HB718

Dr. King discussed with the Board HB718 that was submitted to the Legislature by the Board of Pharmacy. If enacted, the bill would remove statutory requirement that the Board of Pharmacy Act in concurrence with the Board of Optometry (or Medicine, Dentistry or Podiatry) before canceling a practitioners authorization to prescribe controlled substances. It adds language that the Board of Pharmacy will "notify" the licensing board that an "investigation" is under way. If passed, the law would no longer require any interaction with the licensing board. The bill was not successful, however, the legislature recommended the Board of Pharmacy form a committee of interested licensing boards to work out a compromise and resubmit a bill for the 2001 legislature.

Corporations

Dr. King discussed with the Board the possible promulgation of a rule regarding the control of optometric practices by corporations (e.g. hours, fees, procedures, etc.). Options would be to change the optometry law stating that corporations cannot control optometrists' practices, or promulgate a rule stating this. Currently the states of Texas, Florida and Washington have rules governing this. Roger Hales will review these states laws and rules and this will be further discussed at the next board meeting. Dr. King will provide Mr. Hales with copies of these states laws and rules.

Continuing Education Credit for Practice Management

The Board discussed limiting the number of continuing education hours accepted for attending practice management classes. The Board also discussed changing the continuing education rule to consider allowing credit for Internet courses that requires passing an examination. No decisions made.

The Board also discussed requiring continuing education every two years instead of every year. No decision made.

Moved by Dr. Dean, seconded by Dr. Taylor and carried that two (2) hours of continuing education credit be allowed for attending a CPR course.

State Law Test

Discussion was held as to whether to continue giving the Idaho state law test to all applicants applying for licensure or to require the signing of an affidavit instead. The Board decided to continue giving the state law test.

Endorsement Form

The Board reviewed a new endorsement form. This would replace the current reciprocity form that is a part of the application. Moved by Dr. Vester, seconded by Dr. Dean that the Board approve the new endorsement form that is a part of the application.

Endorsement Applicant

The Board reviewed the endorsement application of an applicant and moved by Dr. Matsuura, seconded by Dr. Vester and carried that Dr. King will review the New Jersey law to determine if their requirements are similar to Idaho's.

Moved by Dr. Matsuura, seconded by Dr. Taylor and carried that the Board authorizes the Chair of the Board to review endorsement applicants laws and rules and if he finds them similar to Idaho's requirements, the Board authorizes him to inform the Bureau to issue a license. If the Chair of the Board finds the requirements are not similar to Idaho's the application is to be brought before the Board as a whole for a decision.

Waiver of Continuing Education

Letter was reviewed by the Board from Barbara Briscoe, licensed optometrist, residing overseas requesting a waiver of meeting the continuing education requirements due to her being out of the country and unable to attend any courses. Moved by Dr. Matsuura, seconded by Dr. Taylor and carried that for this one year only, Barbara Briscoe's continuing education requirement be waived. Ms. Briscoe is to be advised that this is a one and only one time waiver of meeting the continuing education requirements.

Time and Place of Next Board Meeting

The next board meeting will be held on July 14, 2000 in the office of the Bureau of Occupational Licenses.

Agenda item for the next board meeting will be to discuss the distribution of moneys between the two accounts.

Moved by Dr. Taylor, seconded by Dr. Matsuura and carried that the meeting adjourn at 2:45 p.m.

Dr. Kenneth W. King, Jr. Chairman

Dr. Stanley Matsuura, Member

Dr. Dick Vester, Member

Dr. James Dean, Member

Dr. Scott Taylor, Member

Thomas E. Limbaugh, Chief
Bureau of Occupational Licenses

Approved 7/14/00