

MINUTES
IDAHO STATE BOARD OF OPTOMETRY
July 14, 2000

The meeting of the Idaho State Board of Optometry was called to order by Dr. Kenneth King, Friday, July 14, 2000 at 8:40 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

Moved by Dr. Taylor, seconded by Dr. Matsuura and carried that the minutes of the May 12, 2000 board meeting be approved.

Complaint Report

John Kersey reported that two (2) complaints have been received in 2000. There are no new complaints or report from Kirsten Wallace, Deputy Attorney General.

Financial Report

Mr. Limbaugh reported that the current fund balance in the Optometry Special Account is \$71,856. The current balance in the bureau account is \$14,759. Mr. Limbaugh informed the Board that the Bureau is working on ways in which to apply more direct expenses to all the Boards.

Mr. Limbaugh informed the board that the Ida Care program will continue to operate under the current contract. The same concerns still exist with the program, their information is not accurate and there is no verification being done regarding the information on their system.

Moved by Dr. Matsuura, seconded by Dr. Dean and carried that the Board accepts the financial reports.

The FY2002 budget was discussed with the Board presenting the following: \$50,000 (can go as low as \$30,000) legal appropriation; continue to appropriate \$10,000 for continuing education and appropriate additional funding of \$15,000 operating expenses to the bureau fund.

Board/Bureau Contract

Dr. King informed the Board that the attorney still was reviewing the board/bureau contract. This review is complete except for the last two (2) pages. Moved by Dr. Vester, seconded by Dr. Dean and carried that the Board authorizes Dr. King to sign the contract, if there are no changes, without further review by the board.

HIPDB vs NOPDB

Mr. Limbaugh has registered the Optometry Board with Health Care Integrity and Protection Data Bank (HIPDB) informing them that there has been no disciplinary action taken against an optometrist since 1996. The National Optometry Data

Base (NOPDB) has been established by the Association of Regulatory Board of Optometry, Inc. (ARBO).

Dr. King stated that according to the attorneys that represent ARBO it is not mandated that the Board belongs to HIPDB. Roger Hales expressed a concern that there may be a fine involved if the Board does not participate in HIPDB. He will check further regarding this matter.

Dr. King informed the Board that there is no charge to participate in NOPDB. Their database contains the name, address, license number and any adverse action. All licensees would be included on this database. NOPDB requests this information be sent to them on a disk.

Mr. Limbaugh informed the Board that the Bureau is in the process of changing our licensing system.

Moved by Dr. Vester, seconded by Dr. Matsuura and carried that the Board proceed with being involved with NOPDB and that Dr. King report to the Board on the progress.

Dr. Dean requested that Dr. King find out how the information the bureau currently has available will interface with NOPDB and what the costs will be before participating. Also will they accept a hard copy until the new system is underway in the bureau. Dr. King will report to the Board at their next meeting.

Executive Session

Moved by Dr. Vester, seconded by Dr. Taylor and carried the Board goes into executive session at 10:20 a.m.

Moved by Dr. Vester, seconded by Dr. Taylor and carried the Board comes out of executive session at 10:40 a.m.

Moved by Dr. Dean, seconded by Dr. Matsuura and carried that the application for licensure by endorsement of File #OPT1099AS does not qualify under the current law.

Moved by Dr. Taylor, seconded by Dr. Dean and carried that the endorsement application of File #OPT0300LL be approved for licensure by endorsement.

Moved by Dr. Vester, seconded by Dr. Dean and carried that the endorsement application of File #OPT0600PG be denied based on the fact that California does not have similar therapeutic laws and rules as Idaho. Applicant to be notified if they wish to pursue licensure by examination, they may submit documentation of having passed all three parts of the national examination within thirty (30) days from date of notification for consideration.

Moved by Dr. Taylor, seconded by Dr. Dean and carried that the TPA application for File #OPT0700MB be denied certification based upon the fact that their request and documentation reviewed under the current rules does not allow the Board to issue a TPA certification.

HB718

Dr. King had sent a letter to the Board of Pharmacy requesting that if a meeting was scheduled regarding review of this bill, he would like to participate. As of this date he has not heard from them regarding a meeting. Moved by Dr. Matsuura, seconded by Dr. Vester and carried that Dr. King send another letter to the Board of Pharmacy requesting the current status regarding HB718 and if a meeting has been scheduled.

Optometric Practice by Unlicensed Persons

The Board discussed proposing a rule on optometric practice by unlicensed persons. The Board feels they should have the ability to issue cease and desist letters and impose fines regarding this issue.

Roger Hales advised the Board that he would rather propose a law change rather than a rule change. He will look at other states laws regarding this and report to the Board. Dr. King provided Mr. Hales with copies of surrounding states laws pertaining to unlicensed persons practicing optometry.

Board Sponsorship of Continuing Education

Moved by Dr. Dean, seconded by Dr. Taylor and carried that the portion of the education that is sponsored by the Board at the Idaho Optometric Association convention be open to all Idaho licensed optometrists at no cost to the licensee.

Letter Defining Scope of Practice for Idaho Optometrists

Dr. Dean reviewed with the Board a letter defining scope of practice of optometry in Idaho. The Board approved the letter and Dr. King will sign it for dissemination as may be requested. The Board authorized the Bureau to send this letter out when it is requested and to maintain a list of those requesting it.

ARBO Meeting Report

Dr. King presented a report to the Board regarding the ARBO meeting he attended. Examinations were discussed and the intention of them is for applicants to pass on an entry level. The board certification program by AOA was also discussed and ARBO stands against this program. This program is currently on hold and a committee of interested parties is being formed to further review the program.

1-800-CONTACTS

An update on the 1-800-CONTACTS lawsuit was discussed. A case has been reported in the state of New Mexico where an individual has been ordering contacts from 1-800-CONTACTS for the past five years without a prescription and has lost 60% of their vision in one eye. The Board and Roger Hales will continue to monitor this lawsuit.

Denial of a License

The Board asked Roger Hales what denial of a license based on moral character meant this is in the optometry law. Mr. Hales explained that moral character is generally defined as the absence of a conviction of a felony or a misdemeanor involving moral turpitude, or of conduct involving dishonesty or a violation of ethical rules of the profession.

Discussion was held regarding criminal background checks on applicants. No board action taken.

The Board requests that the wording from 54-1510(3), Idaho Code, be added to next years renewal application. This section of the law pertains to having been convicted or having received a withheld judgment or suspended sentence of a felony, moral turpitude, or any act related to the qualifications, functions or duties of an optometrist.

Time and Place of next Board Meeting

The next board meeting will be held on November 9, 2000 in Sun Valley, Idaho. Dr. King will notify the bureau of the exact time and place of the meeting. The Board requests both Tom Limbaugh and Dee Ann Randall attend this meeting.

Agenda item for the next meeting will be the election of officers.

Moved by Dr. Vester, seconded by Dr. Matsuura and carried that the meeting adjourn at 2:00 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 11/9/00