

Minutes
Idaho State Board of Optometry
May 25, 2001

The meeting of the Idaho State Board of Optometry was called to order by Dr. Kenneth King, Friday, May 25, 2001 at 8:35 a.m. at the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho.

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

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

Minutes

Moved by Dr. Vester, seconded by Dr. Taylor and carried that the minutes of the February 9, 2001 board meeting be approved.

Financial Report

Mr. Limbaugh reviewed the financial reports with the Board. The current balance in the special account is \$69,705. The current balance in the bureau account is -\$8,095.

Mr. Limbaugh informed the Board that the \$30,000 appropriation for legal was approved as an on-going appropriation, which means the Board does not have to submit this appropriation for approval every year.

Moved by Dr. Taylor, seconded by Dr. Dean and carried that the Board authorizes the transfer of \$8100 from the special account to the bureau account.

Moved by Dr. Taylor, seconded by Dr. Dean and carried that the Board accepts the financial report as presented.

Mr. Limbaugh informed the Board that their proposed rule changes were approved by the legislature and became effective March 30, 2001.

Complaint Report

John Kersey, Chief Investigator, reported that three (3) complaints have been received thus far for this year, and all are under investigation.

Four (4) complaints were received in the year 2000. Of those, one (1) remains under investigation.

Moved by Dr. Walker, seconded by Dr. Taylor and carried that the complaint report to accepted as presented.

Board/Bureau Contract

Dr. King gave the signed board/bureau contract to Budd Hetrick. This signed contract is for fiscal year 2000.

Renewal Applications

Mr. Hetrick distributed copies of last year's renewal application and a revised application for this year for the Board to review. The new form provides an affidavit, to be signed and dated by the licensee, affirming that the licensee has met the continuing education requirement. The form will not require a listing of continuing education courses attended. The Bureau will audit a percentage of licensees, who will be required to submit proof of attendance documentation for their continuing education. The audits will be presented to the Board for review. The Board asked for a 10% audit.

Moved by Dr. Dean, seconded by Dr. Walker and carried that the Board accepts the revised renewal application as written with the addition of bolding the word "additional" on the application for TPA optometrists.

Moved by Dr. Taylor, seconded by Dr. Dean and carried that the Board accepts the continuing education verification form with the additional statement "You Must Attach Proof Of Attendance With This Form", typed in capital letters and in bold print.

HB165

Dr. King revisited the passage of HB165. At the Board's request Mr. Limbaugh notified the Governor's office that the Board was not in favor of the passage of the bill which leaves them out of the process of the withdrawal of a controlled substance license. Dr. King feels this will present a problem in the near future.

List of Scope of Practice for Idaho Optometrists

At the direction of the Board Chair, Roger Hales was asked to prepare a cover letter to be sent with a revised list of approved procedure codes. Mr. Hales will send the draft to Dr. Dean for final review. The Bureau will mail the letter, along with a revised list of procedure codes approved by the Board, to all Idaho licensed optometrists.

Proposed Rule Changes

Moved by Dr. Taylor, seconded by Dr. Walker and carried that the Board propose a change to Rule 325.04.a. to read as follows: 'Practice optometry in any manner other than as a professional person in an individual capacity, or in partnership with or associate with others licensed health care professionals ~~to practice optometry~~, under his own name and not as a corporation or officer or agent of a corporation or other business entity. An optometrist may be a stock holder in and practice as a member of a professional service corporation as authorized by Title 54, Chapter 15, Idaho Code, but the optometrist must list his individual name as well as any name selected for the professional service corporation on any letterheads, telephone directories, office or building directories, or other places where the general public might be advised of the fact that the individual is practicing optometry, as required by these rules.'

Moved by Dr. Vester, seconded by Dr. Taylor and carried that the following rule be promulgated as a temporary rule: "The Board will waive the continuing education requirements for the first license renewal for licensing."

Add to Rule 300: Failure to renew a license cancelled for less than five (5) years requires payment of a one time \$150.00 reinstatement fee; renewal fee for each year the license is lapsed and must provide documentation of having met the continuing education requirement for each year the license is lapsed.

Roger Hales will draft the final language for these two proposed rule changes.

Endorsement Equivalent Laws

The Board reviewed the current endorsement rule wherein it states that to be eligible for licensure by endorsement, an applicant must hold a current license in good standing in another state, which has similar requirements for licensing as Idaho, including therapeutic privileges.

Discussion was held regarding establishing what states are equivalent therapeutic laws with Idaho in order to be consistent in the issuance of endorsement licenses.

Mr. Hales discussed with the Board that the wording in the rule states similar requirements, including therapeutic privileges, not equivalent therapeutic privileges.

Moved by Dr. Dean, seconded by Dr. Taylor and carried that based on the wording in the endorsement rule stating similar requirements including therapeutic privileges, that all fifty (50) states are similar to Idaho for purposes of licensure by endorsement. The vote was three in favor, one opposed, and motion passed.

ARBO E-Mail List

Dr. King asked if any board member beside himself was on the ARBO e-mail list. He suggested that at least the Chair of the board should be on their email list as the information provided is very beneficial to the board and Idaho licensed optometrists.

National Optometric Data Base

Dr. King informed the Board that ARBO requests that states update the National Optometric Data Base on any adverse action taken against a licensee. The Board discussed that this is a moot issue as there are no disciplinary actions to report. Dr. King stated that NODB only want information on disciplinary actions taken, not information on all licensees.

Moved by Dr. Walker, seconded by Dr. Vester and carried that any adverse actions transmitted to HIBD be transmitted to NODB also.

The Board requested that endorsement applicants be checked on NODB prior to issuance of an Idaho license.

Grant to Idaho Optometric Association for Educational Seminar

Discussion was held regarding a grant to the Idaho Optometric Association for educational seminar for all Idaho licensed optometrists. Dr. King will send a letter of invitation to the Idaho Optometric Association stating that any educational seminars provided by a Board grant must be open to all Idaho licensed optometrists. Such seminars must provide a substantial period of time for continuing education course(s), and attendees are to be advised that the Idaho State Board of Optometry is subsidizing the course(s). Dr. King will also visit personally with Larry Benton, Executive Director of the Idaho Optometric Association.

Moved by Dr. Dean, seconded by Dr. Vester and carried that the Board authorizes the Bureau to pay \$10,000 to the Idaho Optometric Association for continuing education for the courses provided in November, 2000 at Sun Valley to Idaho.

A bill in the amount of \$112.70 was also received. The Board requested that this bill not be paid and that Mr. Limbaugh contact Larry Benton for further information regarding the bill.

ARBO Meeting

Dr. Vester will be attending the ARBO meeting in Boston, Massachusetts on June 24, 25 & 26, 2001.

Election of Officers

Dr. King called for nomination of officers to take effect July 1, 2001.

Dr Dean nominated Dr. Vester as Chair of the Board, seconded by Dr. Taylor. Motion passed.

Dr. Vester nominated Dr. Dean as Secretary of the Board, seconded by Dr. Taylor. Motion passed.

Time and Place

The time and place for the next board meeting was scheduled for July 27, 2001 at 8:30 a.m. at the bureau office.

Moved by Dr. Vester, seconded by Dr. Walker and carried the meeting adjourn at 12:30 p.m.

Approved 7/27/01