

Idaho State Board of Optometry  
Minutes

July 27, 2001

The meeting of the Idaho State Board of Optometry was called to order by Dr. Dick Vester, Friday, July 27, 2001 at 9:35 a.m. at the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho.

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

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

Dr. Kenneth W. King, Jr., absent/excused

Minutes

Moved by Dr. Dean, seconded by Dr. Taylor and carried that the minutes of the May 25, 2001 board meeting be approved.

Complaint Report

Moved by Dr. Walker, seconded by Dr. Taylor and carried the Board go into executive session to discuss pending disciplinary action at 9:50 a.m.

Moved by Dr. Dean, seconded by Dr. Taylor and carried the Board comes out of executive session at 10:50 a.m.

Moved by Dr. Taylor, seconded by Dr. Walker that the Board accepts the recommendation of Kirsten Wallace, Deputy Attorney General regarding OPT-S2B-02B-01-002 with the following revisions: that respondent's actions violate Rules 425.01; 425.05. and that the respondent's TPA certificate be revoked, but the revocation be suspended for a period of one (1) year, during which the respondent must not violate any provisions of the Optometry Act. If respondent's controlled substance certificate is renewed, the Board also requires the respondent to submit a log of any prescribed scheduled drugs.

Mr. Kersey reported that for fiscal year 2002, one (1) complaint has been received and is under investigation.

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.

### Financial Report

Budd Hetrick reported that Tom Limbaugh is no longer bureau chief. He has accepted a position offered by Governor Kempthorne at the Industrial Commission.

The current cash balance in the Optometry fund is \$14,152; current cash balance in the Special Account is \$80,490.

The Bureau is in the process of developing FY2003 budget now and anticipate mailing this along with the board/bureau contract to all board members next month.

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

Mr. Hetrick informed the Board that effective July 1, 2001 the State Board of Examiners increased the meal allowance in state to \$30.00 per day. Out of state meal reimbursement will be based on the federal allowance that differs from city to city. Also unless you stay overnight while attending a board meeting, any meal you request reimbursement for will be considered income and is subject to state tax.

Mr. Hetrick discussed with the Board the possibility of a cutback in state revenues. If the Governor orders a holdback on state funds, the holdback percentage will be off the top of the bureau appropriation. Such a holdback would, in turn, will be taken off the top of all of the boards in the bureau appropriations also.

### Idaho Optometric Association

The grant to the Idaho Optometric Association for continuing education was discussed. It was the decision of the Board that Dr. Dean, on behalf of the board, send a letter to Larry Benton and Dr. Tiller requesting a written proposal regarding their intentions to offer continuing education available to all Idaho licensed optometrists, in conjunction with the Idaho Optometric Association meeting. The proposal should be submitted no later than August 30, 2001.

### Johnson & Johnson Contact Lens Lawsuit Settlement

The Board discussed the Johnson & Johnson contact lens lawsuit settlement. They are committed to sending a representative to all state boards of optometry over the next year to explain the ramifications of the lawsuit. No Board action.

### Review Continuing Education for Optometrists Audited

The Board reviewed the continuing education documentation submitted by those optometrists who were audited for renewal of their 2002 license. With the exception of one licensee, all licensees being audited met the continuing education requirement.

Richard Mitchell, ODP-632 is to be advised that he lacks one credit of meeting the continuing education requirement. Dr. Mitchell will be allowed six months in which to provide documentation of this additional hour. If he does not, action will be taken against his license.

### ARBO Meeting Report

Dr. Vester gave his report from attending the ARBO meeting in Boston in June. He suggested that two board members attend their next meeting. He informed the Board that the TMOD examination will be offered only two times a year now instead of three times. The target date to review the national examination is 2005. Dr. Vester was appointed to the Health Review Committee.

### One License Classification

A topic of discussion at the ARBO meeting concerned those states having only one license classification. Dr. Vester asked the Board members to think about the possibility of having only one classification in Idaho and setting a target year for this to happen. The Board will pursue this further at upcoming meetings.

### Proposed Rule Changes

Mr. Hales reviewed draft proposed rule changes with the Board regarding changes in Rule 250, 300 and 325. Moved by Dr. Dean, seconded by Dr. Walker and carried that the Board authorize the Bureau to proceed with the promulgation of proposed rule changes in Rules 250, 300 and 325.

### Time and Place

The time and place for the next meeting was tentatively set for November 1, 2001 beginning at 1:00 p.m. at the office of the bureau.

Moved by Dr. Dean, seconded by Dr. Taylor and carried the meeting adjourn at 1:15 p.m.

Approved 11/1/01