

Minutes
Idaho State Board of Optometry
November 1, 2001

The meeting of the Idaho State Board of Optometry was called to order by Dr. James Dean, Secretary, Thursday, November 1, 2001 at 2:10 p.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, Secretary
 Dr. Scott Taylor, Member
 Dr. Gary Walker, Member
 Dr. Steve Snapp

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

Introductions

The Board introduced the new board member, Steve Snapp and welcomed him to the Board.

Budd Hetrick introduced Rayola Jacobsen, Bureau Chief.

Minutes

Moved by Dr. Snapp, seconded by Dr. Taylor and carried that the minutes of the July 27, 2001 board meeting be approved.

Expense Voucher Reimbursements

Ms. Jacobsen discussed expense reimbursements with the Board and informed them that motel rates and car rental expenses will be brought before the Board and not paid until approved by the Board. She also informed them that she is looking into the use of the state airplane as a means of traveling to board meetings, which hopefully, will help reduce board travel expenses.

Ms. Jacobsen distributed copies of a Supreme Court Decision given to her by Kirsten Wallace, Deputy Attorney General. Kirsten Wallace explained that this decision originated from a hearing against a licensee in which a board member took a personal phone call from an individual regarding the case and made a decision regarding the case. The Supreme Court held that there was a violation of procedural due process rights as

information was accepted beyond that produced at a public hearing and failed to disclose that information, on the record, prior to rendering its decision in a *quasi judicial* matter.

Mr. Hales recommended to the board members if such a situation should arise, they should document: the date of the contact; identify the person; their reason for the call; any decision made. He strongly suggested that the individual should be referred to the bureau office to have their questions answered.

Complaint Report

John Kersey reported that for fiscal year 2002, four (4) complaints have been received and are under investigation.

Three (3) complaints were received thus far for fiscal year 2001. Two (2) were closed without action and one is being presented to the Board.

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

Those cases closed since the last board meeting are:

OPT-P3-02B-01-001 – Alleged patient abandonment. Complainant alleged that she went to the respondent and found the business had closed. Investigation revealed that the respondent had contacted the complainant and provided her with the new business address. The complainant reported that she was very happy with the respondent and has received her glasses. Closed without action.

OPT-P3A-02A-01-003 – Alleged incompetence in contact lens Rx. Complainant alleged that she wanted to be fitted contact lenses. She was given a pair of clear non-prescription lenses to wear. When she returned she was quoted an extreme price for colored and non-colored Rx lenses. Licensee's progress notes revealed an extensive amount of time was given to the complainant in order to satisfy her vision needs. In one entry, she returned claiming blurred vision. When examined it was learned that she had the lenses in the opposite eye and inside out. Investigation further revealed that there appeared to be a little language barrier with this patient. Case closed without action.

Kirsten Wallace discussed the Stipulation and Consent Order for Donald Bader, license number ODP-920. Moved by Dr. Taylor, seconded by Dr. Walker that the Board accepts the Stipulation and Consent Order for Donald Bader upon the removal from Section A, number 8 reference to Board Rule 425.03.

Board/Bureau Contract

Mr. Hetrick distributed copies of FY2002 board/bureau contract. The Board authorized the Chair to sign the contract.

Mr. Hetrick informed the Board that Governor Kempthorne has ordered a 2% holdback, which was specific to general fund agencies. However, he stated that other state agencies should not request any supplemental appropriations.

Board Correspondence

Letter was reviewed from Elaine Kitchel, Research Scientist for the American Printing House for the Blind, Inc., regarding their four curricula to instruct teachers of visually impaired students to teach the proper use of prescribed, hand-held optical devices.

The board requested that Ms. Randall send them the current Idaho laws and rules to answer their questions.

Letter from the National Vision Inc. stating that the state of West Virginia adopted in 2000, the Uniform Electronic Transactions Act. They requested confirmation that Idaho would comply with this Act. Tabled, no board action.

Letter from Steven G. Iwasa, OD requesting the Board waive the requirement of a 100 hour course for therapeutic pharmaceutical agents certification and accept only passage of the TMOD examination. The Board requested that Ms. Randall inform Dr. Iwasa that he must meet all the requirements as set for in board Rule 600.02.b.

The Board reviewed a letter from Gina Pimilla asking what is required of her to obtain Board sponsorship. The Board requested that Ms. Randall write Ms. Pimilla informing her that it is the policy of the Board not to sponsor anyone and to advise her of the avenue to take to have her optometry degree approved so she may take the national examinations.

Idaho Optometric Association Conference

Dr. Dean informed the Board that he had been in contact with the IOA regarding their offering a continuing education seminar to all Idaho licensed optometrists at no cost to them.

The Association on November 4, 2001 will offer a four hour continuing education seminar to all Idaho licensed optometrists at no charge.

One License Classification

Discussion of working toward one license classification in Idaho was continued. The Board discussed working toward this goal in two (2) phases: first working with those optometrists who hold diagnostic certification and then those who do not hold this certification. Dr. Vester will contact Pacific University for availability of the needed 100 hour course and also will contact Roger Hales for legal input as to the possibility of waiving the requirement of the TMOD examination.

Release of Contact Lens Prescriptions

A copy of a contact lens prescription and release form used by the state of Iowa and submitted to the Board from Jack Zarybnesky, O.D. was reviewed. Dr. Zarybnesky is asking the Board if this form can be used in Idaho. The Board referred to Section 54-1517 (last sentence) and 54-1510(13), Idaho Code that references contact lens prescriptions. The Board requested that Roger Hales review both the code and the form and provide them with further information as to what an optometrist can and cannot do with the release of contact lens prescriptions. This will be an agenda item for the February 8, 2002 board meeting.

Board Meeting Dates

The Board established the following board meeting dates for 2002:

February 8, 2002 – 1:00 p.m. – Boise

May 10, 2002 – 9:00 a.m. – Boise

July 12, 2002 – 1:00 p.m. – Boise

October 24, 2001 – Coeur d'Alene

Moved by Dr. Dean seconded by Dr. Walker and carried the meeting adjourn at 5:30 p.m.