

IDAHO BOARD OF OPTOMETRY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/13/2012

BOARD MEMBERS PRESENT: Rodney L. White, O.D. - Chair
Robert B. Grill, O.D.
Donald K. James, O.D.
Jack G. Zarybnisky, O.D.
Robert Sorensen, O.D.

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Roger Hales, Administrative Attorney
Joan Callahan, Intern
Jean Uranga, Board Prosecutor
Cherie Simpson, Management Assistant
Carrie Gilstrap, Technical Records Specialist II

OTHERS PRESENT: Larry Benton, Legislative Advisor for the Idaho
Optometric Physicians
Dr. Randy Andregg, IOP
Molly Steckel, Idaho Medical Association/Idaho
Society of Ophthalmology
Tony Smith, IOP
Peter Jensen, ISO
Brian McNeel, Licensed Optometrist
Ken McClure, Attorney/IMA/ISO
Erin Trimble, IMA/ISO
Kris Ellis, Benton & Ellis

The meeting was called to order at 8:30 AM MDT by Rodney L. White, O.D.

APPROVAL OF MINUTES

Dr. Zarybnisky made a motion to approve the minutes of 5/30/2012 as amended.
It was seconded by Dr. Sorensen. Motion carried.

LEGISLATIVE REPORT

Ms. Cory stated she would defer the legislative report until the Board discussed
its negotiated rule making process under old business.

FINANCIAL REPORT

Ms. Hall gave the financial report, which is linked above. The report indicated that the Board has a cash balance of \$90,797.47 as of 6/30/2012.

FY 2013 RENEWAL CONTRACT

Ms. Hall presented the FY 2013 renewal contract to the members of the Board. Dr. Sorensen made a motion to accept the contract and authorize the Chair to sign on behalf of the Board. It was seconded by Dr. Grill. Motion carried.

DISCIPLINE

Ms. Uranga presented a Stipulation and Consent Order in case OPT-2012-3. Dr. James made a motion to approve the Consent Order and allow the Chair to sign on behalf of the Board. It was seconded by Dr. Zarybnisky. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Sorensen made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in case I-OPT-2012-4. It was seconded by Dr. Zarybnisky. Motion carried.

Dr. James made a motion to approve the Bureau's recommendation and authorize closure in case I-OPT-2012-5. It was seconded by Dr. Sorensen. Motion carried.

OLD BUSINESS

PUBLIC COMMENT FROM THE NEGOTIATED RULEMAKING PROCESS

Dr. White acknowledged that comments regarding the Board's proposed rule changes were submitted by Dr. James Davis, Mr. Ken McClure, and Dr. Aaron Bronner. Dr. White stated that the Board is not expanding the scope of practice in its proposal and, if it were to add an anesthetic component, it may help to clarify this. Dr. White also addressed the concerns Mr. McClure provided in his letter about the Board and stated that with the open meeting law; the Board is only able to discuss the negotiated rule making during its Board meetings.

Dr. White proposed an addition to the rules language that would add that no procedure would be done with general anesthesia.

Dr. Sorensen stated the Board wanted to remove the language, “and their corresponding CPT codes” in subsection .06 of its definitions as procedures are continually changing.

Discussion was held regarding the Board and processes throughout the negotiated rule making. Mr. Hales recommended the Board appoint a sub-committee of two (2) members to meet with representatives of the Idaho Medical Association (IMA).

Dr. Sorensen made a motion to create a sub-committee. Discussion was held. Comments were made by Dr. Grill and Dr. Zarybnisky stating they felt discussions should be held with the full Board. Dr. James stated there will continue to be certain blocks regardless of amicable discussions. Mr. Hales stated that discussion by a sub-committee may provide some understanding of what the issues between the Board and the ophthalmologists. Dr. White asked Mr. Benton if he would also serve on the sub-committee. Mr. Benton stated he would also prefer it be with the full Board. He said in past experiences, the outcome has not been favorable with processes such as this. The Board discussed also inviting Dr. Andregg, Dr. Davis, and Dr. McNeill. Dr. Sorensen withdrew his motion.

Dr. Sorensen made a motion to form a sub-committee to meet at the Banner Bank Building on July 23, 2012 at 6:30 PM with two (2) Board Members, and other interested parties, and the medical doctors. It was seconded by Dr. James. Motion carried. Discussion points were discussed for the upcoming meeting.

Dr. Sorensen made a motion to divide the proposed rules into two (2) sets and submit set two (2) of two (2) to the Legislature. It was seconded by Dr. James. Motion carried.

NEW BUSINESS

CE GRANT REQUEST FROM THE ASSOCIATION

The Board received its annual request from the Association for \$10,000.00 in grant money to pay for continuing education sessions offered to optometrists. The Association’s request included an additional \$5,000.00 as well. The Board stated this year’s financial budget cannot allow for this additional expense.

A motion was made by Dr. Zarybnisky to approve the annual grant request in the amount of \$10,000.00. It was seconded by Dr. Grill. Motion carried.

DISCUSSION REGARDING THE INJECTIONS SKILL EXAM SCORES

The Board discussed the national exam and the injections skill portion which is currently voluntary; however, beginning August 2012, this will be included as a permanent, regular, required segment of the overall Part III Clinical Skills Examination score. The Board stated pass/fail scores should be tracked on an administrative level during the duration of its voluntary status of the national exam.

REVISED APPLICATION FOR LICENSURE FORM

Dr. Sorensen made a motion to approve the revised application form. It was seconded by Dr. Grill. Motion carried.

OLD BUSINESS

CORRESPONDENCE FROM THE WASHINGTON BOARD OF OPTOMETRY

The Board reviewed a letter submitted by the Washington Board of Optometry requesting additional clarification to Idaho's licensing requirements. Dr. White stated he will draft a response and send it to Ms. Gilstrap to put on letterhead and forward to the Washington Board as was requested.

NEW BUSINESS

ANNUAL ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) MEETING REPORT

Dr. Zarybnisky stated that ARBO has created a task force to determine the feasibility of developing an assessment of clinical skills for minor surgical and laser procedures on a national level. He also added that several states allow for these procedures.

Dr. Sorensen and Dr. Zarybnisky also stated there are states that include a laser practical and written examination for all licensees. In addition, the Council on Optometric Practitioner Education (COPE) approved new categories of continuing education (CE) which includes laser procedures and injectable skills as well.

The Optometric Education (OE) tracker has made improvements to simplify its use for the doctors and providers; including I-Phone and Droid applications to download.

Dr. Sorensen reported on the illegal selling of contact lenses and how other states have handled this issue. Ms. Cory stated that the cease and desist letters sent on behalf of the Board have been effective in preventing businesses from the selling of these cosmetic lenses. Ms. Cory stated she will contact Alcohol Beverage Control through the Idaho State Police regarding this issue.

He also added that ARBO recommended that state boards add “surgery” into law with some exclusions.

Discussion regarding the Patient Protection and Affordable Care Act was also held.

NEXT MEETING was scheduled as a conference call for Monday August 6, 2012 at 8:00 AM MDT.

BOARD ELECTIONS AS PER I.C. § 54-1508

Dr. Zarybnisky made a motion to elect Dr. Sorensen as the Board Chair. It was seconded by Dr. Grill. Motion carried.

EXECUTIVE SESSION

A motion was made by Dr. White that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. Zarybnisky. The vote was: Dr. Zarybnisky, aye; Dr. Sorensen, aye; Dr. White; Dr. Grill, aye; and Dr. James, aye. Motion carried.

It was moved by Dr. Zarybnisky to come out of executive session. It was seconded by Dr. Grill. The vote was: Dr. Zarybnisky, aye; Dr. Sorensen, aye; Dr. White; Dr. Grill, aye; and Dr. James, aye. Motion carried.

APPLICATIONS

ODP-100225 It was moved by Dr. Zarybnisky to approve Brannon Mills for licensure. It was seconded by Dr. White. Motion carried.

NEXT FACE-TO-FACE MEETING was scheduled for Monday October 15, 2012 at 8:30 AM MDT.

AGENDA ITEM: Tiered licenses.

ADJOURNMENT

It was moved by Dr. James to adjourn the meeting at 11:12 AM. It was seconded by Dr. White. Motion carried.

Rodney L. White, O.D., Chair

Robert B. Grill, O.D.

Donald K. James, O.D.

Jack G. Zarybnisky, O.D.

Robert Sorensen O.D.

Tana Cory, Bureau Chief