

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

Board Meeting Minutes of 1/28/2013

BOARD MEMBERS PRESENT: Robert Sorensen, O.D. - Chair
Rodney L. White, O.D.
James Davis, O.D.
Wayne D Ellenbecker, O.D.

BOARD MEMBERS ABSENT: Robert B. Grill, 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
Carrie Gilstrap, Technical Records Specialist II

OTHERS PRESENT: Larry Benton, Kris Ellis,

The meeting was called to order at 8:15 AM MST by Robert Sorensen, O.D.

APPROVAL OF MINUTES

Dr. Davis made a motion to approve the minutes of October 15, 2012 and November 5, 2012. It was seconded by Dr. Ellenbecker. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the Board's proposed rules will be heard in the Senate Health and Welfare committee today. Dr. Davis stated he will be in attendance.

Mr. Hales reviewed the letter from Mr. Ken McClure in response to the Board's letter sent to him about the negotiated rulemaking process. The Board took no action.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$84,161.88 as of December 31, 2012.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. Davis made a motion to approve the Bureau's recommendation and authorize closure in case I-OPT-2012-6. It was seconded by Dr. White. Motion carried.

DISCIPLINE

Ms. Peel presented a CEU Settlement Order in case OPT-2013-1. Dr. Ellenbecker made a motion to approve the Settlement Order and allow the Chair to sign on behalf of the Board. It was seconded by Dr. White. Motion carried.

Ms. Peel presented a Findings of Fact, Conclusions of Law and Final Order in case OPT-2013-2. Dr. Davis made a motion to approve the Final Order and allow the Chair to sign on behalf of the Board. It was seconded by Dr. White. Motion carried.

NEW BUSINESS

ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) MEMBERSHIP DUES

Dr. Ellenbecker made a motion to approve the ARBO membership dues of \$900.00. It was seconded by Dr. White. Motion carried.

ANNUAL ARBO MEETING ATTENDANCE

Dr. Davis made a motion to approve the expenses for two members and an administrative staff member to attend the annual meeting in San Diego, CA. It was seconded by Dr. White. Motion carried.

CORRESPONDENCE

The Board reviewed an inquiry submitted regarding the selling of eyeglasses online. The individual currently resides in the state of Washington. Following discussion, Dr. White made a motion to direct Bureau staff to respond and inform her that she would need to contact a private attorney. It was seconded by Dr. Ellenbecker. Motion carried.

The Board reviewed an email sent by a licensee asking that the Board revise its rule pertaining to patient records. Dr. Davis made a motion to draft a response to Dr. Anderson stating that following a review of its Rule 475 Patient Records; it determined that it will not pursue a rule change as it is in the public's best interest

to be able to contact the doctor they saw regardless of where they were seen. It was seconded by Dr. White. Motion carried.

KIOSK OPTOMETRY

Dr. White provided the Board with information about kiosk machines that are performing vision screenings in other states and how other states are handling the use of these new machines. The Board reviewed its statute, I.C. § 54-1501. The Board will gather additional information on this this issue during the national ARBO meeting to see gather additional information.

EXECUTIVE SESSION

Dr. White made a motion 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. Ellenbecker. The vote was: Dr. Sorensen, aye; Dr. White, aye; Dr. Davis, aye; and Dr. Ellenbecker, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Dr. Ellenbecker. The vote was: Dr. Sorensen, aye; Dr. White, aye; Dr. Davis, aye; and Dr. Ellenbecker, aye. Motion carried.

APPLICATION REVIEW

ODP-100266 Dr. Davis made a motion to approve Dr. Coleman Anderson for endorsement licensure. It was seconded by Dr. Ellenbecker. Motion carried.

NEXT MEETING was scheduled for Monday April 29, 2013 at 8:30 AM.

ADJOURNMENT

Dr. Davis made a motion to adjourn the meeting at 9:40 AM MST. It was seconded by Dr. Ellenbecker. Motion carried.

Robert Sorensen, O.D., Chair

Rodney L. White, O.D.

Robert B. Grill, O.D.

James Davis, O.D.

Wayne D Ellenbecker, O.D.

Tana Cory, Bureau Chief