

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

Conference Call Minutes of 12/22/2014

BOARD MEMBERS PRESENT: Robert B. Grill, O.D. - Chair
James Davis, O.D.
Wayne D Ellenbecker, O.D.
Joy Eld Johnson, O.D.

BOARD MEMBERS ABSENT: Robert Sorensen, O.D.

BUREAU STAFF: Tana Cory, Bureau Chief
Maurie Ellsworth, Legal Counsel
Cherie Simpson, Management Assistant
Debbie Toncray, Technical Records Specialist I

The meeting was called to order at 8:00 AM MST by Robert B. Grill, O.D.

APPROVAL OF MINUTES

Dr. Davis made a motion to approve the minutes of 10/27/2014. It was seconded by Dr. Johnson. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the Bureau is following the change in the laws regarding coverage of attorney fees (see REA-2008-4: statutory authority allowing the Board to order that respondents reimburse the Board for fees and costs of prosecution, not including attorney fees). The Bureau is proposing a statute change that would apply to all Boards served by the Bureau which will clarify that attorney fees can be recovered as part of a disciplinary action. The Bureau will send information regarding the same to each Board chair.

Ms. Cory also provided an update about the Telehealth Council. The Council moved closer to a final draft of telehealth guidelines during their most recent meeting, and agreed that any board served by the Bureau can promulgate rules about telehealth. The Council discussed professions that use pharmaceutical agents and those who have prescriptive rights. The Board of Optometry was not included in this discussion; Ms. Cory will send the information to Drs. Grill and Johnson. The Telehealth Council will hold a meeting on January 16, 2015,

where Board chairs can address Council members. The Council will be reviewing the telehealth bill and present the revised version at this meeting.

NEW BUSINESS

EXECUTIVE SESSION

Dr. Ellenbecker 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. Davis. The vote was: Dr. Grill, aye; Dr. Davis, aye; Dr. Ellenbecker, aye; and Dr. Johnson, aye. Motion carried.

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

APPLICATIONS

Dr. Ellenbecker made a motion to approve the following for endorsement licensure:

ODP-100319 Ileen S. Huh
ODP-100320 Dale Ray Thoman

It was seconded by Dr. Davis. Motion carried.

CE FOR REINSTATEMENT

Dr. Johnson recused herself from the discussion regarding the applicant for CE reinstatement.

Dr. Davis made a motion to approve the CE submitted for reinstatement of one license. It was seconded by Dr. Ellenbecker. Motion carried.

REVIEW OF COMMENTS RECEIVED ON PROPOSED RULE

The purpose of the rule change was due to confusion on the existing rule. The proposed rule reads as follows: "Effective January 1, 2017, the timeframe for obtaining continuing education will change from a licensee's birthday to a calendar year. This change will lessen the confusion regarding when continuing education must be earned for license renewal." The rule simply changes the reporting period, not the CE requirements.

Dr. Grill attended the Idaho Optometric Physicians (IOP) Association's most recent Board meeting and there were no negative comments about the proposed rule; in fact, the association supports it.

There were four comments on the proposed rule and the following outlines the Board's discussion, noting that we are past the date where changes to the proposed rule can be made.

- 1) Make the proposed rule more gender neutral and grammatically correct.

The Office of the Administrative Rules Coordinator ensures that all rules are consistent, and we will ask them about the gender neutral language. In general Idaho law states that gender references are to be interpreted appropriate to the situation (i.e. his can be understood as hers).

The Board agreed to wait to see if the rule is passed and then let the appropriate office make the language applicable to the situation.

- 2) Clarify the language regarding calendar year and year of renewal.

This could be addressed on the renewal form and in the FAQs rather than in the proposed rule: 'in the full calendar year prior to your license renewal.'

Mr. Ellsworth stated that the only interpretation of 'calendar year' is the full calendar year.

The Board discussed the effects of the proposed rule on the continuing education requirements and audits in the following years (i.e. carryover in 2017). Ms. Cory said that the Board of Architectural Examiners recently had a similar change to their rules, and they sent either a postcard or letter to educate the licensees and provided flexibility in the time period of the rule change. The change in their rule has been helpful to the majority of their licensees.

After further discussion regarding a letter of clarification about the proposed rule, Ms. Cory suggested going forward with the rule as is and sending a letter to licensees if the rule passes. Dr. Grill agreed to work with the Bureau and Mr. Hales, Administrative Attorney to write the letter of clarification. Dr. Grill will also confer with Dr. Andregg, Executive Director of IOP prior to sending the letter of clarification to the licensees.

Dr. Ellenbecker made a motion to proceed with the proposed rule as written. It was seconded by Dr. Johnson. Motion passed.

**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. Johnson. Motion carried.

ADJOURNMENT

Dr. Johnson made a motion to adjourn the meeting at 9:00 AM MST. It was seconded by Dr. Davis. Motion carried.

Robert B. Grill, O.D., Chair

James Davis, O.D.

Wayne D Ellenbecker, O.D.

Robert Sorensen, O.D.

Joy Eld Johnson, O.D.

Tana Cory, Bureau Chief