

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

Board Meeting Minutes of 8/3/2015

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

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

OTHERS PRESENT: Kris Ellis, Advisor,
Idaho Optometric Physicians
Tony Smith, Idaho Optometric Physicians
Jennifer Holman, Idaho Optometric Physicians

The meeting was called to order at 9:30 AM MDT by Robert B. Grill, O.D. He welcomed Dr. Goodman as the Board's newest member.

APPROVAL OF MINUTES

Dr. Davis made a motion to approve the minutes of 5-18-2015. It was seconded by Dr. Ellenbecker. Motion carried.

LEGISLATIVE UPDATE

Ms. Cory gave the legislative update. She said that proposed law changes are due by August 1 to the Division of Financial Management and the Office of the Governor, and rule changes are due by the third week of August.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$104,103.31 as of July 31, 2015.

FY2016 CONTRACT

Ms. Hall reviewed the FY2016 contract with the Board. Dr. Ellenbecker moved that the Board accept the FY2016 contract and authorize the Board chair to sign. It was seconded by Dr. Goodman. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. Ellenbecker made a motion to approve the Bureau's recommendation and authorize closure in cases I-OPT-2015-4, I-OPT-2015-7, I-OPT-2015-8, I-OPT-2015-9, and I-OPT-2015-12. It was seconded by Dr. Davis. Motion carried.

STATUTE/RULE CHANGES PER NEW IDAHO CODE § 67-2614

Mr. Toryanski presented the new language for this statute change in accordance with Idaho Code § 67-2614. Mr. Ellsworth explained the provisions of Idaho Code § 67-2614. Dr. Goodman made a motion to accept these proposed changes in Idaho Code § 54-1522 and provide it as draft legislation to the 2016 Legislature. It was seconded by Dr. Davis. Motion carried.

IDAHO OPEN MEETING LAW

Mr. Toryanski presented information on the Idaho Open Meeting Law.

OLD BUSINESS

To Do List – The Board reviewed the to do list. The Board discussed the topic of board certification and will leave it on the to do list.

NUMBER OF LICENSEES IN EACH CATEGORY

The Board discussed the topic of single tier licensure and the suggestion of requiring all licensed optometrists to have the appropriate training completed to be able to use therapeutic pharmaceutical agents (TPA). The Board agreed that this is an issue that affects the health of the general public. Dr. Johnson said the Oklahoma Board of Optometry moved to single tier licensure and there was no opposition from those who did not hold a license with TPA. Ms. Ellis said that the Idaho Optometric Physicians (IOP) strongly recommends this type of single tier licensure. The Board discussed the ramifications that single tier licensure would bring to some of the licensed optometrists. Dr. Davis made a motion to put this on the agenda for the next meeting, to have the Chair and Ms. Cory discuss this with Legislative Chairs for the Health and Welfare Committees, to contact the

licensees without TPA and offer the opportunity to attend the meeting, and to move forward with draft legislation for single tier licensure for the 2017 Legislative Session. It was seconded by Dr. Goodman. Motion carried.

NEW BUSINESS

ELECTION

Dr. Grill said that his five-year term will be completed in November 2015. Dr. Ellenbecker nominated Dr. Davis as Board Chair with his term to begin at the conclusion of this meeting. Dr. Davis nominated Dr. Ellenbecker. The Board reviewed the appointment dates of all its members. The nomination of Dr. Davis was seconded by Dr. Goodman. Motion carried to have Dr. Davis as the Board's new Chair. All Board committee appointments will remain the same.

ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) REPORT

Dr. Johnson gave the report from the 2015 ARBO meeting. She reminded the Board members that they all have access to the website and the presentations that were made. The Board discussed at length the presentation of the Council on Optometric Practitioner Education (COPE) and how its future decisions regarding the fluidity of continuing education will affect optometrists licensed in Idaho.

OPTOMETRIC EDUCATION (OE) TRACKER REPORT

Dr. Ellenbecker provided and discussed the report regarding OE Tracker. He will forward the email which has the login and password for Idaho's OE Tracker to Ms. Toncray and she will forward that email to the Board. The Board discussed the possible use of OE Tracker. A rule change would be required to require all optometrists to use OE Tracker for continuing education requirements. The Board agreed that using OE Tracker would be easier for both licensees and administrators than the current procedures. The Board also discussed the fees that would be associated with the use of OE Tracker and agreed that only licensed optometrists working in Idaho would be charged a fee for the Board to verify their continuing education through OE Tracker. Dr. Davis made a motion to have OE Tracker put on the next agenda and have Dr. Ellenbecker work with Mr. Ellsworth and Mr. Toryanski regarding the proposed language change to the continuing education rules, along with issues regarding disruptive technology (amended motion). It was seconded by Dr. Goodman. Motion carried.

DRAFT LETTER REGARDING CE RULES

Dr. Grill discussed the letter which was provided at the May 18, 2015 meeting regarding the change to the continuing education rules. The Board agreed to have Ms. Cory and Ms. Hall revise the letter and present it to the Board.

Ms. Cory presented the revised draft to the Board. Dr. Davis made a motion to send the letter out in a postcard form to all licensees and possibly send it out a second time depending on the questions received after it is disseminated the first time. It was seconded by Dr. Ellenbecker. Motion carried.

IOP REQUEST FOR CE COURSE FUNDS

Ms. Ellis presented the IOP's request for \$10,000 to provide continuing education for licensed optometrists. Dr. Davis made a motion to approve the grant of \$10,000 to IOP. It was seconded by Dr. Ellenbecker. Motion carried.

IOP DRAFT RULES: KIOSKS AND OTHER DISRUPTIVE TECHNOLOGY

Ms. Ellis presented a draft of rules regarding disruptive technology for 2017 legislative action. The definition of a kiosk as stated in the proposed rules is: automated equipment, auto refractor or application designed to be used on a phone, computer or internet-based device that can be used either in person or remotely to conduct an eye examination, screening or evaluation. The Board has discussed this previously and stated that kiosks and online refractions would be detrimental to the health of the general public. Ms. Ellis said this language was provided by the American Optometric Association (AOA), and several other states (14) are presenting it this year to their legislatures. She said she has also discussed this with the Idaho Medical Association (IMA) and it would support this type of legislation.

Ms. Ellis requested that the Board assign a member or subcommittee to work on this for the next 10 months. Dr. Johnson asked about the provision within the proposed rules stating the importance of public information regarding disruptive technology. Ms. Ellis gave the example of blood pressure machines having a warning to have the person see their doctor, and this type of warning would need to be on optometric technology. Mr. Ellsworth said the Board would need to change the law and the rules regarding disruptive technology.

Ms. Ellis said that the disruptive technology is a public safety issue rather than a scope of practice issue, and IOP would request the Board to integrate the law and rule changes with the change in the law and rule regarding tiered licensure.

The Board will put this on the agenda for the November 2, 2015 meeting.

BURLEY EYE CARE: EHR INCENTIVE PROGRAM ELIGIBILITY

The Board directed Ms. Toncray to respond to correspondence from Burley Eye Care and to have them contact Medicaid since they Board does not have authority in this area.

CE COURSE REVIEW

Dr. Grill made a motion to have Dr. Davis review all CE Courses received by the Board. It was seconded by Dr. Ellenbecker. Motion carried.

EXECUTIVE SESSION

Dr. Ellenbecker made a motion that the Board go into executive session under Idaho Code § 74-206(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; Dr. Goodman, 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; Dr. Goodman, aye; and Dr. Johnson, aye. Motion carried.

APPLICATIONS

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

OPTA-100347: Candice Galvan-Shubin

OPTA-100348: Nils Ohlsen

OPTA-100351: Nathan Eichhorst

It was seconded by Dr. Ellenbecker. Motion carried.

Dr. Davis made a motion to approve the following applications pending receipt of the required documentation.

Applicant ID #901139260, pending receipt of CA verification

Applicant ID #901140480, pending receipt of official transcripts and MI verification

It was seconded by Dr. Ellenbecker. Motion carried.

NEXT MEETING was scheduled for November 2, 2015 at 9:30 AM.

ADJOURNMENT

Dr. Davis made a motion to adjourn the meeting at 12:08 PM. It was seconded by Dr. Goodman. Motion carried.

Robert B. Grill, O.D., Chair

James Davis, O.D.

Wayne D Ellenbecker, O.D.

Raymond Goodman, O.D.

Joy Eld Johnson, O.D.

Tana Cory, Bureau Chief