

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

Board Meeting Minutes of 11/2/2015

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

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: Randy Andregg, Executive Director,
Idaho Optometric Physicians
Kris Ellis, Advisor,
Idaho Optometric Physicians
Lance Giles,
Idaho Optometric Physicians

The meeting was called to order at 9:30 AM MST by James Davis, OD.

APPROVAL OF MINUTES

Dr. Ellenbecker made a motion to approve the minutes of August 3, 2015. It was seconded by Dr. Goodman. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the proposed law change that updates the renewal and reinstatement language (\$35 reinstatement fee) has been linked on the website. Ms. Cory reminded the Board of the deadlines to submit proposed law and rule changes for 2016.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$102,001.67 as of September 30, 2015.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Dr. Grill made a motion to approve the Bureau's recommendation and authorize closure in case I-OPT-2015-6 with a warning letter to the individual. It was seconded by Dr. Ellenbecker. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list. The Board discussed the first item regarding board certification and chose to leave it on the To Do List. No action was taken on the other items listed.

SINGLE TIER LICENSURE UPDATE

The Board planned in its previous meeting to meet with Legislators about this topic. Ms. Cory stated that a meeting has been proposed for Dr. Grill and Representative Wood for the beginning of December, 2015. Ms. Cory stated she will also contact Senator Heider from Twin Falls. The Board will send a letter to licensees inviting them to the next Board meeting to offer comments. Ms. Cory stated that the licensees need to be included prior to the legislative process and any law change. This issue has been reviewed previously after a letter was sent to licensees. Dr. Grill stated that in 2002 the Board agreed to move to single tier licensure, but this was not passed. Dr. Goodman made a motion to have the chair and Ms. Toncray work on a letter to licensees regarding single tier licensure and invite them to the next meeting. It was seconded by Dr. Grill. Motion carried.

OE TRACKER

Dr. Davis reminded the Board from the last meeting regarding the Board's decision regarding the use of OE Tracker, and that this would require a rule change. Mr. Ellsworth and Dr. Ellenbecker were going to meet regarding the language for a proposed law/rule regarding the change to make this mandatory since it's currently just an option for licensees to use. The Board discussed the required fee for licensees to use OE Tracker and how it could be paid. Dr. Ellenbecker will check with the Association of Regulatory Boards of Optometry (ARBO) regarding the process other states are using and report back to the Board. The Board asked Ms. Toncray to contact ARBO regarding the deadline for agenda items for ARBO's 2016 annual meeting.

NEW BUSINESS

DISRUPTIVE TECHNOLOGY AND IDAHO OPTOMETRIC PHYSICIANS (IOP) DRAFT RULES

Ms. Ellis stated that Dr. White drafted these rules and based them on model language he researched. The Board discussed the magnitude of this issue as a threat to public safety, since it is based on an “auto refactor” that then dispenses a prescription. Dr. Grill said the Board had discussed possibly including this rule within its telehealth rules. Mr. Toryanski provided an overview of those who have promulgated any type of rule on telehealth (Board of Medicine and Health & Welfare), and stated many Boards are waiting to promulgate rules for telehealth. Mr. Ellsworth said that any rules will need to be in line with The Telehealth Access Act, and that 602.02 in the IOP proposed language would not be in line with current telehealth rules. He said the Board must have a careful analysis of the proposed language completed as it relates to current laws and rules including telehealth. The Board discussed the potential health risks of the general public not having an eye examination completed and seeing refractions online or at a kiosk as an exam for their eye health. The Board also discussed its current law in relation to The Telehealth Access Act. Dr. Johnson made a motion that the Board look at its scope of practice and The Telehealth Access Act between now and the next meeting and bring any concerns to the Board. It was seconded by Dr. Grill. The motion did not carry. Dr. Grill made a motion to have the Board form a subcommittee to review the current practice act, the Telehealth Access Act, and the proposed IOP language with the Board’s legal counsel, and bring the proposed language to the next meeting. It was seconded by Dr. Johnson. Dr. Johnson suggested that she and Dr. Grill be the subcommittee members to work with Mr. Ellsworth and Mr. Toryanski. Ms. Cory suggested the subcommittee meet on December 4, 2015. Motion carried.

CORRESPONDENCE

CARDIOPULMONARY RESUSCITATION (CPR) COURSE AS CE CREDIT

Dr. Davis reviewed the correspondence with the Board. Dr. Johnson said that Rule 600(01)(b)(ii) and (iii), and Rule 600.02 show that CPR training is in addition to the required continuing education. Dr. Davis directed Ms. Toncray to write to the licensee in response. The Board discussed the laws and rules regarding continuing education. Mr. Ellsworth said the Board has a separate rule for the CPR requirement. He said if the CPR course is taken as CE, then the licensee would need to take another course in order to fulfill the 18 hours of CE since the CPR requirement is a free-standing requirement for a particular category of licensure. He said the licensees who do not use therapeutic pharmaceutical agents could receive CE for an approved CPR course. Ms. Cory stated that the renewal form was revised by the Board to include the question regarding the separate requirement of a current CPR certification.

EXECUTIVE SESSION

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

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

The Board reviewed the continuing education documents for reinstatement of licensure. Dr. Goodman made a motion to approve all licensees for reinstatement. It was seconded by Dr. Ellenbecker. Motion carried.

NEXT MEETING was scheduled for February 8, 2016 at 3:00PM MST (after the Idaho Optometric Physicians’ meeting at The Grove).

ADJOURNMENT

Dr. Ellenbecker made a motion to adjourn the meeting at 12:02PM. It was seconded by Dr. Grill. Motion carried.

James Davis, OD, Chair

Wayne D Ellenbecker, OD

Joy E Johnson, OD

Robert B.Grill, OD

Raymond Goodman, OD

Tana Cory, Bureau Chief