

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

Board Meeting Minutes of 2/8/2016

BOARD MEMBERS PRESENT: James Davis, OD - Chair
Wayne D Ellenbecker, OD
Raymond C Goodman, OD
Joy E Johnson, OD
Aaron J Warner, 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: Kris Ellis, Advisor
Idaho Optometric Physicians
Lance Giles, Idaho Optometric Physicians
Dr. Rodney White, Idaho Optometric Physicians

The meeting was called to order at 3:00 PM MST by James Davis, OD.

APPROVAL OF MINUTES

Dr. Goodman made a motion to approve the minutes of 10/8/15, 11/2/15 and 12/10/15. It was seconded by Dr. Johnson. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She reviewed the Legislative process for rules and laws and the required dates of submission. Ms. Cory reviewed the proposed law regarding the changes to the renewal and reinstatement fees, which was passed in the House of Representatives and will be heard in the near future in the Senate.

Mr. Toryanski reviewed the letter that was recently sent by the Governor to all Board chairs regarding the Governor's legislative proposal to reduce the likelihood that licensing boards will violate anti-trust laws. He said the Governor's proposal to the Boards would be for each Board to include a public member. Dr. Davis offered time for the audience to comment on this issue. Dr. White asked about the general public and various companies selling contact lenses. Ms. Peel explained that it is illegal for those not licensed as optometrists to sell contacts to the general public

without a valid prescription. Mr. Toryanski further explained the case regarding anti-trust law and its effects on Boards.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$96,227.52 as of January 31, 2016.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number OPT-2016-1. After discussion, the Board gave recommendations for appropriate discipline. Dr. Ellenbecker made a motion to close OPT-2016-1. It was seconded by Dr. Goodman seconded. Motion carried.

INVESTIGATIVE REPORT

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

Dr. Goodman made a motion to approve the Bureau's recommendation and authorize closure in cases I-OPT-2015-10 and I-OPT-2015-11. It was seconded by Dr. Ellenbecker. Motion carried.

Dr. Ellenbecker made a motion to approve the Bureau's recommendation and authorize closure in case I-OPT-2016-3. It was seconded by Dr. Johnson. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list. The Board briefly discussed the topic of board certification. No action was taken.

SINGLE TIER LICENSURE UPDATE

Dr. Davis reviewed the purpose of the Board instituting single tier licensure. The Board discussed the law and rule changes that would need to be made. Dr. Davis said he will be meeting with Representative Wood and Senator Heider tomorrow to discuss this as a public safety issue. The Board discussed the affect this change could have on ODs and ODDs. Dr. Johnson made a motion to have Dr. Davis meet with Representative Wood and Senator Heider to discuss single tier licensure and set a date for a conference call to discuss the outcome. It was seconded by Dr. Goodman. Motion carried. The conference call was set for 2/18/16 at 11:45 AM MST.

TELEHEALTH/DISRUPTIVE TECHNOLOGY

Dr. Davis said that the Board needs to distinguish between telehealth and disruptive technology such as kiosks. Dr. Johnson reviewed the information regarding various scenarios for telehealth and disruptive technology. She added a scenario regarding medical doctors performing auto-refractions and billing insurance for this service provided to their patients. Mr. Ellsworth said that any person practicing as an optometrist in Idaho must be licensed in Idaho, stay within the scope of practice, and follow Idaho's standards. Dr. Ellenbecker made a motion to send a courtesy letter to licensees to provide information regarding the telehealth law, have Dr. Johnson and Ms. Cory work on the letter, and bring it back to the Board for its review. It was seconded by Dr. Goodman. Motion carried.

Dr. Davis asked if the audience in attendance had any comments. Dr. White said he believed the Board needed to write its own specific rules regarding telehealth. The Board agreed to individually review its law regarding telehealth and disruptive technology along with the Telehealth Act and discuss it further at the next meeting.

OE TRACKER

Dr. Ellenbecker provided an update regarding the use of OE Tracker and making this mandatory for all Idaho licensees. He said there are between 16 and 20 states using OE Tracker. Dr. Ellenbecker contacted the few Boards who were paying for the licensees' use of OE Tracker. He said these states had a small number of licensees and had not raised the licensure fees to pay for the use of OE Tracker. Dr. Ellenbecker said that Rule 300.07 would need to be revised to include acceptance of documentation of continuing education through OE Tracker. He said that payment for OE Tracker could be part of the benefits of IOP membership. Ms. Cory said there is another Board who is encouraging its licensees to use a similar continuing education tracker and they will be sending a letter regarding this, but are not making it a requirement. Dr. Ellenbecker made a motion to work with Mr. Ellsworth and Mr. Toryanski to write the proposed language to change Rule 300.07 to include the requirement of the licensees' use of OE Tracker for proof of CE attendance and bring it before the Board at its next face-to-face meeting. It was seconded by Dr. Johnson. Motion carried.

NEW BUSINESS

CPR TRAINING ON FAQs

The Board discussed the CPR requirement and agreed not to include any language about it on the FAQs.

ARBO ANNUAL MEMBERSHIP DUES & ANNUAL MEETING INFORMATION

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

Dr. Ellenbecker made a motion to have Dr. Johnson, Dr. Davis, and Ms. Toncray attend the ARBO Annual meeting and have the Board pay all expenses. It was seconded by Dr. Warner. Motion carried.

CE COURSES

All CE courses were approved by the Board.

EXECUTIVE SESSION

Dr. Warner 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. Ellenbecker. The vote was:

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

APPLICATIONS

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

ODP-100358 Dr. Jeanine Stolp

It was seconded by Dr. Goodman. Motion carried.

CE FOR REINSTATEMENT

Three applications for CE for reinstatement were approved.

The application for reinstatement for Dr. Martin Lundell was denied. Dr. Johnson made a motion to have a letter sent to him requesting an update be provided to the Board as to when he will start practicing again; he must provide proof of a current CPR certificate at that time and his reinstatement can then be approved by the Board Chair. It was seconded by Dr. Ellenbecker. Motion carried.

CE AUDIT REVIEW

The Board approved all but one of the applications for audited continuing education.

Dr. Ellenbecker made a motion to have a letter sent in response to a shortage of CE hours, request evidence within 30 days of carryover CE or that they take the hour and have the Board Chair review for approval. If this is not done, this will be sent to the Investigation Unit. It was seconded by Dr. Goodman. Motion carried.

Dr. Johnson made a motion to have a letter sent regarding documentation of the type of CE hours completed and if they are not the proper type of hours then he will have 30 days to comply with proof of carryover or complete the required hours, and have the Board Chair review for approval. It was seconded by Dr. Warner. Motion carried.

NEXT MEETING was scheduled for May 3, 2016, at 9:30 AM MDT.

The Board also scheduled a conference call for February 18, 2016, at 11:45 AM MST.

ADJOURNMENT

Dr. Goodman made a motion to adjourn the meeting at 5:25 PM MST. It was seconded by Dr. Ellenbecker. Motion carried.

James Davis, OD, Chair

Wayne D Ellenbecker, OD

Raymond C Goodman, OD

Joy E Johnson, OD

Aaron J Warner, OD

Tana Cory, Bureau Chief