

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

Board Meeting Minutes of 5/8/2017

BOARD MEMBERS PRESENT: Wayne D Ellenbecker, OD - Chair
Raymond C Goodman, OD
Aaron J Warner, OD
Joy E Johnson, OD
William von Tagen

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

The meeting was called to order at 9:30 AM MDT by Wayne D Ellenbecker, OD.

APPROVAL OF MINUTES

Mr. von Tagen made a motion to approve the minutes of 2/17/2017 and 2/27/2017. It was seconded by Dr. Goodman. Motion carried.

LEGISLATIVE REPORT

Mr. Toryanski gave the legislative report. He reviewed the proposed legislation submitted by the Board for the 2017 Legislative Session. He said the rules were approved and went into effect on 3/24/2017. Mr. Toryanski reviewed the law regarding single tier licensure which was amended and passed by the Legislature. He said it will go into effect on 7/1/2017.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$96,645.99 as of 4/30/2017.

DISCIPLINE

Ms. Uranga presented a memorandum via phone regarding case number OPT-2017-2. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a Stipulation and Consent Order in case OPT-2017-1 and noted a change to page 7 where Idaho Code § 3407 should be listed as 1510. Dr. Goodman made a motion to approve the Consent Order only, and not the

continuing education that was submitted, and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. von Tagen. Motion carried. Dr. Warner made a motion to deny all submitted continuing education (CE) and require the respondent to submit CE certificates from Board approved courses which are completed within 30 days after the entry of the order and allow the Chair to approve the required CE. It was seconded by Dr. Goodman. Motion carried.

INVESTIGATIVE REPORT

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

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

NEW BUSINESS

IMPLEMENTATION OF NEW LAWS AND RULES

A. HB11AAS AS IT APPLIES TO LICENSES ISSUED PRIOR TO 1990 AND HB11AAS AS IT APPLIES TO LICENSES ISSUED IN 1990 OR LATER

Ms. Cory reviewed the renewal process for the licensees who will be affected by the law. Ms. Hall said there are very few licensees whose license will need to be renewed after 2020 if they do not have the certificate to use therapeutic pharmaceutical agents (TPA). The Board agreed that a letter will need to be sent to the affected licensees.

B. NOTIFICATION TO LICENSEES

The Board reviewed the drafted letter to be sent to the affected licensees and the postcard to be sent to all licensees. Dr. Johnson made a motion to approve both the letter and postcard to be sent to licensees. It was seconded by Mr. von Tagen. Motion carried.

C. APPLICATION REVISIONS

The Board reviewed the renewal applications for all three license tiers and the proposed draft of the license application. The Board agreed there were no changes necessary for the renewal applications. Dr. Goodman made a motion to approve the changes to the license application. It was seconded by Mr. von Tagen. Motion carried.

D. WEBPAGE UPDATE

Ms. Hall reviewed the webpage revisions under the pages for license application, frequently asked questions, and continuing education. Dr. Warner made a motion to rewrite the continuing education page to stipulate the requirement of 18 hours of CE with the exception for those

licensees who do not have TPA privileges and are grandfathered in by the law and have Bureau staff and the Chair review the language and then have the Board review it at the next meeting, and to include language that states that CE for cardiopulmonary resuscitation (CPR) is not part of CE but is in addition to the required hours. It was seconded by Dr. Goodman. Motion carried.

E. DRAFT OF FREQUENTLY ASKED QUESTIONS (FAQ)

Ms. Hall reviewed the proposed changes to the FAQ webpage. The Board agreed to leave the FAQs as is without the proposed changes.

ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) 2017 ANNUAL REPORT

The Board reviewed the ARBO 2017 annual report, made no changes, and had no current issues to include. Dr. Goodman made a motion to approve the report and have Ms. Toncray send it to ARBO. It was seconded by Mr. von Tagen. Motion carried.

CORRESPONDENCE – SCOPE OF PRACTICE QUESTION

The Board discussed a question from Mr. Hinz regarding corneal cross-linking. Dr. Johnson made a motion to have Ms. Toncray respond to Mr. Hinz and refer him to Idaho Code § 54-1501, where the practice of optometry is defined, and if he has additional questions he should contact his personal attorney. It was seconded by Dr. Warner. Motion carried.

CORRESPONDENCE – ARBO SURVEY

The Board reviewed the ARBO survey regarding the use of Optometric Education (OE) Tracker, and agreed that none of the items listed were necessary components of OE Tracker and that the Board did not see the benefit of collecting the information.

CORRESPONDENCE – ARBO BOARD NOMINATIONS

The Board reviewed the correspondence and no action was taken.

CORRESPONDENCE – NATIONAL BOARD OF EXAMINERS IN OPTOMETRY (NBE) ANNOUNCEMENT

The Board reviewed the correspondence and no action was taken.

CORRESPONDENCE – ACCREDITATION COUNCIL ON OPTOMETRIC EDUCATION (ACOE) REPORT ACTIONS

The Board reviewed the correspondence and no action was taken.

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. Warner. The vote was: Dr. Ellenbecker, aye; Dr. Goodman, aye; Dr. Johnson, aye; Dr. Warner, aye; and Mr. von Tagen, aye. Motion carried.

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

APPLICATIONS

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

OPTA-100397	Hersel Lewis
OPTA-100400	Joshua McAdams

It was seconded by Mr. von Tagen. Motion carried.

CE COURSES

Dr. Warner made a motion to approve two CE courses, and have Ms. Toncray send a letter to the provider that quotes the language from the CE rule 300.01.c which requires courses to be submitted prior to the date of the event. It was seconded by Dr. Goodman. Motion carried.

NEXT MEETING was scheduled for August 14, 2017, at 9:30 AM MDT.

ADJOURNMENT

Mr. von Tagen made a motion to adjourn the meeting at 11:50 AM MDT. It was seconded by Dr. Warner. Motion carried.

Wayne D Ellenbecker, OD, Chair

Raymond C Goodman, OD

Aaron J Warner, OD

Joy E Johnson, OD

William von Tagen

Tana Cory, Bureau Chief