

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

**Board Meeting Minutes of 11/20/2017**

**BOARD MEMBERS PRESENT:** Joy E Johnson, O.D. – Chair  
Lance W Fagan, O.D.  
William Von Tagen  
Raymond C Goodman, O.D.  
Aaron J Warner, O.D.

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Cesley Metcalfe, Technical Records Specialist I  
Debbie Toncray, Technical Records Specialist II  
Dicsie Gullick, Management Assistant  
Joan Callahan, Legal Counsel

**OTHERS PRESENT:** Randy Andregg, IOP Executive Director  
Idaho Optometric Physicians  
Kris Ellis, Advisor  
Idaho Optometric Physicians

The meeting was called to order at 9:30 AM MST by Joy E Johnson, O.D.

**INTRODUCTION OF NEW BOARD MEMBER**

Dr. Johnson introduced and welcomed Dr. Lance W Fagan to the Board and Ms. Cory introduced Bureau staff.

**APPROVAL OF MINUTES**

Dr. Goodman made a motion to approve the minutes of August 14, 2017. It was seconded by Dr. Warner. Motion carried.

**EXECUTIVE ORDER**

Ms. Cory reviewed the Executive Order issued by Lieutenant Governor Little which requires State agencies to submit a report to the Office of the Governor no later than July 1, 2018. The report will assess whether the licensure requirements are necessary and in the public interest while providing recommendations for improvement, modification or elimination. Ms. Cory reviewed with the Board the

information and process for public comment, related to the Executive Order issued by Lieutenant Governor Little, which has been added to the Board's website.

Dr. Warner updated the Board on the Executive Order meeting on 10/12/2017 with Lieutenant Governor Little. Dr. Warner stated that Lieutenant Governor Little gave an overview of the Executive Order and explained that the purpose of the review is to ensure the lightest possible hand of government regulating commerce and industry while still preserving the public trust.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. The deadlines to submit proposed rule and law revisions to the Governor's Office have passed for the 2018 Legislative Session. The deadline to submit proposed law changes to the Governor's Office is Mid-July and the deadline to submit proposed rule changes to the Governor's Office is Mid-August for the 2019 Legislative Session.

Mr. Ellsworth stated the Idaho Legislature created an Interim Committee that has been studying the use of Hearing Officers. The Interim Committee is also looking at the Idaho Administrative Procedures Act. Draft legislation was presented at the Interim Committee's last meeting that would make changes to the Idaho Administrative Procedures Act and the way contested cases are handled. The Bureau submitted a letter to the committee which met on Oct. 2, 2017 seeking clarification and rationale for some of the proposed changes. As the Bureau receives additional information, it will be provided to the Board.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$105,616.89 as of 10/31/2017.

## **INVESTIGATIVE REPORT**

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

## **FOR BOARD DETERMINATION**

Dr. Warner made a motion to approve the Bureau's recommendation with a warning letter and authorize closure in case I-OPT-2018-1. It was seconded by Dr. Goodman. Motion carried.

## **OLD BUSINESS**

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

## **NEW BUSINESS**

### **BACKGROUND CHECKS**

Dr. Johnson stated that the next annual Association of Regulatory Boards of Optometry (ARBO) survey will capture information regarding which states perform background checks on applicants. The Board will continue to consider the possibility of utilizing background checks in the future and whether it helps to protect the public.

### **OPTOMETRIC EDUCATION (OE) TRACKER/CONTINUING EDUCATION AUDITS**

The Board discussed the security breach of OE Tracker and determined not to move forward with possible changes to the current continuing education audit process until further information can be obtained.

### **CONTINUING EDUCATION AUDITS**

The Board reviewed the current continuing education audit process and discussed the audit period dates of the latest audit that was run on 11/8/2017. The Board stated that since this was the first year of continuing education audits following the Rule change from a 12-month audit period to a calendar year audit period, the Board will exercise reasonable leniency and accept either time period for the audit.

### **CONTINUING EDUCATION REQUIREMENTS**

The Board discussed additions to the current continuing education requirements and agreed to continue the discussion at the next meeting as a possible Rule change. Mr. Von Tagen made a motion for Bureau staff to work with Dr. Johnson to draft and send a letter to the licensees who would be affected by a possible Rule change to the current continuing education requirements to see if they would have an objection to the change. It was seconded by Dr. Fagan. Motion carried.

### **COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION (COPE) CONTINUING EDUCATION COURSES**

The Board discussed its approval process for COPE approved and non-COPE approved continuing education courses. The Board also discussed the possibility of expanding the allowable number of distance education hours for continuing education. No action was taken.

### **ARBO ANNUAL MEETING**

The ARBO 2018 annual meeting will be held June 17-19, 2018 in Denver, Colorado.

## **CORRESPONDENCE**

The Board reviewed separate correspondence from three individuals regarding the Board's response to a previous request for direction on the diagnosis and treatment of Sjogren's Disease. During the Board meeting on August 14, 2017 the Board directed the Bureau to send a copy of Idaho Code § 54-1501 to the inquirer and let him know that he may wish to consult his own legal counsel regarding this practice. The three pieces of correspondence reviewed in the current meeting urged the Board to provide a more specific answer to the original request. The Board and Mr. Ellsworth discussed this with the public in attendance but determined that its original answer will stand. The Board suggested to the Executive Director and legislative advisor, who were at the meeting, that the association of The Idaho Optometric Physicians may wish to consult legal counsel to provide a more specific answer to its members.

## **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. Goodman. The vote was: Dr. Johnson, aye; Dr. Warner, aye; Dr. Goodman, aye; Dr. Fagan, aye; and Mr. Von Tagen, aye. Motion carried.

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

## **APPLICATIONS**

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

OPTA-100426	Gregory C Landis
OPTA-100427	Chad Louis Schobert
OPTA-100428	Paul Christian Neville

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

Dr. Goodman made a motion to approve the following for licensure pending receipt of additional information and review by the Board chair:

Applicant ID 901155268

It was seconded by Dr. Warner. Motion carried.

**NEXT MEETING** was scheduled for February 26, 2018 at 9:30 AM.

**ADJOURNMENT**

Mr. Von Tagen made a motion to adjourn the meeting at 12:44 PM. It was seconded by Dr. Goodman. Motion carried.

---

Joy E Johnson, O.D., Chair

---

William Von Tagen

---

Lance W Fagan, O.D.

---

Raymond C Goodman, O.D.

---

Aaron J Warner, O.D.

---

Tana Cory, Bureau Chief