

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

**Board Meeting Minutes of 2/26/2018**

**BOARD MEMBERS PRESENT:** Joy E Johnson, O.D. - Chair  
Lance William Fagan, O.D.  
William von Tagen  
Raymond C Goodman, O.D.

**BOARD MEMBERS ABSENT:** Aaron J Warner, O.D.

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Admin. Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Cesley Metcalfe, Technical Records Specialist

**OTHERS PRESENT:** Terri Haley, O.D.  
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.

**APPROVAL OF MINUTES**

Dr. Goodman made a motion to approve the minutes of November 20, 2017 and December 20, 2017. It was seconded by Mr. von Tagen. Motion carried.

**FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$106,271.59 as of January 31, 2018.

**DISCIPLINE**

Ms. Uranga presented a memorandum regarding case number OPT-2017-2. After discussion, the Board gave recommendations for appropriate response. Dr. Goodman made a motion for the Bureau to respond as directed. It was seconded by Mr. von Tagen. Motion did not carry. After additional discussion Dr. Goodman

made a motion to close the case with a warning letter to respondent. It was seconded by Mr. von Tagen. Motion carried.

### **INVESTIGATIVE REPORT**

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

### **FOR BOARD DETERMINATION**

Ms. Peel presented a memorandum regarding cases I-OPT-2018-2 through I-OPT-2018-26. Dr. Johnson was recused. Mr. von Tagen made a motion to approve the Bureau's recommendation and authorize closure in cases I-OPT-2018-2 through I-OPT-2018-26. It was seconded by Dr. Goodman. Motion carried.

### **VOLUNTARY SURRENDER AND COLLECTIONS PROCESSES**

Ms. Peel explained the process for voluntary surrender of a license by a licensee and the collections process for unpaid disciplinary fines and investigative fees.

### **LEGISLATIVE REPORT**

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

Ms. Cory informed the Board that Rep. DeMordaunt and Sen. Lakey are co-chairs of a recently formed committee to examine Idaho's occupational licensing rules. The committee will be reaching out in the future to learn how the Boards served by the Bureau operate.

Mr. von Tagen informed the Board that Senate Bill 1316 has been printed and referred to the Senate Judiciary and Rules Committee. The concept is to allow a person or entity that is alleged to have violated the Board's laws and rules to recover attorney's fees from the Board if the person or entity was found to have not violated the Board's laws and rules.

Mr. Ellsworth updated the Board on the Interim Committee that has been studying the use of hearing officers and is also looking at the Idaho Administrative Procedure Act. Mr. Ellsworth reported that House Bill 623 has been printed and referred to the House Judiciary, Rules and Administration Committee. The Bill would make substantial changes to the Idaho Administrative Procedure Act and the way contested cases are handled. The Bureau submitted a letter to the Committee seeking clarification concerning some of the proposed changes prior to the Committee's meeting on October 2, 2017. As the Bureau receives additional information, it will be provided to the Board.

Dr. Goodman made a motion for Mr. von Tagen to be the Bureau's contact to assist with ongoing legislative issues. It was seconded by Dr. Fagan. Motion carried.

## **OLD BUSINESS**

To Do List – The Board reviewed the To Do List.

Dr. Fagan made a motion to authorize the current Board Chair to review and approve continuing education applications. It was seconded by Dr. Goodman. Motion carried.

Dr. Fagan made a motion to remove a 2014 item from the To Do List regarding research of NCA and draft language for board certification and a request that the Association of Regulatory Boards of Optometry (ARBO) add it as an agenda item to its next meeting. It was seconded by Dr. Goodman. Motion carried.

## **CONTINUING EDUCATION REQUIREMENTS**

The Board reviewed drafts of two letters to licensees who would be affected by a possible rule change standardizing the continuing education requirements for all license disciplines to see if they would have an objection to the change. Dr. Goodman made a motion to approve the letters. It was seconded by Dr. Fagan. Motion carried.

## **NON-CLASSROOM HOURS**

The Board discussed making changes to rule 300.03 regarding non-classroom continuing education. Dr. Fagan made a motion to authorize Dr. Goodman to draft language for a revision to the rule and present it at the next meeting. It was seconded by Dr. Goodman. Motion carried.

## **EXECUTIVE ORDER**

Ms. Eavenson outlined the Board's role in responding to the Lt. Governor's Executive Order. There is a template that will be used to complete each Board's response, and the template contains six sections:

- A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal
- B. Applications and Renewals Denied – 2017
- C. Disciplinary Actions – Past 5 Years
- D. Law, Rule, or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry
- E. Assessment of Public Interest
- F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Bureau will be responsible for gathering and entering all of the data in sections A, B and C of the template. The Bureau and each Board will jointly fill in section D regarding the Law, Rule or Policy Changes or Proposed/Implemented Changes in Last 5 Years to Eliminate Barriers to Entry. The Board Specialist and Administrative Support Manager will assist the designated Board member with writing sections E and F.

Ideas for the EO that come up between meetings cannot be shared among Board members outside of Board meetings, but may be forwarded to the Board Specialist or Administrative Support Manager for inclusion in the next meeting.

The process will be completed in three meetings: 1) discussion, 2) review and approve a rough draft, and 3) review and approve a final draft. The final draft must be completed and approved by June 15, to meet the July 1, deadline for responding.

## **NEW BUSINESS**

### **ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) MEMBERSHIP DUES AND ANNUAL MEETING**

The Board reviewed the ARBO membership dues invoice. Dr. Goodman made a motion to pay the ARBO invoice. It was seconded by Dr. Fagan. Motion carried.

The Board discussed the 2018 ARBO Annual Meeting information. Dr. Goodman made a motion to authorize Dr. Fagan, Dr. Warner and one Bureau staff member to attend the 2018 ARBO Annual Meeting with the Board Chair having the ability to authorize an alternate if any conflicts arise. It was seconded by Dr. Fagan. Motion carried.

## **CORRESPONDENCE**

The Board reviewed an email from the Association of Regulatory Boards of Optometry (ARBO) regarding a new program it has available for online state law examinations. No action was taken.

The Board reviewed correspondence from Dr. Terry Sanderson suggesting that it consider implementing an inactive status for licensees. Dr. Fagan made a motion for the Bureau to respond as directed and add the item to the To Do List for further discussion as a possible law and rule change. It was seconded by Mr. von Tagen. Motion carried.

The Board reviewed an email from the North Carolina State Board of Optometry regarding a current investigation in its state. Dr. Goodman made a motion for the

Bureau to respond as directed. It was seconded by Mr. von Tagen. Motion carried.

The Board reviewed an email from the Oklahoma Association of Optometric Physicians. No action was taken.

The Board reviewed an email from the Association of Regulatory Boards of Optometry (ARBO) regarding the recent inclusion of the Council on Optometric Practitioner Education (COPE) in the Joint Accreditation for Interprofessional Continuing Education program. No action was taken.

### **EXECUTIVE SESSION**

Dr. Fagan 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. Fagan, aye; Dr. Goodman, aye; and Mr. von Tagen, aye. Motion carried.

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

### **CORRESPONDENCE**

The Board reviewed correspondence from a potential applicant with a question regarding licensure requirements. Dr. Goodman made a motion for the Bureau to respond as directed. It was seconded by Dr. Fagan. Motion carried.

The Board reviewed a continuing education extension request from a licensee. Dr. Goodman made a motion for the Bureau to respond as directed. It was seconded by Dr. Fagan. Motion carried.

### **APPLICATIONS**

Dr. Fagan made a motion to table applicant 901157088 pending receipt of additional information. It was seconded by Mr. von Tagen. Motion carried.

**NEXT MEETING** was scheduled for May 7, 2018 at 9:30 AM MDT.

### **ADJOURNMENT**

Mr. von Tagen made a motion to adjourn the meeting at 11:59 AM. It was seconded by Dr. Goodman. Motion carried.

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Joy E Johnson, O.D., Chair

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Lance William Fagan, O.D.

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William von Tagen

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Aaron J Warner, O.D.

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Tana Cory, Bureau Chief