

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

**Board Meeting Minutes of 7/23/2018**

**BOARD MEMBERS PRESENT:** Joy E Johnson, O.D. - Chair  
Lance William 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  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Joan Callahan, Legal Counsel  
Jean Uranga, Board Prosecutor  
Cesley Metcalfe, Technical Records Specialist II  
Jennifer Carr, Technical Records Specialist I  
Cheri Simpson, Technical Records Specialist I

**OTHERS PRESENT:** Sarah Hugues – Governor’s Associate Counsel  
Kris Ellis – Idaho Optometric Physicians Advisor

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

**APPROVAL OF MINUTES**

Dr. Goodman made a motion to approve the minutes of: May 7, 2018, June 6, 2018, and June 22, 2018. It was seconded by Mr. von Tagen. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. The Legislative Idea for the rewrite of the Board’s Act was submitted to the Governor’s Office. The deadline to submit proposed law and rule changes to the Governor’s Office is August 17, 2018 for the 2019 Legislative Session.

**INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE**

Ms. Cory said that the Executive Order report was submitted to the Governor and Lt. Governor prior to July 1 and it has been linked on the Board's main webpage.

Ms. Cory updated the Board on the legislative interim committee on occupational licensing and certification laws. The Occupational Licensing & Certification Laws Committee met on June 22. Ms. Cory was invited to present on the process and executive order reports for the Boards served by the Bureau. It also heard from Greg Wilson, chief of staff to Lieutenant Governor Little; Albert Downs, policy specialist for the National Conference of State Legislatures; and Patrick Grace, regional manager for the Division of Building Safety.

In her presentation before the Committee, Ms. Cory noted that 29 of the 30 Boards served by the Bureau had submitted their reports. She let the Board know that all of the reports were submitted before the July 1 deadline and each Board's report has been posted to its website.

Comments by the Committee included that its efforts appeared to be on a parallel track with those of the executive order, and committee members outlined a framework where each of them would take a few reports to review with members of the Boards who wrote them. The co-chairs encouraged legislators on the committee to volunteer to review reports where they felt like they had a connection to the occupation or had constituents who serve on the Board.

The Committee set its next meeting for Tuesday, August 7.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$96,040.16 as of June 30, 2018.

## **CONTRACT RENEWAL**

Ms. Hall presented the fiscal year 2019 contract renewal to the Board. Dr. Goodman made a motion to approve the contract renewal and allow the Board Chair sign it on behalf of the Board. It was seconded by Dr. Fagan. Motion carried.

## **DISCIPLINE**

Ms. Uranga presented a memorandum regarding case number OPT-2018-3. After discussion, the Board gave recommendations for appropriate discipline.

## **INVESTIGATIVE REPORT**

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

## **FOR BOARD DETERMINATION**

Mr. von Tagen made a motion to approve the Bureau's recommendation and authorize closure in case I-OPT-2018-36. It was seconded by Dr. Warner. Dr. Goodman recused himself from discussion and voting. Motion carried.

### **OPEN MEETING LAW**

Mr. Ellsworth reviewed HB611 that made changes to the open meeting law regarding meeting notices and agendas. Changes effective July 1, 2018 included: notices and agendas must be posted online if the agency has an online presence; identification of all "action Items" must be noted on the agenda; and final action may not be taken on an agenda item added after the start of the meeting unless an emergency is declared.

### **FINAL ORDER: OPT-2017-1**

Mr. Ellsworth presented the final order regarding case number OPT-2017-1. Dr. Warner made a motion to accept the final order and allow the Board Chair to sign it on behalf of the Board. It was seconded by Dr. Goodman. Motion carried.

### **OLD BUSINESS**

The Board reviewed the To Do List and directed Bureau staff to remove all completed items from the list.

### **NEW BUSINESS**

#### **IDAHO OPTOMETRIC PHYSICIANS (IOP) ASSOCIATION UPDATE**

Ms. Ellis provided an update of the work the Association has been doing to rewrite the Board's Act. At the direction of Chairman Wood, the Association has been meeting with Ophthalmologists around the State for input on the scope of practice. The Association is also working to ensure that the scope of practice is in sync with what is currently being taught to new doctors graduating from optometry programs at accredited universities. The Association has reached out to a few accredited universities for information regarding the current optometry programs along with training options for post graduate doctors on new issues that arise in the field. The Association has not rewritten any of the enforcement sections of the Act and does expect the Board to review and rewrite these sections, if necessary. The Association plans to have meetings with Ophthalmologists complete by the end of July.

Ms. Cory provided the Board with the deadlines and options on how to proceed with a rewrite of its Act. The deadline to submit proposed law and rule changes to the Governor's Office is August 17, 2018 for the 2019 Legislative Session.

The Board discussed the information presented by Ms. Ellis and Ms. Cory. Dr. Goodman made a motion for Dr. Warner and Mr. von Tagen to review the draft once

it is complete and to approve it for Bureau staff to submit to the Governor's Office before the August 17 deadline. It was seconded by Dr. Fagan. Motion carried.

## **PROPOSED LAWS AND RULES**

The Board reviewed Rule 475.01 and discussed whether it allows for doctors to transfer patient records when a patient changes their care provider. The Board directed Bureau staff to add this to the to-do list as a future agenda item for discussion after the Act has been rewritten.

## **ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) ANNUAL MEETING UPDATE**

Dr. Fagan gave an update of the topics discussed at the ARBO 2018 Annual Meeting. The National Board of Examiners in Optometry (NBEO) is restructuring the Part III Clinical Skills Examination and working on creating an exam for advanced laser procedures. There was discussion regarding continuing education audits and use of the Optometric Education (OE) tracker system for 100% audits. There was a strong push for use of Council on Optometric Practitioner Education (COPE) accredited courses for continuing education because it audits 100% of the courses for quality and relevance to the field. Telemedicine was a hot topic and ARBO is working to establish language for states that are looking to introduce legislation regarding the issue.

## **CORRESPONDENCE**

The Board reviewed correspondence from the National Board of Examiners in Optometry (NBEO) regarding the revision of content of the Part III Clinical Skills Examination. No action was taken.

## **BOARD ELECTIONS**

The Board briefly discussed the role of the Board Chair and Secretary. Dr. Fagan made a motion to nominate Dr. Goodman as Chair. It was seconded by Dr. Warner. Motion carried.

Dr. Goodman made a motion to nominate Dr. Warner as Secretary. It was seconded by Dr. Fagan. Motion carried.

The Board directed Bureau staff to add *Taking it Easy in Committees and Small Boards* to the to-do list as an agenda item for the next meeting.

## **ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY (ARBO) COMMITTEE SERVICE**

Dr. Johnson informed the Board that ARBO has asked her to serve on an ARBO committee. The Board agreed that there was no objection to Dr. Johnson serving on an ARBO committee and updating the Board as a member of the public once she is no longer a Board member.

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

## **APPLICATIONS**

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

OPTA-100447	Austin Anderson
OPTA-100448	Hans Bjorn
OPTA-100449	Jenna DeWald

It was seconded by Dr. Warner. Motion carried.

Dr. Fagan made a motion to approve applicant 901160617 pending receipt of additional information and review by the Board Chair. It was seconded by Dr. Goodman. Motion carried.

Mr. von Tagen made a motion to grant a continuing education waiver for the 2017 calendar year requirements to a licensee. It was seconded by Dr. Goodman. Motion carried. Dr. Warner made a motion that the licensee be audited for calendar year 2018. It was seconded by Dr. Goodman. Motion carried.

**NEXT MEETING** was scheduled for September 10, 2018 at 9:00 AM MDT.

## **ADJOURNMENT**

Mr. von Tagen made a motion to adjourn the meeting at 11:36 AM MDT. It was seconded by Dr. Fagan. Motion carried.

---

Joy E Johnson, O.D., Chair

---

Lance William Fagan, O.D.

---

William von Tagen

---

Raymond C Goodman, O.D.

---

Aaron J Warner, O.D.

---

Tana Cory, Bureau Chief