

Iowa Board of Optometry
Meeting Minutes
April 08, 2010

A meeting of the Iowa Board of Optometry was called to order at 10:07 a.m. on April 08, 2010. The meeting was held in the Professional Licensure Board Room, Lucas State Office Building, Des Moines, Iowa

Members Present: Dr. Christopher Olson, Dr. Michael Ohlson, Dr. Terry Brown, Dr. Barbara Washburn, Dr. Jeffrey Foreman, Carolyn Warkentin, Connie Connolly

Staff Present: Judy Manning (board executive), Karla Hoover (secretary), Eileen Gloor (bureau chief), Emily Kimes-Schwiesow (AAG)

Others Present: Chris Halsten (Iowa Optometric Association),

APPROVAL OF MINUTES

A motion to approve the January 14, 2010 and January 27, 2010 minutes was made by Carolyn Warkentin and seconded by Dr. Michael Ohlson. Motion carried unanimously.

PUBLIC COMMENT

Chris Halston reported that the IOA is in the process of setting up a meeting with Dr. Boren.

REPORTS:

Chair: Dr. Christopher Olson announced that this is his last meeting. Chris appreciated the opportunity to serve and enjoyed many aspects of the position. He also announced that the legislation to require all optometrists to be TPA certified is being established and that there will be a law change allowing optometrists to dispense pharmaceutically impregnated contact lenses. Dr. Olson informed us that he spoke at the annual optometric association meeting. At the meeting, he reviewed category C requirements. Dr. Ohlson recommended that those who attend Category C lectures that are not reported to ARBO tracker, for example the 6 hour meeting at the University of Iowa should keep the course agenda, in case of audit.

Board Executive: Judy Manning informed the board that the next ARBO meeting is in June. She also reminded us that there is a moratorium on travel and the state does not have money to compensate the attendee. Judy passed out an unofficial copy of optometry law changes which have been approved but will not be effective until July 1, 2010. Judy thanked Connie and Chris for serving for the last 9 year. The new board members are Dr. Sharon Tharp and Chuck Follett.

Bureau Chief: See attached Addendum

AAG: Emily Kimes-Schwiesow spoke on a memorandum from the Deputy Attorney General concerning policy statements by professional licensing boards. The law allows rule making which needs to go through certain channels to become a rule. Policy statements are not authorized by the IAPA and may violate the IAPA if the "policy statement" is actually a "rule that has not been promulgated through rule making procedures. For example, rule making

requires public comment so there are checks and balances. Policy statements do not have these checks. Each statement by a licensing board that is intended to apply generally to the public or the board's licensees and that implements, interprets or announces requirements applicable to the licensees would be a rule. The optometry board has not posted any policy statements since Emily Kimes-Schwiesow has been our AAG.

ADMINISTRATIVE RULES

Review of Chapter 182.4 (g) Dr. Olson suggested that this part be eliminated. The words "Therapeutically Certified Optometrist" will not be needed when all optometrists are TPA licensed.

Notice of Audit Rules Change chapter 4 to indicate 90 days for makeup material to be presented instead of 120 days. The board came to consensus that these changes should be noticed.

NEW BUSINESS

AOA Board Certification In light of the process moving forward formally, we need to monitor the terminology of "board certification". In the past, some optometrists would state that they were board certified to indicate that they passed the national board. Since there is now a specific Board certification process for optometrists which goes above and beyond the requirements of licensure, no optometrist should be stating that they are board certified in Optometry until they receive this certification. Dr. Ohlson reviewed the history of board certification and the use of the term to indicate specialized study.

CLOSED SESSION

Dr. Olson made a motion to go into closed session in accordance with Chapter 21.5(1)"d" at 11:16 a.m. Motion was seconded by Dr. Brown.

Roll Call: Dr. Christopher Olson, aye; Dr. Michael Ohlson, aye; Dr. Terry Brown, aye; Dr. Barbara Washburn, aye; Dr. Jeffrey Foreman, aye; Connie Connolly, aye; and Carolyn Warkentin, aye.

Connie Connolly made a motion to return to open session at 12:03 pm. Motion seconded by Dr. Ohlson. Motion passed unanimously.

09-002 Dr. Washburn moved to close and Connie Connolly seconded. Motion passed unanimously.

NEXT MEETING

The next board meeting will be July 8, 2010.

ADJOURNMENT

Motion to adjourn was made by Connie Connolly and seconded by Carolyn Warkentin. Motion passed unanimously.

Respectfully submitted by,
Barbara Washburn, O.D.

Bureau of Professional Licensure
Bureau Chief Report
4/01/10 – 6/30/10

- 1. Legislation and rulemaking** The 2010 legislative session adjourned March 30. Both the IDPH Omnibus Bill and the Technical Bill passed successfully. No new boards were created within the Bureau of Professional Licensure. Rulemaking will continue throughout the year to better define statutory changes and in response to new board actions. When administrative rule changes are reviewed by the Administrative Rules Review Committee, the Board Executives provide information about the content of each change, outcome of every public hearing, and summary of public comments received. In some instances, Board members participate in the meetings to provide a professional perspective and articulate how rule changes proposed by the board benefit public protection.
- 2. Board appointments** Within the Bureau of Professional Licensure, Governor Culver appointed 19 new board members. All have been confirmed by the Senate and will begin serving their first terms on May 1, or earlier if they are filling a vacancy. Additionally, 23 board members were reappointed to second or third terms. Almost an equal number of board members have completed one or more terms of service, including 10 who served the maximum 9 years on a single board.
The Department has published a press release and new board member names will be posted on the individual boards' websites on May 1.
- 3. AAG reports** At the first meeting of each board following May 1 the board's AAG will present and discuss a handout entitled *Guidelines for Board Members*. This is an opportunity to reinforce the information provided to new board members in their orientation binders and face-to-face orientation with the Bureau Chief. It also gives current board members an opportunity to discuss new information and ask their AAG questions that may have arisen about their role during the previous year. The seven AAGs who provide legal guidance to our boards will also present a brief educational session at each quarterly public meeting on a topic selected with the input of the board executives. The topic this quarter, *Policy Statements by Professional Licensing Boards*, is based on a Memorandum prepared by Julie Pottorff, Deputy Attorney General.
- 4. Budget** The Department continues to evaluate and respond to the impact of the overall state budget on public health services and workforce. Bureau staff members are completing either 5 or 7 mandated unpaid days before the end of FY10 on June 30, 2010. The staff is staggering their furlough time as creatively as possible to minimize the impact on productivity. Travel

restrictions remain in effect for Board members and staff. Memberships in professional organizations continue to be approved based on justification of their necessity to assure access to national licensure examinations and maintain licensure functions. Director Newton and the IDPH Executive Team continue to evaluate and respond to budget mandates.

- 5. State early retirement incentive** The Bureau will be impacted by the State's early retirement program which is designed to reduce personnel and replacement costs. The departments will be permitted to replace no more than 50% of positions vacated through the program, and must demonstrate a 50% cost saving when doing so. Employees who leave employment under the program must do so by June 24, 2010 and agree not to be employed by the State of Iowa in any capacity other than appointment to a board or commission. Eligible employees must submit their application by April 15, 2010. Immediately after that time, the Department will formulate a plan for replacing employees who leave. The plan must be approved by the Department of Public Health, Department of Administrative Services, and Department of Management. Employees who have been approved to leave our Bureau under this plan include two board executives, each of whom administer four boards, our discipline office coordinator, and the Bureau Chief. Those individuals are working diligently together and with other staff to make this significant transition as seamless as possible for the boards.
- 6. Outreach and compliance** Bureau staff member Marvin Firch is now actively working with the boards to increase compliance through outreach and education. He has prepared and presented information throughout the state on the complaint process, participated in in-state meetings of professional organizations upon request, assisted to develop and implement a pilot project to survey licensed cosmetology schools, published an article in the Des Moines Register about the purpose of the boards, and assisted the Department to issue press releases. He is currently completing a project is to create CDs with PowerPoint slides and a voice-over option for inclusion in new board member orientation binders, and for use by board members and board chairs regarding the role, processes, and informational resources of the 19 professional licensure boards.
- 7. Semi-annual meeting with DIA investigators** On April 22, 2010, the Bureau will host an educational meeting with the four investigators who are employed by the Department of Inspections and Appeals, and supported by licensee fees, to conduct an average of 21 investigations each month for the licensure boards. These semi-annual meeting are valuable to the Bureau and DIA as an opportunity to identify the best methods to conduct investigations and provide inclusive and timely reports to the boards so they make fully informed decisions.

- 8. Guidelines for meal receipts** Board members are requested to adhere to the guidelines for submitting meal receipts fully in order to receive reimbursements. The guidelines identify the seven items that must be included with every meal receipt. Because credit card receipts are not acceptable, board members must be diligent in requesting and reviewing receipts at the time of service. The guidelines will be available at meetings and upon request at any time.
- 9. Bureau relocation** The Bureau is scheduled for relocation to the building that was previously Mercy Capitol on the Capitol Complex within the coming months. Professional Licensure will share physical space with the Plumbing Board and Emergency Medical Services. More information will be provided when available.