

Open Session Meeting Minutes
IOWA BOARD OF OPTOMETRY

October 6, 2022

Origination Site: Lucas State Office Building, Room #526

Des Moines, Iowa

8:30 a.m.

A hybrid meeting was held in conference room #526 of the Lucas State Office Building. Some attendees attended in-person and some attendees attended virtually via Zoom.

Chairperson - Call to Order

The meeting was called to order at 8:42 a.m. by Uhl, Board Chair.

Board Member Roll Call

Benjamin Uhl, O.D.

Mark Mentzer, O.D.

Brian Kirschling, O.D.

Jacqueline Pullen, Public Member

Heidi Wood, Public Member

Staff Present

Steve Garrison, Bureau Chief

Laura Steffensmeier, Assistant Attorney General

Jessica O'Brien, Board Executive

Janelle Larson, Board Executive

Beth Jorgenson, Compliance Administrator

Lacy Hepp, Assistant to Board Executive

Guests Present

Introductions

Were made by the Board members and staff present.

Announcements

None to report

Election of Officers

Chair

Mentzer moved the nomination of Uhl as Board Chair. A second was received by Kirschling. All ayes, nays none, motion carried.

Vice Chair

Kirschling moved the nomination of Mentzer as Board Vice Chair. A second as received by Uhl. All ayes, nays none, motion carried.

Approval of Open Session Minutes

April 7, 2022

Mentzer moved approval of the April 7, 2022 meeting minutes as presented. A second was received by Uhl. All other ayes, nays none, motion carried.

Reports

Board Executive Report –

O'Brien gave an update on licenses as of October 5, 2022. There are 728 licenses. Garrison adds that there were also 728 in September 2021.

Bureau Chief Report, Steve Garrison

Garrison informed the Board that the Bureau was now housed in a new division within the new Department of Health and Human Services. The Bureau is now in the same division as the Boards of Medicine, Dental, Nursing, and Pharmacy, and the Division is overseen by Jill Stuecker. Garrison anticipates the Bureau moving office locations to the same location as these other boards. This will be a cost savings for the Bureau. Garrison gave an overview of the Individual Board Allocations & Summary Table and the Annual Report. The Board had no questions.

Assistant Attorney General Report

No report given.

Board Member Reports and Questions

No report given.

Public Comment

Ellis discusses upcoming changes in the legislature. He also discusses 6d which he does not think the board needs to discuss at this time. Discussion regarding continuous education online. Will draft rule changes.

New Business

A. Review Delegations of Authority to Board Office

The Board discussed ongoing delegations to Board staff, including reviewing and approving: (1) applications that conform with the rules, (2) applicants with criminal histories who are within 6 months of completing probation or whose conviction was more than 5 years ago, unless the crime could be directly related to the profession, (3) requests for medical extensions/exemptions for a single biennium. The Board also discussed delegations for initial complaint actions including (1) forwarding complaints for formal investigation, (2) referring to law enforcement when a complaint indicates a crime was committed, and (3) closing complaints that are facially inactionable or outside of the board's jurisdiction. Board consensus was to vote to continue delegating these approvals and actions to Board staff.

Pullen moved to approve the Delegations of Authority to the Board office. A second was received by Wood. All ayes, nays none, motion carried.

B. Discussion regarding 182.3 Furnishing Prescriptions

Discussion regarding the need for clarification through a rule that would allow clinics to charge for services and receive payment prior to releasing prescriptions (i.e. Contact Lens, Spectacles).

C. Discussion regarding the use of telemedicine in Optometry

Discussion around utilizing telehealth only in urgent care situations. Standard of care remains the same whether in person. Licensees must be licensed in the state where they are providing services.

D. Discussion regarding scope of practice – use of Botox for treatment of migraines

Discussion about injectable anesthesia for Botox treatments and Chapter 182.5 (154). The association is working on a change this session.

Administrative Rules

Amendment to chapter 180.3(1)"b" and 180.11(2) This amendment changes the requirements that a licensee obtain verification from every state where they have been licensed, and instead requires them to obtain verification from the most recent state where they have been licensed. The applicant must also disclose any public or pending complaints in any jurisdiction. Board consensus is to adopt the rules as noticed. Kirschling moved, Pullen seconded. All other ayes, nays none, motion carried.

Closed Session Agenda

Mentzer moved the Board go into closed session at 9:17 a.m. pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings and pursuant to Iowa Code Section 21.5(1)(d) to discuss the decision to be rendered in a contested case. A second was received by Uhl. A roll call vote was taken with the following results:

Uhl - Aye
Mentzer – Aye
Kirschling – Aye
Pullen – Aye
Wood - Aye
Motion carried.

Return to Open Session

The Board returned to open session at 9:32 a.m.

Closed Session Meeting Minutes

Kirschling moved the Board approve the closed session meeting minutes of April 7, 2022 as presented. A second was received by Mentzer. All ayes, nays none, motion carried.

Uhl moved the Board close 22-0046, 22-0122, 22-0170, and 22-0195. A second was received by Kirschling. All ayes, nays none, motion carried.

Future Board Meetings

Change meeting to 9:00 a.m.

January 5, 2023

April 6, 2023

July 6, 2023

October 5, 202- corrected date, not October 6, 2023

Motion to Adjourn

The meeting adjourned unanimously at 9:37 a.m. on a motion by Kirschling and a second by Wood.