

Open Minutes

Missouri State Board of Optometry

February 13, 2003
Hyatt Regency Crown Center Hotel
2345 McGee Street
Kansas City, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Karen B. Rosen, President, at approximately 9:00 a.m. on Thursday, February 13, 2003, at the Hyatt Regency Crown Center Hotel, 2345 McGee Street, Kansas City, Missouri.

BOARD MEMBERS PRESENT:

Dr. Karen B. Rosen, President
Dr. Cathy L. Frier, Vice President
Dr. W. Carter Glass, Secretary
Dr. Max T. Aldrich, Member
Ms. Vickie E. Young, Public Member

BOARD MEMBERS NOT PRESENT:

Dr. Terry M. Swinger, Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director

LEGAL COUNSEL PRESENT:

Ms. Elena Vega, Assistant Attorney General
Mr. Glenn Bradford, Private Legal Counsel

To better track the order in which items were taken up on the agenda, each item in the minutes will be listed in the order it was discussed in the meeting.

APPROVAL OF THE AGENDA

A motion was made by Dr. Aldrich and seconded by Dr. Glass that the agenda be approved as printed. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

APPROVAL OF MINUTES

A motion was made by Dr. Glass and seconded by Dr. Frier that the minutes of the October 12, 2002 meeting be approved as written. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller presented the Board with the following financial statement for FY-03 as of December 31, 2002.

Beginning Fund Balance				\$217,297.23
Revenue (7/1/02 to 12/31/02)				<u>\$246,262.50</u>
Fund Balance Sub Total				\$463,559.73
Appropriations to Board:				
Personal Service	\$39,251.60			
Expense & Equipment	<u>\$42,604.00</u>			
Total Appropriations	\$81,855.60		\$81,855.60	
Appropriation Expenditures:				
Personal Service	\$18,060.55			
Expense & Equipment	<u>\$26,820.66</u>			
Total Appropriation Expenditures	\$44,881.21	\$44,881.21	<u>\$44,881.21</u>	
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$2,324.55			
General Revenue	\$13,250.00			
Fringe Benefits for Board Staff	\$13,384.80			
Hancock	\$102.00			
DED/MIS	\$2,262.59			
Refunds	\$700.00			
Professional Registration	\$17,171.25			
O.A. Cost Allocation	\$1,322.01			
FY-2002 Transfers paid in FY-2003	<u>\$6,097.03</u>			
Total Transfers	\$56,614.23	<u>\$56,614.23</u>		
Total Fund Expenditures		\$101,495.44	-	\$101,495.44
Estimated Revenue (1/1/03 – 6/30/03)			+	\$14,280.00
Fund Balance Sub Total			=	\$376,344.29
Unexpended Appropriations:				
Personal Service	\$21,191.05			
Expense & Equipment	<u>\$15,783.34</u>			
Total Unexpended Appropriations	\$36,974.39		\$36,974.39	\$36,974.39
Fund Balance Projected as of 6/30/03				\$339,369.90

Mrs. Rimiller highlighted some notes to the financial statement. The reason for the large amount of revenue is because the majority of the Board's revenue is generated

through its renewal fees and this amount represents the renewal revenue for the new two year cycle. She also informed the Board that it has already spent over half of its expense and equipment appropriation and the obvious reason for the increase in expenditures has been the litigation costs that carried over into this fiscal year. She also provided the Board with a copy of the 5-year fund balance projections, which appears to be stable at this time. If the Board feels that an increase is needed in the expense and equipment appropriation, Mrs. Rimiller stated that she would need to know at the next meeting because this will have to be submitted for the FY05 budget.

Rulemaking Status Report

Mrs. Rimiller reported that the proposed amendments to the Board's rules on Licensure by Examination, Licensure by Reciprocity and Fees became effective on December 30, 2002. The purpose of these amendments was to eliminate the fingerprinting requirement and to change the name of the NBEO's clinical examination from VRICS to Patient Assessment and Management (PAM). Since this amendment is now effective, applications will no longer need to be accompanied by the fingerprinting cards.

Continuing Education Audit

Mrs. Rimiller presented the Board with a copy of the Continuing Education Audit Guidelines that were established by the Board. She informed the Board that the random audit program was run and the audit letters were mailed on January 15, 2003. The licensees that were selected for the audit have been submitting their continuing education documentation. She also stated that she has been receiving complaints from some of the doctors who happen to appear on the random list each year. Dr. Aldrich questioned whether licensees who are on probation are automatically audited for continuing education compliance. A motion was made by Dr. Aldrich and seconded by Dr. Frier that all future probation agreements include a stipulation requiring the licensee to submit proof of their continuing education hours each year, including the years when renewal of their license is not required. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

Renewal Update

Mrs. Rimiller provided the Board with a listing of the licensees that have not renewed their licenses.

CE Courses Approved

Mrs. Rimiller presented the Board with a listing of the continuing education courses that were approved since the Board's last meeting. A motion was made by Dr. Glass and seconded by Dr. Aldrich that the continuing education programs contained on the list be approved. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

BOARD TRAVEL

The Board discussed the ARBO Annual Meeting that will be held on June 15-17, 2003 in San Diego, California. A motion was made by Ms. Young and seconded by Dr. Aldrich that the Board send Dr. Glass and either Mrs. Rimiller or Dr. Swinger to the

ARBO Annual Meeting. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

OPTOMETRY LAW COMMITTEE REPORT

Dr. Rosen stated that a law committee meeting has been scheduled for after the Board meeting today and there is a possibility that a proposal may be presented to the Board following that meeting.

RETENTION OF PATIENT RECORDS

The Board reviewed the information collected regarding the issues surrounding the retention of patient records. Mrs. Rimiller provided the Board with the responses she received from other states and also from other health care professions within the Division of Professional Registration, as well as the information obtained by Dr. Frier from her malpractice insurance carrier. A motion was made by Dr. Aldrich and seconded by Dr. Frier that the Board refer the proposal for ownership retention of patient records to the Law Committee for consideration. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

DISCIPLINARY HEARING

At 10:35 a.m. the Board held a Disciplinary Hearing on William L. Martin, O.D. A court reporter was present and recorded the proceedings. The transcript is a permanent part of the record and as such a summary of the proceedings is not made a part of the official minutes of this meeting. The hearing concluded at approximately 10:50 a.m.

CONTACT LENS DISPENSING

The Board reviewed the information received from the American Optometric Association regarding suggested state legislation establishing positive verification of a contact lens prescription. The Board also discussed other issues relating to contact lens dispensing, including the work of the MOA Committee. Dr. Rosen reported on the meeting she and Mrs. Rimiller attended with the MOA Committee. Daryl Hylton, Assistant Attorney General, was there on behalf of the Board to answer questions and provide assistance. A motion was made by Dr. Glass and seconded by Dr. Frier that Mrs. Rimiller communicate the problems regarding contact lens prescription issues to the Missouri Board of Pharmacy to see if they can help regulate the illegal dispensing of contact lenses. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

SURVEY OF OTHER STATES REGARDING CRIMINAL HISTORY CHECKS

The Board reviewed the summary of responses to the survey conducted by the office staff on whether other states require fingerprinting for the purposes of running a criminal history background check on all applicants for licensure. No action was taken by the Board regarding the survey information. It was noted that the rule has already been amended to eliminate the fingerprinting requirement.

FUTURE MEETING SCHEDULE

The Board scheduled its next two board meetings for July 19, 2003 in St. Louis and October 4, 2003 in Kansas City at the Hyatt Regency Hotel.

TMOD EXAMINATION

Mrs. Rimiller highlighted the rule in which the TMOD examination is referenced. She reminded the Board that the NBEO is eliminating the TMOD exam in April of 2004 and the Board needs to consider how the rule should be amended in light of the NBEO decision. Mrs. Rimiller said it may not be necessary to amend the rule because TMOD is only required if the applicant is not tested at the end of their instruction course. It was noted that new applicants will be tested because the TMOD is now part of Part III. Those that are currently licensed and want to upgrade to TPA will have to take the required course work and the Board can still use passage of the comprehensive final exam administered at the end of the course to qualify an applicant for certification. The attorneys agreed that the rule need not be amended.

CLOSED SESSION

Motion was made by Dr. Frier and seconded by Dr. Aldrich to move into closed session pursuant to section 610.021 (1) and (14) RSMo, for the purpose of discussing complaints, investigative reports, applicants for licensure, general legal actions, causes of action or litigation and any confidential or privileged communications between the Board and its attorney and to deliberate on discipline. Those voting yes: Dr. Frier, Dr. Glass, Dr. Aldrich, and Ms. Young. Motion carried 4 to 0.

RENEWAL APPLICATION

The Board discussed its renewal application and it was the consensus of the Board that all the questions on the form should be written so that they can be answered in the positive form. If it is not possible to change the wording of the questions to result in a required "yes" or "no" answer then the Board said to revise the renewal form using some type of shading format or moving and bolding the continuing education question.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Ms. Young and seconded by Dr. Aldrich that this meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 3:25 p.m.

Respectfully submitted,

Vickie Coffman, Executive I

Sharlene Rimiller, Executive Director

Approved by the Board on: _____