

## Open Minutes

### Missouri State Board of Optometry

February 12, 2004  
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. Cathy Frier, President, at approximately 9:09 a.m. on Thursday, February 12, 2004, at the Hyatt Regency Crown Center Hotel, 2345 McGee Street, Kansas City, Missouri.

#### **BOARD MEMBERS PRESENT:**

Dr. Cathy L. Frier, President  
Dr. W. Carter Glass, Vice President  
Dr. Danny D. Nestleroad, Secretary  
Dr. Karen B. Rosen, Member  
Ms. Dayna Stock, Public Member

#### **STAFF MEMBERS PRESENT:**

Sharlene Rimiller, Executive Director  
Vickie Coffman, Executive I

#### **LEGAL COUNSEL PRESENT:**

Mr. Glenn Bradford, Private Legal Counsel  
Ms. Elizabeth Mirsepassi, Private Legal Counsel  
Mr. Dan McPherson, Assistant Attorney General

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. Rosen and seconded by Dr. Nestleroad that the agenda be approved as presented. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0.

#### **APPROVAL OF MINUTES**

The Board reviewed the following open minutes:

October 4, 2003  
November 4, 2003 – Mail Ballot

It was noted that the October minutes need to be corrected to reflect Dr. Rosen's title as member instead of president. A motion was made by Dr. Rosen and seconded by Dr.

Nestleroad that the October minutes be approved with the correction. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0.

A motion was made by Dr. Rosen and seconded by Dr. Nestleroad that the November mail ballot minutes be approved as presented. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0.

## **EXECUTIVE DIRECTOR REPORT**

### **Financial Statement**

Mrs. Rimiller presented the Board with the following financial statement for FY-04 as of November 30, 2003.

<b>Beginning Fund Balance</b>				\$349,392.19
Revenue (7/1/03 to 11/30/03)				<u>\$9,790.75</u>
Fund Balance Sub Total				\$359,182.94
<b>Appropriations to Board:</b>				
Personal Service	\$39,696.60			
Expense & Equipment	<u>\$42,604.00</u>			
Total Appropriations	\$82,300.60		\$82,300.60	
<b>Appropriation Expenditures:</b>				
Personal Service	\$12,718.12			
Expense & Equipment	<u>\$10,806.09</u>			
Total Appropriation Expenditures	\$23,524.21	\$23,524.21	<u>\$23,524.21</u>	
<b>Fund Transfers: (Projected for Year)</b>				
Rent & Utilities	\$2,084.69			
General Revenue	\$13,408.00			
Fringe Benefits for Board Staff	\$14,290.78			
Hancock	\$0.00			
DED/MIS	\$2,444.96			
Refunds	\$440.00			
Professional Registration	\$20,198.80			
O.A. Cost Allocation	\$2,244.14			
FY-2003 Transfers paid in FY-2004	<u>\$8,119.92</u>			

Total Transfers	\$63,231.29	<u>\$63,231.29</u>		
<b><u>Total Fund Expenditures</u></b>		<b>\$86,755.50</b>	-	\$86,755.50
Estimated Revenue (12/1/03 – 6/30/04)			+	\$11,649.25
<b><u>Fund Balance Sub Total</u></b>			=	<b>\$284,076.69</b>
<b>Unexpended Appropriations:</b>				
Personal Service	\$26,978.48			
Expense & Equipment	<u>\$31,797.91</u>			
Total Unexpended Appropriations	\$58,776.39		<b>\$58,776.39</b>	\$58,776.39
<b><u>Fund Balance Projected as of 6/30/04</u></b>				<b>\$225,300.30</b>

Mrs. Rimiller also provided the Board with a five-year fund balance projection. She pointed out that this is an off revenue year because of the two-year renewal cycle but overall, the five-year projections look good.

#### **Dayna Stock**

The Board welcomed Ms. Stock as the new public member and she provided the Board with background information on herself.

#### **Rulemaking Status Report**

Mrs. Rimiller provided the Board with a status report on the amendment to 4 CSR 210-2.080 and the rescission of 4 CSR 210-2.081. She reported that these rules were sent to the Division of Professional Registration on December 15, 2003 and are still in the Division's review process.

#### **CE Courses Approved**

Mrs. Rimiller presented the Board with the list of continuing education courses that were approved since the date of its October meeting. A motion was made by Dr. Glass and seconded by Dr. Rosen that the Board ratify the secretary's approval of the continuing education courses. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad and Dr. Rosen. Motion carried 4 to 0. Ms. Stock did not vote on the motion.

The Board continued its discussion regarding continuing education course approvals. Dr. Glass stated that since he has been approving continuing education courses, he noted that many organizations were failing to comply with the sixty (60) day requirement. He directed staff to send a letter to all continuing education sponsors informing them of this requirement and that if their information was not provided to the Board office sixty (60) days prior to the date of the program, as required by rule of the

Board, the course would not be approved. The Board discussed a possible change to its rule, 4 CSR 210-2.030, to reduce this requirement to thirty (30) days prior to the date of the program. Mrs. Rimiller was instructed to place the possible change to 4 CSR 210-2.030 on the July agenda for discussion. Mrs. Rimiller stated that she thought the Board's original intent of the sixty (60) days was to allow the sponsor enough time to get the approval information to licensees with the information about the program.

Mrs. Rimiller was instructed to put an article in the next newsletter regarding the sixty (60) day requirement and to inform licensees to be aware that if a course is listed as approval pending, they need to check with the Board office to be certain that the approval for that program was granted.

### **BOARD TRAVEL**

The Board discussed the ARBO Annual Meeting that will be held on June 19-22, 2004 in Orlando, Florida. A motion was made by Dr. Nestleroad and seconded by Ms. Stock that the Board send Dr. Glass and Mrs. Rimiller to the ARBO Annual Meeting. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0.

The Board discussed the CLEAR Annual Meeting that will be held on September 30 – October 2, 2004 in Kansas City, Missouri. A motion was made by Dr. Nestleroad and seconded by Dr. Rosen that the Board send Ms. Stock, Dr. Glass and Mr. Bradford to the CLEAR Annual Meeting. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0. Mr. Bradford will not charge his time to attend this meeting.

### **NBERC SURVEY**

The Board reviewed the survey received from Christina M. Sorenson, O.D., National Board of Examiners Review Committee (NBERC), requesting each state board's input on the review process of the National Boards. The Board determined that the problem with completing the survey is that they have no way of answering the questions since they had never had the opportunity to review the exams in order to evaluate them. Dr. Rosen stated that in previous years she served as a clinical examiner, however, the last two years that she volunteered as a clinical examiner she was turned down. Mrs. Rimiller was instructed to respond to Dr. Sorenson and inform her that the Board has no way to evaluate the exam at this time. Mrs. Rimiller was also instructed to contact the NBEO and inform them that members of the Missouri State Board of Optometry should be able to serve as examiners at the St. Louis examination site. Otherwise, how can the Board evaluate the exam to determine if it still meets the needs of our state. Inform the NBEO that one of our board members has volunteered as a clinical examiner at the St. Louis examination site for the last two years and was turned down.

### **CONTACT LENS PRESCRIPTION RELEASE**

The Board reviewed the new federal law, H.R. 3140, which requires optometrists to release the patients' contact lens prescription to the patient once the fit is final. Mrs. Rimiller requested the Board's direction on the process the staff should follow when receiving complaints from members of the public because optometrists are not providing

them with their contact lens prescriptions. The Board discussed the fact that this is a federal law and without enacting similar legislation in Missouri the question was whether the Board would have any role in its enforcement. The Board instructed its staff that whenever telephone calls come in from patients complaining that an optometrist did not release their contact lens prescription, the caller needs to be asked if they have requested a copy of their prescription and if the fitting process is complete. If the fitting process has been completed and the patient has requested their prescription and it has been denied by the optometrist, Mrs. Rimiller was instructed to provide the individual with a complaint form.

It was the consensus of the Board that an informational letter be sent to licensees informing them of the new contact lens release law and also include information regarding the sixty (60) day advance notice on continuing education approval applications.

### **FUTURE MEETING SCHEDULE**

The Board scheduled the following meetings:

July 15, 2004 – Division of Professional Registration, Jefferson City, Missouri at 10:00 a.m.

October 7, 2004 – St. Louis, Missouri at 9:00 a.m.

### **USE OF THE TERM “BOARD CERTIFIED”**

The Board reviewed correspondence received from Beth Bazin regarding the use of the term “Board Certified” for COVD Fellows. It was the consensus of the Board that COVD Fellows should not use the term “Board Certified” because it is misleading and deceptive. It projects a specialty certification issued by the Board or a national board when there is no such specialty certification. The Board also discussed use of the word “specialist”. It was the consensus of the Board that optometrists were allowed to use the word “specialist” if they practice a specialty, such as low vision or contact lens.

### **CLOSED SESSION**

Motion was made by Dr. Glass and seconded by Dr. Rosen 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. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0.

### **ADJOURNMENT**

There being no further business to be brought before the Board at this time, a motion was made by Dr. Rosen and seconded by Dr. Glass that this meeting adjourn. Those voting yes: Dr. Frier, Dr. Glass, Dr. Nestleroad, Dr. Rosen, and Ms. Stock. Motion carried 5 to 0. The meeting adjourned at approximately 2:20 p.m.

**Respectfully submitted,**

**Vickie Coffman, Executive I**

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**Sharlene Rimiller, Executive Director**

**Approved by the Board on: \_\_\_\_\_**