

Meeting Notice

Missouri State Board of Optometry

July 14, 2005 8:00 a.m.

**Country Club Hotel
Horseshoe Bend Parkway (HH) & Carol Road
Lake Ozarks, Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Missouri State Board of Optometry, 3605 Missouri Boulevard, Jefferson City, Missouri 65109 or by calling 573-751-0814 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Optometry is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14 (7), RSMo.

When the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

cc: Members, Missouri State Board of Optometry
 Glenn Bradford, Attorney-at-Law
 Alice Wortman, Assistant Attorney General
 Laurie Morris, Office of Administration
 Zoe Lyle, Executive Director, Missouri Optometric Association
 Alison Craighead, Director, Division of Professional Registration
 Gregory A. Steinhoff, Director, Department of Economic Development

Tentative Agenda

Missouri State Board of Optometry

July 14, 2003 8:00 a.m.

Country Club Hotel
Horseshoe Bend Parkway (HH) & Carol Road
Lake Ozarks, Missouri

1. Call to Order Dr. Nestleroad
2. Roll Call Dr. Fowler
3. Approval of the Agenda Dr. Nestleroad
4. Approval of the Minutes Dr. Nestleroad
 - February 10, 2005
 - April 14, 2005 – Conference Call
5. Executive Director Report Mrs. Rimiller
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. CE Courses Approved/Rejected
6. Legislation for 2006 Mrs. Rimiller
7. Board Travel Dr. Nestleroad
 - CLEAR – September 15-17, 2005
 - CAC – November 3-5, 2005
8. Scope of Practice Questions Dr. Nestleroad
 - a. Can someone who is not an optometrist conduct vision acuity tests with a portable vision machine?
 - b. Can someone who is not an optometrist do vision therapy when the doctor is not in the office?
9. ARBO Annual Meeting Report Dr. Nichols and Mrs. Rimiller
10. AOA Survey Dr. Vanderfeltz
 - Question regarding use of chemical or electrical cautery
11. Application for Licensure Mrs. Rimiller
 - Consider revisions to the form
12. Future Meeting Schedule Dr. Nestleroad
 - February 2006
13. Renewal of Legal Services Contract Dr. Nestleroad

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| 14. | CPT Codes for Optometrists <ul style="list-style-type: none">• Petition from MOSEPS | Dr. Vanderfeltz |
| 15. | ARBO CE Tracker | Dr. Vanderfeltz |
| 16. | Draft Guidelines for Processing Licensure & Renewal Applications | Dr. Fowler |
| 17. | Election of Officers | Dr. Nestleroad |
| 18. | Other Agenda Items | Dr. Nestleroad |
| 19. | Motion to go into Closed | Ms. Stock |
| 20. | Adjournment | |

Open Minutes

Missouri State Board of Optometry

July 14, 2005
Country Club Hotel
Horseshoe Bend Parkway (HH) & Carol Road
Lake Ozark, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Danny D. Nestleroad, President, at approximately 8:00 a.m. on Thursday, July 14, 2005, at the Country Club Hotel, Horseshoe Bend Parkway (HH) & Carol Road, Lake Ozark, Missouri.

BOARD MEMBERS PRESENT:

Dr. Danny D. Nestleroad, President
Ms. Dayna M. Stock, Vice President
Dr. Christy M. Fowler, Secretary
Dr. Cathy Frier, Member
Dr. Don Vanderfeltz, Member
Dr. Michael Nichols, Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Bonnie Mengwasser, Executive I

LEGAL COUNSEL PRESENT:

Mr. Glenn Bradford, Private Legal Counsel

GUESTS PRESENT:

Shanan Hawk, Lewis, Rice & Fingersh, L.C.

Dr. Nestleroad introduced and welcomed Dr. Nichols to the Board.

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 Ms. Stock and seconded by Dr. Fowler that the agenda be approved as printed. Motion carried unanimously.

APPROVAL OF MINUTES

A motion was made by Dr. Vanderfeltz and seconded by Ms. Stock that the open minutes of the February 10, 2005 meeting be approved as written. Motion carried unanimously.

A motion was made by Dr. Frier and seconded by Dr. Fowler that the open minutes of the April 14, 2005 conference call meeting be approved as written. Motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller presented the Board with the following financial statement for FY-05 as of May 31, 2005.

Beginning Fund Balance				\$264,811.80
Revenue (7/1/04 to 5/31/05)				<u>\$266,263.00</u>
Fund Balance Sub Total				\$531,074.80
Appropriations to Board:				
Personal Service	\$40,631.40			
Expense & Equipment	<u>\$42,604.00</u>			
Total Appropriations	\$83,235.40		\$83,235.40	
Appropriation Expenditures:				
Personal Service	\$31,195.46			
Expense & Equipment	<u>\$27,399.93</u>			
Total Appropriation Expenditures	\$58,595.39	\$58,595.39	<u>\$58,595.39</u>	
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$2,048.92			
General Revenue	\$11,174.50			
Fringe Benefits for Board Staff	\$17,788.43			
Hancock	\$0.00			
DED/MIS	\$2,108.00			
Refunds	\$440.00			
Professional Registration	\$18,056.40			
O.A. Cost Allocation	\$2,504.48			
FY-2004 Transfers paid in FY-2005	<u>\$4,919.63</u>			
Total Transfers	\$59,040.36	<u>\$59,040.36</u>		
Total Fund Expenditures		\$117,635.75	-	\$117,635.75
Estimated Revenue (6/1/05 – 6/30/05)			+	\$5,600.00
Fund Balance Sub Total			=	\$419,039.05
Unexpended Appropriations:				
Personal Service	\$9,435.95			
Expense & Equipment	<u>\$15,204.07</u>			

Total Unexpended Appropriations	\$24,640.01		\$24,640.01	\$24,640.01
Fund Balance Projected as of 6/30/05				\$394,399.04

Mrs. Rimiller informed the Board that it is a possibility the Board will have some of its funds swept to General Revenue this year. This year's revenue was higher than estimated and the Board's expenditures were lower than in past years. The Board reviewed the sweep language in the law, Section 336.140.2, RSMo. Mrs. Rimiller reported that the final figures for fiscal year 2005 should be in by the end of August and the Board can decide at its October meeting whether or not renewal fees need to be reduced before the next renewal cycle. Ms. Stock informed the Board that at the conference she attended last fall, another state board described how they had established a fund within their Division to where the excess money got swept into a pool that the boards could utilize to pay legal fees. Ms. Stock wondered if in light of the Attorney General's situation, this might be something our Division could consider doing to help its boards that don't have private counsel.

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. Frier and seconded by Dr. Fowler to approve the list of continuing education programs. Motion carried unanimously.

LEGISLATION FOR 2006

Mrs. Rimiller presented to the Board a copy of House Bill No. 664 along with the proposed changes that were made after the bill was filed last session. In the proposal that Mrs. Rimiller submitted to the Division at the beginning of July, she included the changes to the reciprocity statute and the change to the continuing education requirements from eight hours every year to sixteen hours every two years. A motion was made by Dr. Vanderfeltz and seconded by Dr. Frier to table this discussion until the October Board meeting. Motion carried unanimously. It was the consensus of the Board to continue moving the proposal through the Division/Department approval process but to refrain from making a final decision until October.

BOARD TRAVEL

The Board reviewed the list of out-of-state meetings scheduled in FY2006. Dr. Vanderfeltz informed the Board that he would like to attend the CLEAR Conference on September 15-17, 2005. Ms. Stock informed the Board that she would like to attend the CAC Meeting November 3-5, 2005. The Board approved, by consensus, the travel requests of Dr. Vanderfeltz and Ms. Stock.

SCOPE OF PRACTICE QUESTIONS

Mr. Nick Westbrook addressed the Board with the following question: "Is it permissible to conduct simple vision acuity tests with a portable vision machine at retail stores in Missouri?" It was the consensus of the Board that vision acuity testing is not exclusively the practice of optometry. A motion was made by Dr. Vanderfeltz and seconded by Dr.

Frier to inform Mr. Westbrook that the Board has no objection to him conducting vision acuity tests in retail stores. Motion carried unanimously.

Dr. Cheryl Davidson addressed the Board with the following question: "What requirements does the optometric board have regarding vision therapists administering vision therapy when the doctor is not in the office?" Dr. Nestleroad informed the Board that he feels this would not violate the practice act if the vision therapist is following a treatment plan outlined by the optometrist. It was the decision of the Board to inform Dr. Davidson that the optometry statutes and regulations do not address her question and therefore, there are no specific requirements regarding vision therapists administering vision therapy when the doctor is not in the office.

ARBO ANNUAL MEETING REPORT

Dr. Nichols reported to the Board on his attendance at the ARBO Annual Meeting, June 19-21, 2005. As a new member to the Board, he felt this was a good meeting to attend. Dr. Nichols said there were 35-40 states represented at the meeting, and due to economic issues, other states were unable to attend. Dr. Nichols said that he also feels the Missouri State Board is on the right track because the information on our agendas addresses many of the same issues ARBO was discussing.

Mrs. Rimiller expressed her appreciation to the Board for the opportunity to attend the ARBO meeting again this year. She found the NBEO session interesting because she learned they had developed a new exam, *Advanced Competence in Medical Optometry*, strictly for VA residents. Mrs. Rimiller informed the Board that NBEO administered the exam for the first time on June 11, which was totally computer-based and cost \$780. Another fact Mrs. Rimiller found interesting is that ten percent of optometrists do not pass all parts of the NBEO at the time of graduation. Mrs. Rimiller informed the Board that ARBO would like to encourage state boards to have their licensees complete the "Complications Due to Contact Lenses Dispensed without a Valid Prescription" form whenever they see problems, which is available on ARBO's website. Another topic of discussion at the meeting was the CELMO program. Mrs. Rimiller reported that there are currently four states that are considered CELMO states. West Virginia's law will now only accept applicants by endorsement who have gone through the CELMO process. ARBO's goal is to have twelve states on board with the CELMO program by the end of the year.

AOA SURVEY

It was the consensus of the Board to discuss the question regarding the use of chemical and electrical cautery during the discussion on CPT Codes.

APPLICATION FOR LICENSURE

The Board reviewed the current application for licensure form and considered revisions. Mrs. Rimiller reported that Dr. Nestleroad made some changes to the application cover letter to better explain the difference between licensure by reciprocity and licensure by examination. Dr. Nestleroad pointed out a typo in the cover letter and suggested that every time licensure by reciprocity or licensure by examination is mentioned in the letter, to make the font bold. Ms. Mengwasser suggested that the Board add a checkbox to

the application asking which address the applicant would like to use for their mailing address. She also requested that the Board clarify what is acceptable as proof of three years active clinical practice for applicants applying for licensure by reciprocity. Mrs. Rimiller suggested that the Board change the first sentence in section 20 of the application to read as follows: "This certifies that I, _____, have been personally acquainted with the applicant for ____ years, that I have known the applicant to have been in active clinical practice for the past three years, and that I believe the applicant to be of good moral character." It was the consensus of the Board to develop two separate application forms, one for licensure by reciprocity and one for licensure by examination. Dr. Nichols suggested the application form include a request for the applicants' e-mail address. Mr. Bradford suggested the following be included on the application before questions 13-19: "If you answer 'Yes' to any of the questions in this section, please include a description on the style of the case, the case number and the court in which the case was filed." Mr. Bradford also suggested question 13 be changed to read as follows: "Have you ever been charged with or convicted with a felony or misdemeanor, excluding traffic or parking violations, whether or not sentence was imposed or suspended?" Ms. Stock inquired if it would be helpful to include a question on the application form asking if the applicant had ever been reported to the National Practitioner's Data Bank (NPDB). Mrs. Rimiller was asked to include an item on the October agenda to talk about the NPDB and fingerprinting applicants for licensure. The Board also asked staff to inquire to ARBO to see if they have developed a model application form.

FUTURE MEETING SCHEDULE

The Board scheduled its winter meeting on Thursday, February 9, 2006, at the Hyatt in Kansas City, Missouri.

CPT CODES FOR OPTOMETRISTS

Dr. Vanderfeltz provided a report on the CPT Codes approved for use by optometrists the Board should consider keeping and deleting. After discussing Dr. Vanderfeltz's recommendations, a motion was made by Dr. Nichols and seconded by Dr. Vanderfeltz that the Board no longer retain a list of approved CPT Codes for use by optometrists. Motion carried unanimously.

ARBO CE TRACKER

The Board discussed the benefits of using the ARBO CE Tracker. A motion was made by Dr. Vanderfeltz and seconded by Dr. Fowler to accept the ARBO CE Tracker as a way to verify continuing education course attendance. Motion carried unanimously. Dr. Vanderfeltz suggested that the Board consider purchasing a scanner that the Board could loan out to CE course providers in Missouri as a way to encourage more participation in the ARBO CE Tracker program. Mrs. Rimiller said she would look into that possibility and let the Board know at the October meeting what she is able to do in the way of obtaining approval to purchase the equipment.

DRAFT GUIDELINES FOR PROCESSING LICENSURE & RENEWAL APPLICATIONS

It was the consensus of the Board to add this item to the October meeting agenda to give Mr. Bradford a chance to review the guidelines in more detail and offer his opinion.

ELECTION OF OFFICERS

Dr. Vanderfeltz nominated the following slate of officers for the upcoming year: Ms. Stock as the next Board President; Dr. Fowler as the next Board Vice-President; and Dr. Vanderfeltz as the next Board Secretary. Nomination seconded by Dr. Nichols. Dr. Fowler volunteered to continue reviewing the continuing education course approval applications and the applications for licensure. There being no further nominations, the new officers were voted into their new positions by acclamation.

PAPERLESS AGENDAS

A motion was made by Dr. Nichols and seconded by Ms. Stock to continue using paperless agendas for future Board meetings. Motion carried unanimously.

CLOSED SESSION

At approximately 10:56 a.m., a motion was made by Ms. Stock and seconded by Dr. Fowler 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. Motion carried unanimously.

REVIEW OF LEGAL SERVICES CONTRACT

The Board returned to open session at approximately 5:05 p.m. A motion was made by Dr. Fowler and seconded by Dr. Nichols to renew Mr. Bradford's legal services contract for the 2006 fiscal year. Motion carried unanimously.

RESIDENCY PROGRAMS

A motion was made by Dr. Nichols and seconded by Dr. Frier that residents enrolled in an accredited residency program during the continuing education reporting period be granted approved continuing education credits for re-licensure purposes. Motion carried unanimously.

ADJOURNMENT

There being no further business to be brought before the Board at this time, Dr. Nestleroad declared the meeting adjourned at approximately 5:08 p.m.

Respectfully submitted,

Bonnie Mengwasser

Sharlene Rimiller, Executive Director

Approved by the Board on: _____