

**Meeting Notice
State Board of Optometry**

October 6, 2005 8:00 a.m.

**Chateau on the Lake
415 North State Highway 265
Branson, Missouri**

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Except to the extent disclosure is otherwise required by law, the 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.

The State Board of Optometry may go into closed session at any time during the meeting. 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: 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

Open Agenda

Missouri State Board of Optometry

October 6, 2005 8:00 a.m.

**Chateau on the Lake
415 North State Highway 265
Branson, Missouri**

1. Call to Order Ms. Stock
2. Roll Call Dr. Vanderfeltz
3. Approval of the Agenda Ms. Stock
4. Approval of the Minutes Ms. Stock
 - July 14, 2005
5. Executive Director Report Mrs. Rimiller
 - Financial Statement
 - CE Courses Approved
6. Renewal Fee Decrease Mrs. Rimiller
7. Legislation Dr. Nestleroad
8. CLEAR Report Dr. Vanderfeltz
Mrs. Rimiller
9. License Renewal Rule Dr. Nestleroad
 - Consider amending the rule to include accredited residency programs to the list of approved programs and for
 - Continuing education credit for lecturers/educators
10. Fingerprinting New Applicants for Licensure Dr. Fowler
11. National Practitioner's Data Bank Ms. Stock
 - How it is used for reporting and querying
12. Review Application Form Revisions Dr. Fowler
13. Guidelines for Processing Licensure Applications Ms. Stock
14. Other Agenda Items Ms. Stock
15. Motion to go into Closed Dr. Vanderfeltz
16. Adjournment

Open Minutes

Missouri State Board of Optometry

October 6, 2005
Chateau on the Lake
415 North State Highway 265
Branson, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Ms. Dayna Stock, President, at approximately 8:00 a.m. on Thursday, October 6, 2005, at the Chateau on the Lake, 415 North State Highway 265, in Branson, Missouri.

BOARD MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Bonnie Mengwasser, Executive I

LEGAL COUNSEL PRESENT:

Mr. Glenn Bradford, Private Legal Counsel

GUESTS PRESENT:

Jim Rudd, O.D.
Barbara Niece, Wal-Mart
Pam Wissman, Wal-Mart
Paula Halifax, Wal-Mart/Sams

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

Mrs. Rimiller asked that an item be added to the agenda to discuss the purchase of the CE Tracker scanner. An additional item was added to the agenda to discuss a continuing education question for a new licensee whose license expired. A motion was made by Dr. Nestleroad and seconded by Dr. Frier that the agenda be approved with the two additional items noted. Motion carried unanimously.

APPROVAL OF MINUTES

A motion was made by Dr. Nestleroad and seconded by Dr. Fowler that the minutes of the July 14, 2005 meeting be approved as written. Motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller presented the Board with the following financial statement for year end FY-05.

Beginning Fund Balance				\$217,297.23
Revenue (7/1/02 to 6/30/04)				<u>\$281,019.45</u>
Fund Balance Sub Total				\$498,316.68
Appropriations to Board:				
Personal Service	\$39,697.00			
Expense & Equipment	<u>\$42,604.00</u>			
Total Appropriations	\$82,301.00			
Appropriation Expenditures:				
Personal Service	\$72,083.23			
Expense & Equipment	<u>\$66,437.80</u>			
Total Appropriation Expenditures	\$138,521.03	\$138,521.03		
Fund Transfers: (Actual for Year)				
Rent & Utilities	\$4,563.50			
General Revenue	\$17,348.62			
Fringe Benefits for FTE	\$23,495.66			
Hancock	\$102.00			
DED/MIS	\$4,011.15			
Refunds	\$440.00			
Professional Registration	\$27,315.81			
O.A. Cost Allocation	\$3,490.16			
FY-04 Transfers Paid in FY-05	<u>\$14,216.95</u>			
Total Transfers	\$94,983.85	<u>\$94,983.85</u>		
Total Fund Expenditures		\$233,504.88		\$233,504.88
Ending Fund Balance				\$264,811.80

Mrs. Rimiller also provided detailed expenditure reports for FY-05. It was noted on the financial statement that the Board's fund increased by \$47,514.57 in FY-05. This will be discussed in more detail when the Board considers a decrease in the renewal fee.

Continuing Education Course Approval

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. A motion was made by Dr. Fowler and seconded by Dr. Frier that the Board ratify approval of the continuing education courses listed. Motion carried unanimously.

RENEWAL FEE DECREASE

The Board reviewed the five-year fund balance projections provided by Mrs. Rimiller and considered the need to reduce the biennial renewal fee. Mrs. Rimiller reported that due to increased revenues and a reduction in spending in recent years, the Board's fund exceeded three times the amount of its appropriations at the end of fiscal year 2005, resulting in a sweep of \$10,269.23 to the General Revenue fund. She explained that based on her projections, using actual revenue and expenditure data from the last three fiscal years, the fee for the biennial renewal must be decreased to avoid another sweep at the end of the next biennium, which is June 30, 2007. A motion was made by Dr. Nestleroad and seconded by Dr. Fowler that the Board propose an amendment to its fee rule to reduce the biennial renewal fee from \$220 to \$150. Motion carried unanimously.

Mrs. Rimiller also asked the Board to consider combining its application and licensing fees. The current application fee is \$125 and the licensing fee is \$100. If the fees were combined into one \$225 application fee and the license fee was eliminated, the applicant would pay the fee up front when filing the application and this would enable the staff to issue licenses upon completion of the application. Mrs. Rimiller estimated this would reduce the application processing time by approximately one week. A motion was made by Dr. Nestleroad and seconded by Dr. Fowler that the Board combine the application and licensing fees to make it one \$225 application fee, eliminating the licensing fee. Motion carried unanimously.

PROPOSED LEGISLATION

The Board reviewed its proposed re-write of the optometry practice act. Mrs. Rimiller noted that the proposal with the suggested changes approved at the July meeting has been submitted through the approval process but there has not been any word yet from the Department on its decision. A motion was made by Dr. Nestleroad and seconded by Dr. Nichols to withdraw the proposal and not pursue legislation in the 2006 session. The motion and the second to the motion were withdrawn. A motion was made by Dr. Vanderfeltz and seconded by Dr. Nestleroad that the Board continue to pursue the legislation through the Department's approval process and if approved, have the proposal ready to file in the 2006 session and before filing, a discussion be held with the Chairman of the House Professional Registration Committee to give the Board a better understanding of whether to hold off for another year. Motion carried unanimously.

CLEAR REPORT

Dr. Vanderfeltz and Mrs. Rimiller provided a report on their attendance at this year's annual CLEAR Conference which was held in Phoenix, Arizona, on September 15-17, 2005. Dr. Vanderfeltz attended the new Board member training and attended several sessions throughout the conference that he believed were of benefit to him as a new member of the Board. Mrs. Rimiller described some of the sessions she attended at the conference.

LICENSE RENEWAL RULE

The Board considered amendments to 4 CSR 210-2.020. The purpose of the proposed amendments is to authorize continuing education credit for presenters of an approved program and to authorize continuing education credit for residents in an accredited optometric residency program. A motion was made by Dr. Nestleroad and seconded by Dr. Nichols that the Board propose amendments to the license renewal rule as follows:

- a. change the name of the Southern Council of Optometrists to its correct name;
- b. change the name of the North Central States Optometric Congress to its correct name;
- c. add the National Optometric Association to the list of approved providers;
- d. add a provision to authorize eight (8) hours of continuing education credit to satisfy one year of the two-year reporting period for residents enrolled in an accredited optometric residency program; and
- e. add a provision to authorize one hour of continuing education credit to presenters of COPE approved continuing education courses for each hour of the program offered one time during the reporting period.

Motion carried unanimously.

FINGERPRINTING

The Board considered the need to fingerprint new applicants for licensure. Dr. Fowler noted that the Board previously required fingerprinting and questioned why it was being re-considered at this time. Mrs. Rimiller informed the Board that the main reason the fingerprinting requirement was eliminated several years ago was because of the length of time it had taken to process the fingerprinting cards through the Highway Patrol and the FBI. Often the license was delayed for weeks and sometimes months waiting for the criminal history checks to come back and then in almost all of the cases where there was a criminal history that was not reported on the application, the criminal history was not sufficient cause for denial of the license. Generally when this occurred, it was a suspended imposition of sentence for an offense relating to operating a motor vehicle while under the influence or a misdemeanor offense such as stealing or domestic disputes. The Board discussed the background checks that can be conducted through some of the on-line services without fingerprints. Mrs. Rimiller was asked to check into these services as well as check with Alison Craighead regarding the background checks the Division and the Governor's office conducts on perspective board members. Additionally, the Board suggested that ARBO be queried to find out what some of the other optometry boards are doing and whether they use any of the internet services.

NATIONAL PRACTITIONERS DATA BANK

The Board discussed how the National Practitioners Data Bank (NPDB) is used for reporting and querying. Under federal law, optometry boards are not required to report adverse action to the NPDB but are required to report to the Healthcare Integrity and Protection Data Bank (HIPDB). Both data banks have been combined and technically any query to the NPDB captures reports made to the HIPDB. Mrs. Rimiller mentioned that many states do not report adverse actions to the data bank and therefore, even if the Board queried the data bank as a routine matter, it would not guarantee that the Board would receive complete information. Additionally, it was noted that the data bank is used to report any adverse action, such as discipline, and there would still be the matter of criminal history information that would not be obtained unless background checks were also performed. The Board determined that no further discussion of this topic is necessary and that Mrs. Rimiller need not bring it back to the Board unless new information is received.

REVISIONS TO THE APPLICATION FORM

The Board reviewed the proposed revisions to the application form. Dr. Fowler said that the only thing she saw as a problem with the revised form is with the block that contains the fees. She said it wasn't very clear what fees the applicant needs to pay and when. It was noted that the instructions to the applicant has information regarding the fees but that the application form can also be modified to clarify what the fees are and when they are due. The Board also wanted to add another question to the application form to ask the applicant if they have ever had a suspended imposition of sentence for any offense. The Board agreed that it was not necessary to include the NPDB question and that the "or criminal" words in parentheses in some of the questions be deleted. Staff will make the requested changes. Mrs. Rimiller was instructed to include the renewal application questions on the next meeting agenda for Board review.

GUIDELINES FOR PROCESSING LICENSURE APPLICATIONS

The Board reviewed the proposed guidelines for processing licensure applications. The intent of the proposed guidelines is to establish a policy that sets forth conditions for Board staff in processing licensure/renewal applications. The Board noted a typographical error in section 4 E (assistant should be assistance) of the licensure application guidelines and in section 4 J (if should be it) of the renewal application guidelines. Additionally, the Board asked for clarification in section 2 of both the licensure application and renewal application guidelines. Mrs. Rimiller was asked to include this item back on the February agenda for further consideration.

COKINGTIN EYE CENTER

The Board discussed the request received from Dr. Clifton Cokingtin asking for reconsideration of the denial of the continuing education program entitled "Optometry Coding and Reimbursement". Dr. Fowler pointed out that the program was denied continuing education credit pursuant to the Board's rule (4 CSR 210-2.030) requiring providers to submit applications for continuing education credit to the Board at least sixty (60) days prior to the date of the program. The Board considered whether the sixty (60) day requirement should be shortened. A motion was made by Dr. Fowler and seconded by Dr. Nestleroad that the Board not reconsider the decision to deny

continuing education credit for Dr. Cokingtin's Coding and Reimbursement program. Motion carried unanimously.

HURRICANE KATRINA

The Board discussed what can be done in the future that would authorize the Board to issue temporary licenses to displaced optometrists that may need to relocate to Missouri due to a catastrophic event, such as Hurricane Katrina. Mrs. Rimiller was asked to inquire about any protocol for seeking an executive order from the Governor that would authorize the Board to issue temporary licenses in such cases. The Board also instructed Mrs. Rimiller to inquire of the Division to see if they are going to seek legislation in 2006 to take care of this problem Division wide.

CE TRACKER

The Board considered the purchase of a scanner for the CE Tracker system developed by ARBO. Mrs. Rimiller reported that the cost of the scanner is approximately \$950. The Board would loan out the scanner to smaller groups of continuing education providers and the attendees at these programs would benefit by having their approved hours reported electronically to the ARBO CE Tracker program. It was also noted that the more optometrists having their continuing education reported to ARBO, the less time the Board would spend auditing continuing education. A motion was made by Dr. Nestleroad and seconded by Dr. Nichols that the Board authorize the purchase of the CE Tracker scanner. Motion carried unanimously. Mrs. Rimiller was asked to include an article in the next newsletter to make optometrists aware of this program.

CONTINUING EDUCATION QUESTION

Mrs. Rimiller informed the Board that a question recently came up regarding a new licensee who allowed her license to expire and is asking if it is necessary in her situation to obtain all twenty-four (24) hours of continuing education for reactivation of the license. In this particular situation, the licensee was licensed in the summer 2004 and allowed her license to expire on October 30, 2004. Mrs. Rimiller noted that the Board may be restricted by statute in its response. Reference was made to Section 336.080, RSMo. This law states that "any registered optometrist who permits his certificate to expire may renew it within five years of expiration upon payment of the required restoration fee and presentation of satisfactory evidence of his attendance for a minimum of twenty-four hours during the five years at educational programs, or their equivalent, that have been approved by the Board." A motion was made by Dr. Nichols and seconded by Dr. Nestleroad that the Board not waive any of the twenty-four hour continuing education requirement for reactivation of the license. Motion carried unanimously.

CLOSED SESSION

Motion was made by Dr. Fowler and seconded by Dr. Vanderfeltz 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. Nestleroad, Dr. Fowler, Dr. Vanderfeltz, Dr. Nichols and Ms. Stock. Motion carried unanimously.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Dr. Nichols and seconded by Dr. Nestleroad that this meeting adjourn. Motion carried unanimously. The meeting adjourned at approximately 3:35 p.m.

Respectfully submitted,

Sharlene Rimiller, Executive Director

Approved by the Board on: _____