

Meeting Notice

Missouri State Board of Optometry

February 9, 2006 8:00 a.m.

**Hyatt Regency Crown Center Hotel
2345 McGee Street
Kansas City, 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
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

February 9, 2006 8:00 a.m.
Hyatt Regency Crown Center Hotel
2345 McGee Street
Kansas City, 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
 - September 22, 2005 – Mail Ballot
 - October 6, 2005 – Board Meeting
 - December 7, 2005 – Conference Call
5. Executive Director Report Mrs. Rimiller
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. Legislation
6. CAC Report Ms. Stock
7. CE Courses Dr. Fowler
8. Background Checks Dr. Nichols
9. Complaint Form Letters Dr. Nichols
10. Renewal Application Questions Ms. Stock
11. Guidelines for Processing Applications Mrs. Rimiller
12. Update on CE Tracker Scanner Mrs. Rimiller
13. 10:30 a.m. – Thomas Cunningham, O.D. Ms. Stock
 - Probation Violation Hearing
14. Future Meeting Schedule Ms. Stock
 - July
 - October
15. Board Travel Ms. Stock
 - ARBO Annual Meeting – June 18-20, 2006, Las Vegas
 - CLEAR – September 14-16, 2006 – Alexandria, VA
16. Other Agenda Items Ms. Stock

17. Motion to go into Closed
18. Adjournment

Dr. Vanderfeltz

Open Minutes

Missouri State Board of Optometry

February 9, 2006
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 Ms. Dayna Stock, President, at approximately 8:00 a.m. on Thursday, February 9, 2006, at the Hyatt Regency Crown Center Hotel, 2345 McGee Street, in Kansas City, Missouri.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Dr. Danny D. Nestleroad, Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Bonnie Mengwasser, Executive I

LEGAL COUNSEL PRESENT:

Mr. Glenn Bradford, Attorney At Law
Mr. Brian McEachen, Attorney At Law

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 NBEO examiner list. It was also noted that Item #13 can be removed from the agenda because the case was settled. A motion was made by Dr. Vanderfeltz and seconded by Dr. Fowler that the agenda be approved with the corrections as noted. Motion carried 5 to 0.

APPROVAL OF MINUTES

A motion was made by Dr. Nichols and seconded by Dr. Fowler that the mail ballot minutes of September 22, 2005 be approved as written. Motion carried 5 to 0.

A motion was made by Dr. Frier and seconded by Dr. Fowler that the minutes of the October 6, 2005 meeting be approved as written. Motion carried 5 to 0.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Nichols that the minutes of the December 7, 2005 conference call meeting be approved as written. Motion carried 5 to 0.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller presented the Board with the following FY-06 financial statement as of December 31, 2005.

Beginning Fund Balance				\$425,541.23
Revenue (7/1/05 to 12/31/05)				<u>\$8,823.75</u>
Fund Balance Sub Total				\$434,364.98
Appropriations to Board:				
Personal Service	\$49,410.20			
Expense & Equipment	<u>\$42,054.00</u>			
Total Appropriations	\$91,464.20		\$91,464.20	
Appropriation Expenditures:				
Personal Service	\$19,446.13			
Expense & Equipment	<u>\$22,940.82</u>			
Total Appropriation Expenditures	\$42,386.95	\$42,386.95	<u>\$42,386.95</u>	
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$1,802.11			
General Revenue	\$3,900.00			
Fringe Benefits for Board Staff	\$24,156.65			
Hancock	\$0.00			
DED/MIS	\$1,960.78			
Refunds	\$900.00			
Professional Registration	\$16,359.83			
O.A. Cost Allocation	\$965.28			
FY-2005 Transfers paid in FY-2006	<u>\$6,828.50</u>			
Total Transfers	\$56,873.15	<u>\$56,873.15</u>		
Total Fund Expenditures		\$99,260.10	-	\$99,260.10
Estimated Revenue (1/1/06 – 6/30/06)			+	\$13,567.25
Fund Balance Sub Total			=	\$348,672.13
Unexpended Appropriations:				
Personal Service	\$29,964.07			
Expense & Equipment	<u>\$19,113.18</u>			
Total Unexpended Appropriations	\$49,077.25		\$49,077.25	\$49,077.25
Fund Balance Projected as of 6/30/06				\$299,594.88

Mrs. Rimiller noted that the biennium sweep is not reflected in this financial statement. OA has not yet requested the transfer of that money (\$10,269.23) from the Board's fund. Mrs. Rimiller also provided detailed expenditure reports for FY-06 as of December 31, 2005, as well as the fund balance projection report for a five-year period.

She said that even though the five-year projection shows a significant drop in the Board's fund balance due to the decrease in the renewal fee, the projected fund balances will be sufficient to cover projected expenditures throughout the five-year period with the lower fee. The Board discussed what, if any, impact moving to a new department would have on the current cost allocation system. Mrs. Rimiller reported that based on the information provided, there will be no changes with the move other than the obvious changes, i.e., a new department director.

Rulemaking Status Report

Mrs. Rimiller reported that there are amendments progressing through the formal rulemaking process at this time on two rules. The rule on license renewal (4 CSR 210-2.030) is being amended to add one new continuing education provider, which is the National Optometric Association, and to add provisions to allow continuing education credit for licensees that present at COPE-approved programs and for licensees enrolled in an accredited residency program. The other rule on fees (4 CSR 210-2.070) is being amended to reduce the biennial renewal fee from \$220 to \$150. Both amendments appeared in the February 1, 2006, Missouri Register. After the thirty (30) day comment period, the Orders of Rulemaking will be filed automatically if there are no comments received during the comment period.

Legislation

Mrs. Rimiller provided a status report on bills that are being tracked by the Division in the current legislative session. Some of the bills discussed were House Bill #1240, which allows a person to petition the circuit court for a trial de novo as an alternative to seeking judicial review of an agency decision, House Bill #1269 and Senate Bill #687, which requires children enrolling in kindergarten or first grade in a public school to receive a vision examination.

CAC REPORT

Ms. Stock provided a report to the Board on her attendance at last year's annual meeting of the Citizens Advocacy Center (CAC). This is an organization that supports public or consumer members on professional licensing boards. The meeting was held in Denver and the theme was, "Measuring Performance – How Well Are We Doing Our Job". The sessions focused on assessment and measurement of board performance in terms of disciplinary practices, licensure and perceptions of stakeholder groups. The National Council of State Boards of Nursing presented a particularly interesting session on best practices. Ms. Stock was pleased to note that the Board is already doing some of the things that came out of this session. Another session was presented by a reporter who had a personal experience trying to find a health care provider and her frustration in not having access to more information about the licensee, which later became relevant because of her experience. The other session was about interfacing between boards and the criminal justice system. The most valuable sessions at this conference are the roundtable discussions where individuals from around the country get together and talk about board practices. Ms. Stock mentioned that she was probably the only public member at this conference who holds the position of President of their Board. She said she is fortunate because she feels valued and respected by members of the Board.

CONTINUING EDUCATION COURSES

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. Dr. Fowler noted that there have not been many courses she has approved since the last meeting but she feels the message has finally spread to CE providers, which is, unless they submit their course applications at least sixty (60) days prior to the date the program is presented, the course is not going to be approved. A motion was made by Dr. Fowler and seconded by Dr. Frier that the Board ratify approval of the three (3) continuing education programs on the list that were approved since the date of the last meeting. Motion carried 4 to 0. Ms. Stock did not vote on the motion.

BACKGROUND CHECKS

Dr. Nichols provided some background information on this topic of discussion. The Board talked about the possibility of re-instituting the requirement of conducting criminal history checks prior to licensure. It was noted that most of the other State Boards of Optometry surveyed on the ARBO list serve do not do fingerprinting but a few are considering the possibility. Dr. Nichols suggested that since there is not much mobility in the practice of optometry, the Board might want to consider doing the background checks only on applicants for licensure by endorsement. Mrs. Rimiller indicated that fewer licensees are applying for licensure by endorsement because they can qualify for licensure by examination. An applicant could be licensed in another state for 10-15 years, apply for licensure in Missouri, and qualify by examination if s/he passed all parts of the NBEO examination and since Part III has been in existence since 1991, this is becoming more common. It was also noted that the State has a new contract for fingerprinting services. Identix has the contract and from the experience of some of the other licensing boards in Professional Registration, they have a really good turnaround time, but the cost is higher. Dr. Vanderfeltz thought that perhaps if an applicant is fingerprinted for a job or for some other security clearance, they might be able to use those same fingerprints, or the report from prior background checks, to satisfy the Board. After further discussion, a motion was made by Dr. Nichols and seconded by Dr. Vanderfeltz that between now and the next Board meeting, a proposal be put together for a rule change requiring criminal history background checks prior to licensure. Motion carried 5 to 0. Mrs. Rimiller will inquire as to how the Identix system works for out-of-state applicants.

COMPLAINT LETTERS

The Board reviewed the draft revised "no action letter" for complainants. Mrs. Rimiller asked if the word "justify" in paragraph three could be changed to the word "pursue". A motion was made by Dr. Nichols and seconded by Dr. Fowler that the Board adopt use of the revised "no action letter" with the suggested change. Motion carried unanimously. It was suggested that the Board look at the letter in a year to determine if there seems to be any less calls from angry complainants.

RENEWAL APPLICATION QUESTIONS

The Board reviewed the renewal application to consider changes to any of the existing questions. Question #9 was changed to read, "I earned eight (8) hours of approved continuing education units (CEU's) during the time period of September 1, 2004 through August 31, 2005, and eight (8) hours of approved CEU's during the time period of September 1, 2005 through August 31, 2006, for a total of sixteen (16) hours during the

two-year reporting period. If no, licensees may pay the \$50 continuing education penalty fee for earning their hours during the grace period (September 1 through December 31) of each year.” Questions #6 and #7 were changed to mirror the questions on the original application for licensure. A motion was made by Dr. Nichols and seconded by Dr. Fowler that the Board approve the revisions to the renewal application. Motion carried 5 to 0. Mrs. Rimiller was asked to provide copies of the revised applications (original and renewal) to the Board and if any further changes are needed, board members can contact Mrs. Rimiller directly.

GUIDELINES FOR PROCESSING APPLICATIONS

The Board reviewed the proposed guidelines for processing licensure applications. At the October meeting, the Board had asked for clarification in section 2 of both the licensure application and renewal application guidelines. Based on the information provided by Mrs. Rimiller, if an applicant/licensee has one conviction in category 4 A-C and one conviction in category 4 D-F, the staff are authorized to approve the application. Mrs. Rimiller thought that any other combination of categories must be approved by the Board on an individual basis. A motion was made by Dr. Nichols and seconded by Dr. Fowler that the Board approve the guidelines for processing licensure and renewal applications by staff. Motion carried 5 to 0. Mrs. Rimiller informed the Board that if she has any question regarding an application for licensure, the application will be brought before the Board for approval.

CE TRACKER SCANNER

The new CE Tracker Scanner recently purchased at a cost of \$1,034.25 was passed around for the Board to view. Mrs. Rimiller mentioned that the purchase of the scanner was approved at the last meeting and is now available for use by approved CE providers in Missouri. Mrs. Rimiller said that she will send out a letter to all approved providers in Missouri letting them know of the scanner’s capability and that the scanner is available for their use. The Board instructed Mrs. Rimiller to make sure that when the scanner goes out, staff include instructions for its use and return shipping and handling. Additionally, licensees need to know that they should carry their ARBO CE Tracker card when they attend an approved continuing education program. Mrs. Rimiller will include an article about this in the next newsletter.

FUTURE MEETING SCHEDULE

The Board set its next meeting on Thursday, July 14, 2006, in Springfield, Missouri. Dr. Fowler said she would not need a room for the Springfield meeting. The Board also set its meeting to be held in conjunction with the annual meeting of the Missouri Optometric Association. That meeting will be on Thursday, October 5, 2006, at the Lake of the Ozarks.

BOARD TRAVEL

The Board selected Dr. Christy Fowler and Dr. Danny Nestleroad to attend the ARBO Annual Meeting on June 18-20, 2006, in Las Vegas, Nevada. Dr. Nichols will try to arrange his schedule to attend the CLEAR Conference on September 14-16, 2006, in Alexandria, Virginia.

NBEO EXAMINERS

The Board reviewed the list of examiners for Part III of the NBEO examination. Each state is asked to approve the list of examiners for their state. Mrs. Rimiller noted that Dr. Goldberg's name will not be approved because of his discipline but she questioned if there were any other names on the list that should be deleted. A motion was made by Dr. Fowler and seconded by Dr. Frier that the list of examiners be approved, with the exception of Dr. Goldberg, and notify the NBEO that some of the names on the list are optometrists not currently licensed in Missouri and to qualify as examiners, they need to be currently licensed in at least one state. Motion carried 5 to 0.

CLOSED SESSION

A motion was made by Dr. Fowler and seconded by Dr. Nichols 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. Fowler, Dr. Vanderfeltz, Dr. Nichols 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. Nichols and seconded by Dr. Fowler that this meeting adjourn. Motion carried 5 to 0. The meeting adjourned at approximately 2:25 p.m.

Respectfully submitted,

Sharlene Rimiller, Executive Director

Approved by the Board on: _____