

Meeting Notice

Missouri State Board of Optometry

February 15, 2007 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
 Joyce Baker, Executive Director, Missouri Optometric Association
 Davit T. Broeker, Director, Division of Professional Registration

Posted: 01/10/06
Time: 9:00 a.m.

Open Agenda

Missouri State Board of Optometry

February 15, 2007 8:00 a.m.
Hyatt Regency Crown Center Hotel
2345 McGee Street
Kansas City, Missouri

1. Call to Order Dr. Fowler
2. Roll Call Dr. Nichols
3. Approval of the Agenda Dr. Fowler
4. Approval of the Minutes Dr. Fowler
 - October 5, 2006 – Board Meeting
5. Executive Director Report Mrs. Rimiller
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. Legislation
6. Impaired Practitioner Programs Mrs. Rimiller
7. CE Audit Report Mrs. Rimiller
8. CAC Report Ms. Stock
9. Approval of CE Courses Dr. Fowler
10. Jurisprudence Exam Dr. Nestleroad
11. Future Meeting Schedule Dr. Fowler
 - July
 - October
12. Board Travel Dr. Fowler
 - ARBO Annual Meeting – June 24-26, 2007, Boston
 - CLEAR – September 6-8, 2007 – Atlanta
13. Other Agenda Items Dr. Fowler
14. Motion to go into Closed Dr. Vanderfeltz
15. Adjournment

Open Minutes

Missouri State Board of Optometry

**February 15, 2007
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. Christy Fowler, President, at approximately 8:40 a.m. on Thursday, February 15, 2007, at the Hyatt Regency Crown Center Hotel, 2345 McGee Street, in Kansas City, Missouri.

BOARD MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Brian Barnett, Investigator III

LEGAL COUNSEL PRESENT:

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

A motion was made by Ms. Stock and seconded by Dr. Vanderfeltz that the agenda be approved as written. Motion carried 6 to 0.

APPROVAL OF MINUTES

A motion was made by Dr. Vanderfeltz and seconded by Dr. Frier that the open session minutes of the October 5, 2006 meeting be approved as written. Motion carried 6 to 0.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller presented the Board with the following fiscal year 2007 financial statement as of December 31, 2006.

Beginning Fund Balance				\$318,919.66
Revenue (7/1/06 to 12/31/06)				\$187,430.00
Fund Balance Sub Total				\$504,349.66
Appropriations to Board:				
Personal Service	\$51,880.28			
Expense & Equipment	\$42,043.00			
Total Appropriations	\$93,923.28		\$93,923.28	
Appropriation Expenditures:				
Personal Service	\$21,921.90			
Expense & Equipment	\$22,576.70			
Total Appropriation Expenditures	\$44,497.60	\$44,497.60	\$44,497.60	
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$1,356.95			
General Revenue	\$1,100.00			
Fringe Benefits for Board Staff	\$25,364.27			
Fund Flexibility Transfer	\$18,500.00			
DED/MIS	\$973.90			
Refunds	\$150.00			
Professional Registration	\$15,512.30			
O.A. Cost Allocation	\$2,524.00			
FY-2006 Transfers paid in FY-2007	\$6,331.22			
Total Transfers	\$89,812.64	\$89,812.64		
Total Fund Expenditures		\$114,310.24	-	\$114,310.24
Estimated Revenue (1/1/07 – 6/30/07)			+	\$14,980.00
Fund Balance Sub Total			=	\$405,019.42
Unexpended Appropriations:				
Personal Service	\$29,959.38			
Expense & Equipment	\$19,466.30			
Total Unexpended Appropriations	\$49,425.68		\$49,425.68	\$49,425.68
Fund Balance Projected as of 6/30/07				\$355,593.74

Mrs. Rimiller stated that the Board has received a bulk of the projected revenue for the 2006-2008 period because the majority of the licensees have renewed their biennial license. She stated that the legal services expenses are much higher this year because of the use of private legal counsel and specific litigation costs that have occurred in this

fiscal year. As a result, Mrs. Rimiller reported that she applied for some flexibility funding available through the Division of Professional Registration to avoid the possibility of running out of money toward the end of the fiscal year. The Board was approved for \$16,500 in flexibility funding, which will have to be re-paid through the Professional Registration transfer system. Mrs. Rimiller also presented a five-year fund balance projection report to the Board, which does not show the \$16,500 flexibility funding, but even with reducing the ending fund balances by that amount, the fund is projected to remain healthy.

Dr. Fowler asked if it will be necessary to request an increase to the Board's appropriation for legal expenses. Mrs. Rimiller stated that the budget for fiscal year 2008 has already been submitted, but it may be something to consider before the fiscal year 2009 budget is prepared.

Rulemaking Status Report

Mrs. Rimiller stated that the fingerprinting rules should go into effect by May 30, 2007; therefore, any applicant who applies for licensure after the effective date of the rule will have to be fingerprinted. Mrs. Rimiller asked the Board if they would like to send out a letter to all of the optometry schools notifying them on the new fingerprinting requirements. It was noted that currently, there is a letter explaining the application process on the website with the application form, which is where a majority of the applicants are receiving their information. Dr. Vanderfeltz stated that he believed that a courtesy call to Dr. Larry Davis, the Dean of the University of Missouri – St. Louis School of Optometry, letting him know the group option of onsite fingerprinting, should be sufficient.

Legislation

Mrs. Rimiller stated that the Department's reorganization bill is moving through the legislative process. The bill mirrors the Governor's Executive Order that moves Professional Registration to the new Department of Insurance, Financial Institutions, and Professional Registration. The bill also updates provisions of Chapter 620 and specific chapters of law for the various Boards and Commissions within the Division. She highlighted those changes affecting the Optometry Board and mentioned that the authority to hire private legal counsel is still a subject for further discussion with Department officials. The only change to the Optometry statutes is the elimination of the thirty day (30) meeting notices requirements.

Mrs. Rimiller reported that Representative Jay Wasson is the sponsor for the Optometry legislation, House Bill 830. A copy of the bill was provided to the Board. She stated that when the hearing takes place, it would be nice for a Board member to be present for testimony. Dr. Vanderfeltz stated that he would try to be present for testimony of this bill, and asked Mrs. Rimiller to notify him of the date and time. Mrs. Rimiller also reported that there are a couple of minor problems with the bill due to the rewrite done by legislative research, which should be corrected in Committee. Dr. Vanderfeltz asked if there is a possibility of getting this bill included on the consent calendar if there is

opposition. Mrs. Rimiller stated that since there are no controversial issues, there is a possibility Representative Wasson will try to get this included on a consent bill.

A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to give the Executive Director authority to remove the continuing education requirement from the optometry legislation if the additional required hours become controversial. The motion passed 6 to 0. Dr. Vanderfeltz asked that Mrs. Rimiller distribute a list of those serving on the House Professional Registration Committee to the Optometry Board. Mrs. Rimiller stated it is her understanding that Senator Scott will also introduce the same bill in the Senate.

Mrs. Rimiller presented the Board with a list of bills that are being tracked by the Division for the Optometry Board.

IMPAIRED PRACTITIONER PROGRAMS

Mrs. Rimiller reported that she spoke with Joyce Baker, Executive Director of the Missouri Optometry Association (MOA), and Sherry Cooper, of the American Optometric Association (AOA), regarding impaired practitioner programs for optometrists. They are unaware of any optometry specific programs for impaired practitioners. Ms. Cooper referred Mrs. Rimiller to the Federation of State Medical Boards based in Dallas, Texas, who has an impaired practitioner program that may allow other professions to participate. Mrs. Rimiller stated that she is in the process of contacting this organization to inquire about their program.

The Board asked Mrs. Rimiller to include an article in the next newsletter regarding where an optometrist could go to seek help about impairment issues. A motion was made by Dr. Nichols and seconded by Ms. Stock to have the Board staff compile a list of approximately six (6) treatment facilities for professionals, including a hotline number, that an impaired practitioner could contact for help, as well as check to see if this information could be included on the website for informational purposes. The motion carried 6 to 0.

CE AUDIT REPORT

Mrs. Rimiller provided a report to the Board listing the names of optometrists who were randomly selected for audit of their continuing education requirements. Currently, the Board selects thirty percent of active licensees for the random audit in addition to auditing licensees on discipline. Mrs. Rimiller said there are already cases starting to come in where the licensees do not have the required hours during each year of the reporting period. These cases will be reviewed by the Board at its July meeting.

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.

Ms. Stock talked about how some boards have done very good jobs in notifying the public of the complaint process. She distributed copies of the Psychology Board website, which seems to be very user-friendly for the consumer. Similarly, the Pharmacy Board provides a "Consumer Report" on their website. This report outlines the function of the Board, an overview of the complaint process, and statistics on discipline, which Ms. Stock believes would be helpful to the consumers of optometric services as well.

Ms. Stock stated that there were many discussions regarding the publication of discipline. Currently, the Optometry Board does not list discipline on their website, but does provide public discipline on request. Mrs. Rimiller stated that all complaints are considered a closed record of the Board, and the law prohibits the release of such information without the specific written consent of the licensee. Once a complaint is filed with the Administrative Hearing Commission (AHC), what is in that complaint becomes a public record. Ms. Stock thanked the Board for the opportunity to attend the CAC Annual Meeting.

A motion was made by Dr. Nestleroad and seconded by Dr. Nichols that Ms. Stock work with Mrs. Rimiller to make the complaint section of the Board's website more user-friendly. The motion passed 6 to 0.

APPROVAL OF CONTINUING EDUCATION COURSES

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. Dr. Fowler reported that two (2) courses were denied due to not meeting the sixty (60) day requirement for submission of the necessary application forms. A motion was made by Dr. Nestleroad and seconded by Dr. Vanderfeltz that the Board ratify Dr. Fowler's approval/denial of the continuing education programs on the list of the applications received since the date of the last meeting. The motion carried 6 to 0.

REVIEW OF CE APPLICATIONS FOR COURSE APPROVAL

Ms. Fowler discussed the sixty (60) day requirement deadline for submission of the necessary application forms for approval of continuing education courses. She stated that the review is now a quick process and has a fast turnaround, and asked if the Board wants to amend the regulation to eliminate or reduce that sixty (60) day deadline.

A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to begin the rulemaking process to amend the rule to change the requirement from sixty (60) days to thirty (30) days for submission of the necessary application forms for approval of continuing education courses. The motion carried 6 to 0.

JURISPRUDENCE EXAMINATION

The Board discussed the open book jurisprudence examination, and Dr. Nestleroad provided some options that the Board could consider. He stated that he spoke with Sherry Cooper, and she is only aware of one (1) other state that has eliminated the

jurisprudence examination and has the licensee affirm on the licensure application that they have read and understand the law that regulates their profession. Dr. Nestleroad presented the idea of having applicants sign a formal fact sheet listing frequent questions regarding the law, and how those questions should be addressed. Then the applicants would verify that they have read and understand the law. Dr. Nestleroad stated that it would be impractical to gather all of the licensees in one place for a question and answer session. Dr. Fowler asked if the formal fact sheet would be applicable as an additional form with licensure applications or renewal applications. Dr. Nestleroad stated that he believes that a fact sheet, with a signature section, should accompany both the initial application form and renewal application form. Using the new fact sheet in conjunction with the renewal and application will allow the information to reach all licensees. This is not intended to replace the jurisprudence exam.

A motion was made by Ms. Stock and seconded by Dr. Fowler that Dr. Nestleroad work with Mrs. Rimiller to establish the fact sheet for further review by the Board. It was noted that the fact sheet could have information about CE and the BNDD registration. The motion passed 6 to 0.

FUTURE MEETING SCHEDULE

The Board set its next meeting on Friday, July 27, 2007, in Lake Ozark, Missouri. The Board also set its meeting to be held in conjunction with the annual meeting of the Missouri Optometric Association (MOA). That meeting will be on Thursday, October 4, 2007, in St. Louis.

BOARD TRAVEL

A motion was made by Ms. Stock and seconded by Dr. Nestleroad that Dr. Vanderfeltz and Mrs. Rimiller be authorized to attend the Association of Regulatory Boards of Optometry (ARBO) Annual Meeting on June 24-27, 2007, in Boston, Massachusetts. The motion passed 6 to 0.

Dr. Fowler stated that the Council on Licensure, Enforcement, and Regulation (CLEAR) conference will take place this fall in Atlanta, Georgia. At this time, there was no interest by any Board members to attend the CLEAR conference. Mrs. Rimiller stated that she has heard positive comments regarding the Federation of Associations of Regulatory Board (FARB) conference, which takes place annually in February. Mrs. Rimiller stated that she will gather information about FARB and to the Board at its next meeting.

CLOSED SESSION

A motion was made by Dr. Vanderfeltz and seconded by Dr. Nestleroad 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, Dr. Nestleroad, and Ms. Stock. Motion carried 6 to 0.

OPEN SESSION

The Missouri State Board of Optometry returned to open session at approximately 2:45 p.m.

SUCCESSLINK'S VISION INTERVENTION PROGRAM

A motion was made by Dr. Nichols and seconded by Dr. Frier that the Board invite Dr. David M. Pierce to the next meeting to learn more about the Vision Intervention Program. Those voting yes: Dr. Fowler, Dr. Nestleroad, Dr. Vanderfeltz, Dr. Frier, Dr. Nichols, and Ms. Stock. Motion carried 6 to 0.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Dr. Vanderfeltz and seconded by Ms. Stock that this meeting adjourn. Motion carried 6 to 0. The meeting adjourned at approximately 2:45 p.m.

Respectfully submitted,

Justin C. Smith, Executive I

Sharlene Rimiller, Executive Director

Approved by the Board on: _____