

Meeting Notice

Missouri State Board of Optometry

July 27, 2007 8:00 a.m.

**Country Club Hotel
250 Racquet Club Drive
Lake Ozark, 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
 Janice Sloca, Office of Administration
 Joyce Baker, Executive Director, Missouri Optometric Association
 David T. Broeker, Director, Division of Professional Registration

Posted: 06/26/07
Time: 1:30 p.m.

Open Agenda

Missouri State Board of Optometry

July 27, 2007 8:00 a.m.

Country Club Hotel
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Lake Ozark, 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
 - February 15, 2007 – Board Meeting
 - June 6, 2007 – Conference Call
5. Executive Director Report Mrs. Rimiller
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. CE Courses Approved/Rejected
6. Review of TAFP HB 780 and SB 308 Mrs. Rimiller
 - Discussion of Proposed Rule Changes to Implement New Statutes
7. Optometry Website Update Mrs. Rimiller
 - Impaired Practitioners
 - Complaint Data
8. ARBO Annual Meeting Report Dr. Vanderfeltz and Mr. Barnett
9. Future Meeting Schedule Dr. Fowler
 - February 2008
10. Board Travel Dr. Fowler
 - FARB Annual Forum
11. Renewal of Legal Services Contract Dr. Fowler
12. 10:30 a.m. – David M. Pierce, O.D. Dr. Fowler
 - Success Link Vision Intervention Program

Posted: 06/26/07
Time: 1:30 p.m.

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| 13. | Jurisprudence Fact Sheet | Dr. Nestleroad |
| 14. | Election of Officers | Dr. Fowler |
| 15. | Other Agenda Items | Dr. Fowler |
| 16. | Motion to go into Closed | Dr. Vanderfeltz |
| 17. | Adjournment | |

Open Minutes

Missouri State Board of Optometry

**July 27, 2007
Country Club Hotel
250 Racquet Club Drive
Lake Ozark, Missouri**

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Christy Fowler, President, at approximately 7:45 a.m. on Friday, July 27, 2007, at the Country Club Hotel, 250 Racquet Club Drive, in Lake Ozark, Missouri.

BOARD MEMBERS PRESENT:

Dr. Christy M. Fowler, President
Dr. Michael L. Nichols, Secretary
Dr. Cathy Frier, Member
Dr. Danny D. Nestleroad, Member
Dr. James E. Bureman, Member

BOARD MEMBERS ABSENT:

Ms. Dayna M. Stock, Public Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Brian Barnett, Investigator III
Justin C. Smith, Executive I

LEGAL COUNSEL PRESENT:

Glenn Bradford, 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 Dr. Nestleroad and seconded by Dr. Frier that the agenda be approved as written. Motion carried 5 to 0.

APPROVAL OF MINUTES

A motion was made by Dr. Nestleroad and seconded by Dr. Bureman that the open session minutes of the February 15, 2007 Board meeting and the June 6, 2007 telephone conference call be approved as written. Motion carried 5 to 0.

EXECUTIVE DIRECTOR REPORT

Financial Statement

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

Beginning Fund Balance				\$316,919.66
Revenue (7/1/06 to 5/31/07)				\$196,720.00
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	\$43,193.44			
Expense & Equipment	\$33,101.83			
Total Appropriation Expenditures	\$76,295.27	\$76,295.27	\$76,295.27	
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	\$13,001.70			
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	\$66,314.34	\$66,314.34		
Total Fund Expenditures		\$142,609.81	-	\$142,609.81
Estimated Revenue (1/1/07 – 6/30/07)			+	\$2,675.00
Fund Balance Sub Total			=	\$373,705.05
Unexpended Appropriations:				
Personal Service	\$8,686.84			
Expense & Equipment	\$8,941.17			
Total Unexpended Appropriations	\$17,628.01		\$17,628.01	\$17,628.01
Fund Balance Projected as of 6/30/07				\$356,077.04

Mrs. Rimiller stated that the legal services expenses are much higher this year because of the increased use of private legal counsel and specific litigation costs that have occurred in this fiscal year. She reported that the fund flexibility transfer was the reimbursement to the Division for a portion of the attorney costs for fiscal year 2007.

Mrs. Rimiller suggested that the Board consider a request for additional money for the next budget year, specifically for attorney services due to the uncertainty of the Attorney General services in the future. She suggested requesting an additional \$10,000 to \$15,000 based on actual costs in fiscal year 2007.

The Board requested that Mrs. Rimiller include a decision item to increase the fiscal year 2009 budget for private attorney services.

Rulemaking Status Report

Mrs. Rimiller reported that the amendment to 20 CSR 2210-2.030 changing the sixty (60) days to thirty (30) days for submission of the necessary application forms for approval of continuing education courses appeared in the June 15, 2007 Missouri Register and should be finalized in two (2) to three (3) months.

Continuing Education Courses Approved/Rejected

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. Dr. Fowler reported that there were no courses denied. A motion was made by Dr. Frier and seconded by Dr. Bureman that the Board ratify Dr. Fowler's approval of the continuing education programs on the list of the applications received since the date of the last meeting. The motion carried 5 to 0.

REVIEW OF TAFP HB780 AND SB308

Mrs. Rimiller stated that House Bill 780 and Senate Bill 308 are bills that have passed and will be implemented August 28, 2007. She reported that both bills have the optometry law changes originally in House Bill 914 and should be identical. The Board reviewed the following proposed rule changes that need to be implemented as a result of the changes in the law as of August 28, 2007.

20 CSR 2210-1.010 – General Organization

Dr. Nestleroad suggested that the word "annual" should be removed from subsection (6)(c), as well as removal of the notation at the end of subsection (8) which reads "Newly Revised 10th Edition."

Dr. Nichols suggested removing the P.O. Box number and address listed in subsection (9).

20 CSR 2210-1.020 – Board Member Compensation

The Board made no further revisions to 20 CSR 2210-1.020.

20 CSR 2210-2.010 – Application for Licensure

Dr. Nestleroad suggested the words "board's executive director" be removed from subsection (2), and replaced with "State Board of Optometry."

20 CSR 2210-2.011 – Licensure by Reciprocity (Endorsement)

Dr. Nestleroad stated that subsection (1)(c) should be revised to read "With the exception of government service, proof that the applicant has been licensed and engaged in active clinical practice for at least three (3) years in the five (5) years immediately preceding the application."

Additionally, he stated that subsection (1)(e) should be amended to read "Certification from each state in which s/he is or has been licensed verifying that the applicant is in good standing and has never had his/her license to practice in that state disciplined in any manner and that the applicant is not the subject of any pending complaints." Also, in subsection (2) the word "a" should be replaced by "an" in the first sentence.

20 CSR 2210-2.020 – Licensure by Examination

A recommendation was made by Dr. Nestleroad to remove the word "been" from subsection (1) of 20 CSR 2210-2.020, as well as remove the words "open book" from subsection (4).

20 CSR 2210-2.030 – License Renewal

Dr. Nestleroad recommended changing the continuing education reporting period to November 1 to October 31 in order to match the licensure renewal period. It was also noted that subsection (10)(F) of the rule should be changed to sixteen (16) hours of continuing education to reflect the continuing education requirements of the new law.

Dr. Nichols made the recommendation to revise subsection (10)(C)(3) to read "Educational meetings of the Missouri Optometric Association or any other state or regional optometric association affiliated with the American Optometric Association."

The Board staff will send out a mass mailing to all licensees informing them of the new licensure renewal requirements.

20 CSR 2210-2.040 – Public Complaint Handling

A recommendation was made by Dr. Nestleroad to remove the address of the Board from subsection (2) of 20 CSR 2210-2.040, in order to avoid having to make any revisions to the rule if the P.O. Box or address of the Board changes in the future.

20 CSR 2210-2.050 – Professional Optometry Corporations

20 CSR 2210-2.060 – Professional Conduct Rules

The Board made no further recommendations for revision for 20 CSR 2210-2.050 and 20 CSR 2210-2.060.

20 CSR 2210-2.070 – Fees

Dr. Nestleroad recommended raising the continuing education penalty fee from \$50 to \$150. Additionally, he suggested that all of the information enclosed in the parenthesis

in subsection (1)(J) be deleted. Dr. Nestleroad also noted that the term "reciprocity" referred to in subsection (1)(H) should be replaced by the term "endorsement."

Mrs. Rimiller suggested removing the language with the one asterisk regarding the pharmaceutical certification fee, as well as the reference to the Patient Assessment and Management (PAM) examination associated with the double asterisk.

20 CSR 2210-2.080 – Certification for Optometrists to use Pharmaceutical Agents

Dr. Nestleroad suggested revising subsection (3)(A) of 20 CSR 2210-2.080 to read "All applicants for certification must present official documentation and/or transcripts showing successful completion of at least one hundred (100) hours of approved, supervised, clinical training in the examination, diagnosis and treatment of conditions of the human eye and adnexa."

A rules committee comprised of Dr. Nestleroad and Dr. Bureman was established to further review 20 CSR 2210-2.080 and recommend further wording changes to be sent to the Board on a mail ballot for approval.

A motion was made by Dr. Nichols and seconded by Dr. Bureman to approve all of the recommended revisions to the previously reviewed regulations with the exception of 20 CSR 2210-2.080 that will be subject to further changes recommended by the rules committee. The motion passed unanimously.

WEBSITE UPDATE

Mrs. Rimiller updated the Board on the status of their request to make the Optometry website more consumer friendly. She stated that the Board staff has worked on an article to provide information about treatment facilities for impaired practitioners. Additionally, Mrs. Rimiller stated that the complaint packet is in the process of being updated to make the forms and instructions more user friendly and specific to Optometry. It was the consensus of the Board to allow the Board staff to update the website as outlined.

ARBO ANNUAL MEETING REPORT

Mr. Barnett thanked the Board for sending him to the Association of Regulatory Boards of Optometry (ARBO) annual meeting held in Boston, Massachusetts on June 17-20, 2007. He stated that one of the topics covered was continued competence and how to make continuing education more effective for our licensees. Mr. Barnett stated that the Council on Optometric Practitioner Education (COPE) is requesting additional reviewers. Currently, Missouri has six (6) reviewers, and they suggest having ten (10) per state. He suggested that the Board work with the Missouri Optometric Association (MOA) to establish a list of possible reviewers.

DAVID M. PIERCE, O.D. – SUCCESSLINK VISION INTERVENTION PROGRAM

Dr. Pierce and Mr. Michael Flynn met with the Board at approximately 10:50 a.m. to present the details of the school-based vision program, SuccessLink Vision Intervention Program (VIP).

The Vision Intervention Program is a non-profit organization funded through the Missouri Department of Elementary & Secondary Education and other public and private organizations. The Vision Intervention Program is designed to screen students for vision challenges such as eye movement problems, tracking, convergence and teaming. Using a series of five tests taking approximately five minutes the trained screener can identify children with vision problems that affect their learning. Using the measurements from those tests, a tutoring program is established to help the children develop the skills necessary to be successful in a learning environment. Dr. Pierce would like to get the information about his program to as many optometrists as possible.

FUTURE MEETING SCHEDULE

The Board set its winter meeting to take place on Thursday, February 14, 2008, in Kansas City, Missouri. It was also noted that the Board will meet in conjunction with the annual meeting of the Missouri Optometric Association (MOA) on Thursday, October 4, 2007, in St. Louis.

BOARD TRAVEL

It was the consensus of the Board to approve Ms. Stock to attend the annual meeting of the Citizen's Advocacy Center (CAC) in Seattle, Washington on October 29-31, 2007.

The Board decided that they would discuss travel to the Federation of Associations of Regulatory Boards (FARB) conference, which will take place January 25-28, 2008 in Santa Fe, New Mexico, at its next meeting.

RENEWAL OF LEGAL SERVICES CONTRACT

A motion was made by Dr. Nichols and seconded by Dr. Bureman that the Board renew Mr. Bradford's contract for fiscal year 2008 upon receipt of a new, updated contract which reflects the new rates that were previously approved. The Board asked that the Division's legal counsel review the new contract prior to approval. The motion passed unanimously. Dr. Nestleroad will discuss with Mr. Bradford the need for him to be at the Board meetings and when that is not possible, to send a replacement familiar with the optometry issues.

JURISPRUDENCE FACT SHEET

Dr. Nestleroad asked that this agenda item be tabled for further discussion at the October 2007 Board meeting. A motion was made by Dr. Nichols and seconded by Dr. Bureman to table further discussion on the jurisprudence fact sheet until the October 2007 meeting. The motion passed unanimously.

ELECTION OF OFFICERS

A motion was made by Dr. Nestleroad and seconded by Dr. Frier to nominate Dr. Nichols as President of the Missouri State Optometry Board. The motion carried unanimously. There being no further nominations, Dr. Nichols was declared President of the Board by acclamation.

A motion was made by Dr. Nestleroad and seconded by Dr. Frier to nominate Dr. Bureman as Vice President of the Missouri State Optometry Board. The motion carried unanimously. There being no further nominations, Dr. Bureman was declared Vice President of the Board by acclamation.

A motion was made by Dr. Nestleroad and seconded by Dr. Nichols to nominate Dr. Frier as Secretary of the Missouri State Optometry Board. The motion carried unanimously. There being no further nominations, Dr. Frier was declared Secretary of the Board by acclamation.

CLOSED SESSION

A motion was made by Dr. Nichols and seconded by Dr. Bureman 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. Bureman, Dr. Nichols, and Dr. Nestleroad. Motion carried 5 to 0.

OPEN SESSION

The Missouri State Board of Optometry returned to open session at approximately 3:32 p.m.

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 5 to 0. The meeting adjourned at approximately 3:33 p.m.

Respectfully submitted,

Justin C. Smith, Executive I

Sharlene Rimiller, Executive Director

Approved by the Board on: _____