

Meeting Notice

Missouri State Board of Optometry

October 4, 2007 8:00 a.m.

Ritz Carlton
100 Carondelet Plaza
St. Louis, 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
Missouri Optometric Association
Davit T. Broeker, Director, Division of Professional Registration

Posted: 09/20/2007
Time: 12:30 p.m.

Open Agenda

Missouri State Board of Optometry

October 4, 2007 8:00 a.m.
Ritz Carlton Hotel
100 Carondelet Plaza
St. Louis, Missouri

1. Call to Order Dr. Nichols
2. Roll Call Dr. Frier
3. Approval of the Agenda Dr. Nichols
4. Approval of the Minutes Dr. Nichols
 - July 27, 2007 – Board Meeting
 - August 21, 2007 – Mail Ballot
5. Executive Director Report Executive Director
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. CE Courses Approved/Rejected
6. Optometry Website Update Executive Director
7. 9:00 a.m. – Charles W. Huntress, O.D. Dr. Nichols
 - Discipline Hearing
8. 20 CSR 2210-2.080 - Certification of Optometrists to Use Pharmaceutical Agents Dr. Nichols
9. Jurisprudence Fact Sheet Dr. Nestleroad
10. Board Member Orientation Report Dr. Bureman
11. Future Meeting Schedule Dr. Nichols
 - July
 - October
12. Board Travel Dr. Nichols
 - FARB Annual Forum – January 25-28 – Santa Fe, NM

13. Other Agenda Items

Dr. Nichols

14. Motion to go into Closed

Dr. Bureman

15. Adjournment

Open Minutes

Missouri State Board of Optometry

October 4, 2007
Ritz Carlton Hotel
100 Carondelet Plaza
St. Louis, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Michael Nichols, President, at approximately 11:03 a.m. on Thursday, October 4, 2007, at the Ritz Carlton Hotel, 100 Carondelet, in St. Louis, Missouri.

BOARD MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Brian Barnett, Interim Executive Director
Justin C. Smith, Executive I

LEGAL COUNSEL PRESENT:

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 Dr. Nestleroad and seconded by Dr. Bureman that the agenda be approved as written. The motion carried unanimously.

CHARLES W. HUNTRESS, O.D.

At approximately 11:04 a.m., the Board began its disciplinary hearing in the matter of Missouri Board of Optometry, Petitioner, v. Charles W. Huntress, O.D., Respondent, Case No. 05-1467 BO. The record will show that Dr. Huntress was present and was represented by counsel, Ms. Kristine Highsinger. Dr. Frier, Dr. Bureman, and Dr. Nestleroad were present for the hearing; however, were recused from the deliberation. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board. The hearing concluded at approximately 12:12 p.m.

CLOSED SESSION

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

OPEN SESSION

The Missouri State Board of Optometry returned to open session at approximately 12:55 p.m.

APPROVAL OF MINUTES

A motion was made by Dr. Nestleroad and seconded by Dr. Bureman that the open session minutes of the July 27, 2007 Board meeting and the August 21, 2007 mail ballot be approved as written. The motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mr. Barnett presented the Board with the following fiscal year end 2007 financial statement as of June 30, 2007.

<u>Beginning Fund Balance</u>				\$316,919.66
Revenue (07/01/06 to 06/30/2007)				<u>\$199,120.00</u>
Fund Balance Sub Total				\$518,039.66
Appropriations to Board:				
Personal Service	\$51,880.28			
Expense & Equipment	<u>\$42,604.00</u>			
Total Appropriations	\$94,484.28			
Appropriation Expenditures:				
Personal Service	\$47,462.47			
Expense & Equipment	<u>\$34,188.48</u>			
Total Appropriation Expenditures	\$81,650.95	\$81,650.95		
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$1,356.95			
General Revenue	\$5,585.90			
Fringe Benefits for Board Staff	\$21,592.68			

Fund Flexibility Transfer	\$13,001.70			
DED/MIS	\$823.28			
Refunds	\$750.00			
Professional Registration	\$10,760.14			
O.A. Cost Allocation	\$2,524.00			
FY-2006 Transfers paid in FY-2007	<u>\$6,331.22</u>			
Total Transfers	\$62,725.87	<u>\$62,725.87</u>		
Total Fund Expenditures		\$144,376.82	-	\$144,376.82
Ending Fund Balance			=	\$371,662.84

Mr. Barnett 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.

Mr. Barnett stated that he has discussed the possibility of requesting an additional allocation for expense and equipment in order to ensure that the Board would have the funds necessary in case it had a lengthy litigation case as it did this year. He stated that there is a question as to if the Board has the statutory authority to hire outside legal counsel. Mr. Barnett will research this topic further and take the necessary steps to clarify that statute as soon as possible.

Rulemaking Status Report

Mr. Barnett 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 will be effective on December 30, 2007.

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. Fowler and seconded by Dr. Frier 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 unanimously.

WEBSITE UPDATE

Mr. Barnett updated the Board on the status of their request to make the Optometry website more consumer friendly. The Board staff has completed research about treatment facilities for impaired practitioners and has placed the updated information on the website. Additionally, 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.

20 CSR 2210-2.080 – CERTIFICATION OF OPTOMETRISTS TO USE PHARMACEUTICAL AGENTS

The Board reviewed the proposed revisions to 20 CSR 2210-2.080. Dr. Nichols noted that the new subsection (6) (A) should specifically state “ocular” pain rather than simply pain as it reads currently. Also, Dr. Nichols suggested to revise the new subsection (6) (B) to read “When prescribing oral analgesic agents which are categorized as controlled substances, only scheduled oral agents that are appropriate for the treatment of ocular pain may be prescribed.”

A motion was made by Dr. Fowler and seconded by Dr. Nestleroad to approve the changes to the proposed revisions of 20 CSR 2210-2.080. The motion passed unanimously.

JURISPRUDENCE FACT SHEET

Dr. Nestleroad discussed the options that the Board would have to better inform the new applicants and current licensees of the regulations that are most often broken and seen by the Board. He stated that he would like to have an information sheet that would discuss the revised license renewal information, and facts about the Bureau of Narcotics and Dangerous Drugs (BNDD) registration and renewal to be distributed to all new applicants and current licensees to be signed either prior to licensure or during the renewal period. Dr. Nestleroad will work with Mr. Barnett to complete this task and present the final product at the February 2008 meeting.

BOARD ORIENTATION REPORT

Dr. Bureman provided an oral report on his attendance at the Board Orientation held by the Division of Professional Registration in Jefferson City.

FUTURE MEETING SCHEDULE

The Board set its summer 2008 meeting to take place on Friday, July 11, 2008, in Lake Ozark, Missouri. It was also noted that the Board will meet in conjunction with the annual meeting of the Heart of America Contact Lens Council on Thursday, February 14, 2008, in Kansas City.

BOARD TRAVEL

It was the consensus of the Board to approve Dr. Nichols and Mr. Barnett to attend the Federation of Associations of Regulatory Boards (FARB) conference, which will take place January 25-28, 2008 in Santa Fe, New Mexico.

CLOSED SESSION

A motion was made by Dr. Bureman 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. Those voting yes: Dr. Frier, Dr. Fowler, Dr. Fowler, Dr. Bureman, Dr. Nichols, and Dr. Nestleroad. Motion carried 6 to 0.

OPEN SESSION

The Missouri State Board of Optometry returned to open session at approximately 3:55 p.m.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Ms. Stock and seconded by Dr. Fowler that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 3:56 p.m.

Respectfully submitted,

Justin C. Smith, Executive I

Brian Barnett, Executive Director

Approved by the Board on: _____