

## **Meeting Notice**

### **Missouri State Board of Optometry**

**February 14, 2008                      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  
          Missouri Optometric Association  
          Davit T. Broeker, Director, Division of Professional Registration

Posted: 01/30/2008  
          3:00 p.m.

## Open Agenda

### Missouri State Board of Optometry

February 14, 2007 8:00 a.m.  
Hyatt Regency Crown Center Hotel  
2345 McGee Street  
Kansas City, 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
  - October 4, 2007 – Board Meeting
5. Executive Director Report Mr. Barnett
  - a. Financial Statement
  - b. Rulemaking Status Report
  - c. Legislation
6. 20 CSR 2210-2.011 – Licensure by Endorsement Dr. Nichols
7. CPT Codes on Website Dr. Bureman
8. Request for Reciprocity Agreement with Arkansas Board Mr. Barnett
9. FARB Meeting Report Dr. Nichols
10. Approval of CE Courses Dr. Fowler
11. Jurisprudence Fact Sheet Dr. Nestleroad
12. Future Meeting Schedule Dr. Nichols
  - July
  - October
13. Board Travel Dr. Nichols
  - ARBO Annual Meeting – June 22-24, 2008, Seattle
14. Other Agenda Items Dr. Nichols

15. Motion to go into Closed

Dr. Bureman

16. Adjournment

## Open Minutes

### Missouri State Board of Optometry

February 14, 2008  
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. Michael Nichols, President, at approximately 8:05 a.m. on Thursday, February 14, 2008, at the Hyatt Regency Crown Center Hotel, 2345 McGee Street, Kansas City, Missouri.

#### **BOARD MEMBERS PRESENT:**

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

#### **BOARD MEMBERS ABSENT:**

Dr. Danny D. Nestleroad, Member

#### **STAFF MEMBERS PRESENT:**

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

#### **LEGAL COUNSEL PRESENT:**

Glenn Bradford, Attorney At Law

#### **GUESTS PRESENT:**

Joyce Baker, Missouri Optometric Association

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**

Dr. Fowler asked to add a discussion on Board staff to the agenda. A motion was made by Ms. Stock and seconded by Dr. Fowler that the agenda be approved as amended. The motion carried unanimously.

## **APPROVAL OF MINUTES**

A motion was made by Dr. Frier and seconded by Ms. Stock that the open session minutes of the October 4, 2007 Board meeting be approved as written. The motion carried unanimously.

A motion was made by Dr. Bureman and seconded by Dr. Fowler that the open session minutes of the November 15, 2007 conference call meeting be approved as written. The motion carried unanimously.

## **EXECUTIVE DIRECTOR REPORT**

### **Financial Statement**

Mr. Barnett presented the Board with the following financial statement as of November 30, 2007.

<b>Beginning Fund Balance</b>				\$371,662.84
Revenue (07/01/07 to 11/30/2007)				<u>\$6,752.00</u>
Fund Balance Sub Total				\$378,414.84
<b>Appropriations to Board:</b>				
Personal Service	\$53,544.06			
Expense & Equipment	<u>\$42,043.00</u>			
Total Appropriations	\$95,587.06		\$95,587.06	
<b>Appropriation Expenditures:</b>				
Personal Service	\$19,244.51			
Expense & Equipment	<u>\$14,814.68</u>			
Total Appropriation Expenditures	\$34,059.19	\$34,059.19	<u>\$34,059.19</u>	
<b>Fund Transfers: (Projected for Year)</b>				
Rent & Utilities	\$1,506.34			
General Revenue	\$1,300.00			
Fringe Benefits for Board Staff	\$26,177.69			
Fund Flexibility Transfer				
DED/MIS	\$591.38			
Refunds	\$800.00			
Professional Registration	\$12,798.75			
O.A. Cost Allocation	\$1,127.44			
FY-2007 Transfers paid in FY-2008	<u>\$16,002.03</u>			
Total Transfers	\$60,303.63	<u>\$60,303.63</u>		

<b>Total Fund Expenditures</b>		<b>\$94,362.82</b>	-	\$94,362.82
Estimated Revenue (12/01/07 to 6/30/07)			+	\$15,427.00
Personal Service	\$34,299.55			
Expense & Equipment	<u>\$27,228.32</u>			
Total Unexpended Appropriations	\$61,527.87		<b>\$61,527.87</b>	\$61,527.87
<b>Fund Balance Projected as of 06/30/08</b>			=	<b>\$237,951.15</b>

Mr. Barnett stated that the legal services expenses are once again high this year due to the litigation costs associated with disciplining licensees. The Board has applied for and been approved for an additional allocation to be used for legal expenses from the Division's flexibility fund. This additional allocation is a loan that will be repaid at the beginning of the next fiscal year.

Mr. Barnett also stated that a newsletter will be published in the coming weeks and mailed to all current licensees.

### **Legislation**

Mr. Barnett provided an update of the legislation that the Division is tracking on behalf of the Board:

#### House Bill 1300

This bill addresses insurers providing medical malpractice.

#### House Bill 1440

This bill would require all state officials, including appointed Board members, to receive training regarding open meetings and open records laws.

#### House Bill 1576

This bill is strictly for clean up of grammatical and semantic errors.

#### House Bill 1955

This bill would exempt the sale of eye glasses from sales tax.

The Board asked Ms. Baker for the Missouri Optometry Association (MOA) position on House Bill 1955. Ms. Baker explained that she has not met with the MOA Board of Directors to receive an official position on this matter; however, she believed that they would be in favor of it. Dr. Bureman explained that he believes it to be a disadvantage because, currently, eye glasses are already exempt from sales tax if purchased within the Optometrist office, which is not the case for retailer stores such as Lenscrafters or Pearle Vision.

### House Bill 1830

This bill addresses the prescription of medical marijuana for medical purposes, and restricts the prescriptive authority to physicians.

### Senate Bill 850

This bill would require a ten (10) day notice for any meeting held by the Missouri State Board of Optometry.

Mr. Barnett stated that he testified at the hearing regarding this bill on Monday, February 11, 2008. The Division is working on alternative language that may be sufficient to all parties.

### **Rulemaking Status Report**

Mr. Barnett reported that the end of the comment period for the changes to the Optometry rules is February 14, 2008.

### **20 CSR 2210-2.011 – LICENSURE BY ENDORSEMENT**

The Board reviewed the proposed revision to the Licensure by Endorsement regulations. A motion was made by Dr. Frier and seconded by Dr. Fowler to begin the rule change process for 20 CSR 2210-2.011. The motion passed unanimously.

### **CPT CODES ON WEBSITE**

The Board discussed the feasibility and need to place the CPT codes on the Missouri State Optometry Board website. Ms. Baker explained that the Missouri Optometry Association (MOA) is not in favor of putting the codes on the website because there is no statutory authority granted to the Board to back it up. Additionally, if the codes are listed on the website, it still does not make it binding to the insurance companies.

Dr. Nichols explained that if an Optometrist has a question as to if a procedure is within the scope of practice of Optometry, they can submit the information to the Missouri State Board of Optometry for clarification. Dr. Bureman asked Ms. Baker to relay the information to her membership.

### **REQUEST FOR RECIPROCITY AGREEMENT WITH ARKANSAS**

Mr. Barnett reported that he has received a request from a Missouri licensee to enter into a reciprocity agreement with Arkansas. He further explained that with the reciprocity language, it would allow for equal licensure rights for Arkansas and Missouri licensees on both fronts upon application. A motion was made by Ms. Stock and seconded by Dr. Fowler to deny the request to enter into a reciprocity agreement with Arkansas due to our regulations not allowing such an act, and inform Arkansas of our licensure process. The motion passed unanimously.

### **FARB MEETING REPORT**

Dr. Nichols reported that Mr. Barnett and himself attended the Federation of Association of Regulatory Boards (FARB) meeting in Santa Fe, New Mexico. He further stated that

a large portion of the meeting was focused on open meeting and Sunshine laws. Dr. Nichols stated that he would like the Board staff to assemble a listing of Board policies regarding open meetings for distribution to the current and future members. Dr. Nichols also stated that Databank reporting requirements and inactive/retired licenses were also discussed.

### **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.

### **JURISPRUDENCE FACT SHEET**

Mr. Barnett presented a draft jurisprudence fact sheet on behalf of Dr. Nestleroad, who is unable to attend the meeting. A motion was made by Ms. Stock and seconded by Dr. Frier to have the Board staff continue to work on the jurisprudence fact sheet as revised and include language that addresses other Bureau of Narcotics and Dangerous Drugs (BNDD) and Drug Enforcement Administration (DEA) topics and provide a continuing education update. The motion carried unanimously.

### **FUTURE MEETING SCHEDULE**

Due to a scheduling conflict, Dr. Nichols is unable to attend the meeting currently scheduled on Friday, July 11, 2008, in Lake Ozark, Missouri. It was the consensus of the Board to reschedule the meeting to Friday, June 13, 2008, in Lake Ozark, Missouri.

The fall meeting will take place Thursday, October 9, 2008 in Branson, Missouri.

### **BOARD TRAVEL**

It was the consensus of the Board to approve Dr. Bureman and Mr. Nichols to attend the Association of Regulatory Boards of Optometry (ARBO) conference, which will take place June 22-24, 2008 in Seattle, Washington.

### **OTHER AGENDA ITEMS**

Due to the change in the licensure technician at the Board office, Dr. Fowler stated that if she cannot be contacted via email regarding continuing education coursework or application within two (2) days, the Board staff should call her at her office to ensure she received the correspondence.

### **CLOSED SESSION**

A motion was made by Dr. Frier 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. Fowler, Dr. Bureman, Ms. Stock, Dr. Frier, and Dr. Nichols. The motion carried 5 to 0.

**OPEN SESSION**

The Missouri State Board of Optometry returned to open session at approximately 1:38 p.m.

**ADJOURNMENT**

There being no further business to be brought before the Board at this time, a motion was made by Dr. Fowler and seconded by Dr. Frier that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 1:39 p.m.

**Respectfully submitted,**

**Justin C. Smith, Executive I**

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**Brian Barnett, Executive Director**

**Approved by the Board on: \_\_\_\_\_**