

## **Meeting Notice**

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

**October 9, 2008**

**8:00 a.m.**

**Chateau on the Lake  
415 North State Highway 265  
Branson, 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  
Lee Ann Barrett, O.D., Executive Director, Missouri Optometric Association  
Davit T. Broeker, Director, Division of Professional Registration

Posted: 8/29/2008  
Time: 10:05 a.m.

## Open Agenda

### Missouri State Board of Optometry

October 9, 2008 8:00 a.m.

Chateau on the Lake  
415 North State Highway 265  
Branson, Missouri

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|-----|--|----------------|
| 1.  | Call to Order  | Dr. Bureman    |
| 2.  | Roll Call  | Dr. Fowler     |
| 3.  | Approval of the Agenda   | Dr. Bureman    |
| 4.  | Approval of the Minutes <ul style="list-style-type: none"><li>• June 13, 2008 – Board Meeting</li><li>• September 2, 2008 – Mail Ballot</li></ul>        | Dr. Bureman    |
| 5.  | Executive Director Report <ul style="list-style-type: none"><li>• Financial Statement</li><li>• Rulemaking Status Report</li><li>• Legislation</li></ul> | Mr. Barnett    |
| 6.  | Approval of CE Courses   | Dr. Fowler     |
| 7.  | Question Regarding Original Signatures on Lens Prescription Forms  | Dr. Bureman    |
| 8.  | Request for Endorsement for COPE Course Reviewers  | Dr. Bureman    |
| 9.  | Jurisprudence Fact Sheets  | Dr. Nestleroad |
| 10. | Policy Discussion for Handling BNDD Letters of Censure   | Dr. Nichols    |
| 11. | Future Meeting Schedule <ul style="list-style-type: none"><li>• July</li><li>• October</li></ul>   | Dr. Bureman    |
| 12. | Board Travel <ul style="list-style-type: none"><li>• FARB Annual Meeting – January 23 - 25, 2009, Tampa, FL</li></ul>                                    | Dr. Bureman    |

13. Other Agenda Items

Dr. Bureman

14. Motion to go into Closed

Dr. Frier

15. Adjournment

## **Open Minutes**

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

**October 9, 2008  
Chateau on the Lake  
415 North State Highway 265  
Branson, Missouri**

The open meeting of the Missouri State Board of Optometry was called to order by Dr. James Bureman, President, at approximately 8:19 a.m. on Thursday, October 9, 2008, at the Chateau on the Lake, 415 North State Highway 265, Branson Missouri.

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

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

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

Brian Barnett, Executive Director  
Bonnie Mengwasser, Executive I

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

David Barrett

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. Fowler that the agenda be approved as written. The motion carried unanimously.

#### **APPROVAL OF THE MINUTES**

A motion was made by Dr. Nestleroad and seconded by Ms. Stock to approve the open session minutes of the June 13, 2008 Board meeting as written. The motion carried unanimously. A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to approve the open session minutes of the September 2, 2008 mail ballot as written. The motion carried unanimously.

#### **EXECUTIVE DIRECTOR REPORT**

**Financial Statement**

Mr. Barnett presented the Board with the following financial statement as of June 30, 2008.

<b>Beginning Fund Balance</b>				\$371,662.84
Revenue (7/1/07 to 6/30/08)				<u>\$20,601.75</u>
Fund Balance Sub Total				\$392,264.59
<b>Appropriations to Board:</b>				
Personal Service	\$53,544.00			
Expense & Equipment	<u>\$42,043.00</u>			
Total Appropriations	\$95,587.00			
<b>Appropriation Expenditures:</b>				
Personal Service	\$48,260.85			
Expense & Equipment	<u>\$41,688.40</u>			
Total Appropriation Expenditures	\$89,949.25	\$89,949.25		
<b>Fund Transfers: (Actual for Year)</b>				
Rent & Utilities	\$1,506.34			
General Revenue	\$863.00			
Fringe Benefits for FTE	\$19,973.57			
DED/MIS	\$436.59			
Refunds	\$0.00			
Professional Registration	\$9,206.29			
O.A. Cost Allocation	\$1,127.44			
FY-2007 Transfers paid in FY-2008	<u>\$16,264.43</u>			
Total Transfers	\$49,377.66	<u>\$49,377.66</u>		
<b>Total Fund Expenditures</b>		<b>\$139,326.91</b>		\$139,326.91
<b>Ending Fund Balance</b>				<b>\$252,937.68</b>

Mr. Barnett stated that the only expenses the Board has incurred this year have been for per diem and meeting expenses. He reported that the fund balance is in very good shape. Mr. Barnett noted that a little over \$42,000 was spent of the expense and equipment appropriation. The majority of that expense was for legal services.

### **Rulemaking Status Report**

Mr. Barnett reported that the Licensure by Endorsement rule and the Pharmaceutical rule are currently in the comment period. The projected effective date for both rules is November 30, 2008. Mr. Barnett noted that there has been one comment made by the Missouri Association of Eye Surgeons.

### **APPROVAL OF CONTINUING EDUCATION COURSES**

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. A motion was made by Dr. Fowler and seconded by Dr. Nestleroad that the Board ratify Dr. Fowler's approval of the continuing education programs on the list of applications received since the date of the last meeting. The motion carried unanimously.

### **QUESTION REGARDING ORIGINAL SIGNATURES ON LENS PRESCRIPTION FORMS**

Mr. Barrett informed the Board that it does not have jurisdiction over the sellers of contact lenses or eyeglasses.

### **REQUEST FOR ENDORSEMENT FOR COPE COURSE REVIEWERS**

A motion was made by Ms. Stock and seconded by Dr. Fowler to instruct Mr. Barnett to draft a letter for the Board to review stating that the doctors mentioned in the request for endorsement are suitable to be course reviewers based on the fact that each individual holds a current license and has no record of discipline, but that the Board does not endorse their abilities as reviewers; and to give Mr. Barnett the authority to send the same letter in the future when similar requests are received. The motion carried unanimously.

### **JURISPRUDENCE FACT SHEETS**

The Board reviewed the current drafts of the continuing education fact sheet and the BNDD fact sheet. Dr. Fowler requested that the last sentence in the second paragraph of the continuing education fact sheet be moved to the end of the first paragraph. Dr. Fowler also noted that the information in the residency paragraph needs to be changed to state "will receive a maximum of sixteen hours of continuing education credit that can be applied to only one renewal period."

A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to approve the fact sheets with the changes as noted, and to include this information along with a cover letter in the next newsletter, in all new application packets and during the next renewal cycle. The motion carried unanimously.

### **POLICY DISCUSSION FOR HANDLING BNDD LETTERS OF CENSURE**

A motion was made by Dr. Nichols and seconded by Dr. Fowler to instruct the staff to include all BNDD letters of censure that are either for failure to notify the BNDD of a change of address or for failure to renew a registration on a consent agenda. The motion carried unanimously.

### **FUTURE MEETING SCHEDULE**

A motion was made by Dr. Fowler and seconded by Dr. Nichols to approve the following meeting dates:

Friday, July 24, 2009 in St. Louis

Thursday, October 8, 2009 in Lake Ozark

The motion carried unanimously.

### **BOARD TRAVEL**

A motion was made by Dr. Nestleroad and seconded by Ms. Stock to approve Dr. Bureman and Ms. Mengwasser to attend the FARB Annual Meeting, January 23-25, 2009, in Tampa, Florida. The motion carried unanimously.

### **ACOE EVALUATION**

A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to approve Dr. Bureman to attend the ACOE evaluation at the University of Missouri – St. Louis, College of Optometry, November 9-12, 2008. The motion carried unanimously.

### **REPORT ON ARBO ANNUAL CONFERENCE**

Dr. Nichols presented the Board with a report from his attendance at the ARBO Annual Conference and also a copy of the ARBO manual. Dr. Bureman informed the Board that he feels ARBO is very important and would like the Board to continue sending members to the annual conference.

### **CLOSED SESSION**

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

### **OPEN SESSION**

The Missouri State Board of Optometry returned to open session at approximately 12:05 p.m.

### **ADJOURNMENT**

There being no further business to be brought before the Board at this time, a motion was made by Dr. Nestleroad and seconded by Dr. Fowler that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 12:06 p.m.

**Respectfully submitted,**

**Bonnie Mengwasser, Executive I**

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**Brian Barnett, Executive Director**

**Approved by the Board on: February 12, 2009**