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Brian Barnett
Executive Director

Meeting Notice

Missouri State Board of Optometry

October 1, 2009 8:00 a.m.

The Lodge of Four Seasons
315 Lodge of Four Seasons 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: Chapter 610.021, subsections (1), (3), (5), (7), (13), and (14), and Chapter 324.001.8 and 324.001.9 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
Office of Administration
LeeAnn Barrett, O.D., Executive Director, Missouri Optometric Association
Jane A. Rackers, Director, Division of Professional Registration

Open Agenda

Missouri State Board of Optometry

October 1, 2009 8:00 a.m.

The Lodge of Four Seasons
315 Lodge of Four Seasons Drive
Lake Ozark, Missouri

1. Call to Order Dr. Bureman
2. Roll Call Dr. Fowler
3. Approval of the Agenda Dr. Bureman
4. Approval of the Minutes Dr. Bureman
 - July 24, 2009 – Board Meeting
5. Executive Director Report Mr. Barnett
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. Legislation
6. Approval of CE Courses Dr. Fowler
7. Discussion Regarding Board Approved CE Courses and CE Requirements for New Graduates Dr. Nestleroad
8. Question Regarding Optometric Advertising in a Mall Kiosk Mr. Barnett
 - Additional Information Requested
9. Update on Board Procedure and Opinion Manual Ms. Mengwasser
10. Discussion Regarding Newsletters and Mass-Mailings Dr. Bureman
11. Future Meeting Schedule Dr. Bureman
 - February 11, 2010
12. Board Travel Dr. Bureman
 - FARB Annual Meeting – January 29 - 31, 2010
Las Vegas, NV

- | | | |
|-----|--------------------------|-------------|
| 13. | Legal Services Contract | Dr. Bureman |
| 14. | Election of Officers | Dr. Bureman |
| 15. | Other Agenda Items | Dr. Bureman |
| 16. | Motion to go into Closed | Dr. Frier |
| 17. | Adjournment | |

Open Minutes

Missouri State Board of Optometry

**October 1, 2009
The Lodge of Four Seasons
315 Lodge of Four Seasons Drive
Lake Ozark, Missouri**

The open meeting of the Missouri State Board of Optometry was called to order by Dr. James Bureman, President, at approximately 8:24 a.m. on Thursday, October 1, 2009, at The Lodge of Four Seasons, 315 Lodge of Four Seasons Drive, Lake Ozark, 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

GUESTS PRESENT:

Mark Barlow, O.D.

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

Mr. Barnett requested that a discussion regarding Board Certification be added to the agenda. Dr. Fowler requested that a discussion regarding ARBO be added to the agenda. A motion was made by Dr. Nichols and seconded by Ms. Stock to approve the agenda as amended. The motion carried unanimously.

APPROVAL OF THE MINUTES

A motion was made by Ms. Stock and seconded by Dr. Nestleroad to approve the open session minutes of the July 24, 2009 Board meeting as written. The motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mr. Barnett presented the Board with the following financial statement as of July 31, 2009:

Beginning Fund Balance – 7/1/09		\$337,111.39		
Revenue (7/1/09 to 8/31/09)		\$2,923.50		
Fund Balance Sub Total		\$340,034.89		\$340,034.89
Appropriations to Board:				
Personal Service		\$55,562.00		
Expense & Equipment		<u>\$42,043.00</u>		
Total Appropriations		\$97,605.00		
Appropriation Expenditures:				
Personal Service		\$000.00		
Expense & Equipment		<u>\$825.12</u>		
Total Appropriation Expenditures		\$825.12		
Transfers from Fund:				
Dept. Cost Allocation		\$171.88		
OA Cost Allocation		\$248.00		
June PR Transfers		<u>\$7,657.72</u>		
Total Transfers from Fund		\$8,077.60		
Total Appropriation Costs and Transfers from Fund:		\$8,902.72		-\$8,902.72
Ending Fund Balance as of 7/31/09				\$331,132.17

Mr. Barnett informed the Board that he hasn't received an updated financial statement from the Division accounting staff since August. Mr. Barnett mentioned that he would be open to suggestion on other ways to present this information to the Board. Dr. Nestleroad suggested Mr. Barnett continue sending the information in the format he has been.

Secure Portal

Mr. Barnett informed the Board that the Division now has the ability to create a secure portal on its website that would allow Board members to download the meeting information using a specific user ID and password. Mr. Barnett noted that if the Board set up a secure portal, it would eliminate the need for shipping CDs and/or flash drives for every meeting, and the information would reach the Board members faster. Dr.

Fowler questioned the confidentiality issues of downloading the agendas onto their personal computers. Mr. Barnett feels that the same confidentiality issues exist with the use of CDs and/or flash drives. Dr. Nichols suggested always sending a confidentiality statement to the Board members when sending an e-mail about downloading the agendas off the portal. Mr. Barnett informed the Board that he would put together a “test run” in the next few weeks.

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.

DISCUSSION REGARDING BOARD APPROVED CE COURSES AND CE REQUIREMENTS FOR NEW GRADUATES

Dr. Nestleroad informed the Board that while reviewing the audit cases for the July meeting, with regard to some of the correspondence courses, he was unsure what date is being accepted for continuing education credit. Dr. Fowler informed Dr. Nestleroad that the date that has traditionally been accepted is the date stamped by the course provider. A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to establish a policy for correspondence courses, to accept the date stamped by the course provider as the date continuing education credits are awarded. The motion carried unanimously.

Continuing Education Exemptions for New Graduates

A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to establish a policy that all new licensees who take and pass Part III of the NBEO in the first year of a two (2)-year reporting period, are to be credited for sixteen (16) hours of continuing education towards renewal, and all new licensees who take and pass Part III of the NBEO in the second year of a two (2)-year reporting period, are to be exempt from the continuing education requirement for renewal. The motion carried unanimously.

Continuing Education Courses Provided by Local Societies

Dr. Nestleroad questioned if a course provided by a society affiliated with a state optometric association would need to obtain prior approval from the Board. Mr. Barnett reported that under 20 CSR 2210-2.030(10)(C)3, courses provided by local societies are already approved for continuing education credit. Dr. Fowler disagreed with Mr. Barnett, saying that local society meetings do not qualify under this portion of the rule. The Board feels that “regional” meetings would include courses provided by organizations such as SECO, Northwest, etc.

A motion was made by Dr. Nichols and seconded by Ms. Stock to establish a policy and also submit a rule change proposal under 20 CSR 2210-2.030(10)(C)3 to include the following language “This excludes local society meetings unless the courses are COPE-

approved or the course receives prior state board approval;" and to include the language for the NBEO Part III continuing education exemptions as part of the rule change. The motion carried unanimously. Mr. Barnett was instructed to work with division staff to draft the proposed rule change and bring the draft back to the Board.

QUESTION REGARDING OPTOMETRIC ADVERTISING IN A MALL KIOSK

Mr. Barnett informed the Board that he spoke with Mr. Stephen Kendig, Vice President of Operations and Development for SoloHealth, who informed him that since the vision testing is done through software, there is no calibration necessary after the machine is set up. Mr. Kendig said that there is a plan for cleaning and routine preventive maintenance to be done quarterly on the machines.

Mr. Barnett also spoke with Ms. Anita Ward, Executive Director of the Georgia Board. Ms. Ward stated that she was not aware of any complaints or problems received by the Georgia Board related to the SoloHealth booths in the Atlanta area.

A motion was made by Dr. Fowler and seconded by Dr. Nichols to respond to Ms. Robyn Sterling with DLA Piper LLP by saying that there is currently nothing in the Board's rules and statutes that addresses this issue. The motion carried unanimously.

UPDATE ON BOARD PROCEDURE AND OPINION MANUAL

Ms. Mengwasser informed the Board that the document included in the agenda materials is a condensed list of Board policies/opinions taken out of the open minutes. Dr. Nichols requested that Ms. Mengwasser check the wording in the 11/15/2007 opinion because he thinks the "drugs, medicine, surgery" phrase should be deleted. The Board members informed Mr. Barnett that they like the historical value of seeing all the past policies/opinions in one document, but think there should be a separate document with the policies/opinions that currently apply. Mr. Barnett informed the Board that it should be somewhat cautious with how this document is used since it is a public document.

A motion was made by Dr. Fowler and seconded by Dr. Frier to instruct Mr. Barnett to work with legal counsel to develop an appropriate title for the document. The motion carried 5 to 0. Dr. Nestleroad was not present for the vote.

DISCUSSION REGARDING NEWSLETTERS AND MASS-MAILINGS

Mr. Barnett informed the Board that the United States Postal Service has implemented some changes to the bulk rate mailing policies. On a mass mailing, if one item has an incorrect address, it disqualifies the whole batch and automatically reverts the entire mailing to the First Class rate. Mr. Barnett reported that a lot of boards plan to do away with sending newsletters in a mass mailing. These boards plan to post their newsletters onto their websites as well as forward them to an e-mail distribution list. Mr. Barnett suggested sending a postcard to all licensees advising them that the Board will post all future newsletters on its website and request a current e-mail address from those licensees that wish to receive the information in that way.

Ms. Stock suggested that an official letter from the Board office could be more efficient and effective than a newsletter.

A motion was made by Ms. Stock and seconded by Dr. Fowler to do away with the traditional newsletter format and replace it with an official informational letter from the Board office. The motion carried unanimously.

FUTURE MEETING SCHEDULE

Mr. Barnett requested that the Board consider conducting its meetings in Jefferson City instead of in various cities throughout the state, due to the fact that there is rarely any public participation at the meetings and as a cost-saving measure. Dr. Bureman believes that having the February meeting in Jefferson City would be a good idea to allow new Board members the opportunity to meet the staff and tour the Board office. Mr. Barnett informed the Board that he plans to have a new Board member orientation at the Division once all of the appointments have been made.

A motion was made by Dr. Frier and seconded by Dr. Nestleroad to tentatively schedule the next meeting for Friday, February 26, 2009 in Jefferson City. The motion carried unanimously.

BOARD TRAVEL

A motion was made by Dr. Nichols and seconded by Ms. Stock to approve Dr. Bureman and one staff member to attend the FARB Conference in January. The motion carried unanimously.

LEGAL SERVICES CONTRACT

The Board reviewed resumes from Ms. Loretta Schouten and Mr. David Barrett. A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to give Mr. Barnett approval to pursue a contract with both attorneys. The motion carried unanimously.

ELECTION OF OFFICERS

A motion was made by Dr. Nichols and seconded by Dr. Frier to maintain current officers. The motion carried unanimously.

BOARD CERTIFICATION

The Board reviewed a letter from the American Optometric Society asking the Board to take a position on the Board Certification issue. It was the decision of the Board not to respond to the letter.

CLOSED SESSION CASE REVIEW FORMS

Mr. Barnett presented an idea to the Board that would require each member to complete a *Closed Session Case Review Form* for each closed agenda item they are on point for while preparing for a meeting. Mr. Barnett explained that the Dental Board members use these forms to facilitate some of the discussion prior to their meetings and to make recommendations on how the cases should be handled. Dr. Fowler

commented that requiring Board members to complete this form prior to the meeting date would result in more work for the Board. Dr. Nestleroad commented that he felt using this form would be a good idea for new Board members. It was the overall consensus of the Board to not require use of the form. Ms. Stock suggested making the form available when the agenda materials are sent out for those members that are interested in trying it.

CLOSED SESSION

A motion was made by Dr. Frier and seconded by Dr. Nestleroad to move into closed session pursuant to chapter 610.021, sections (1), (3), (5), (7), (13) and (14), and chapter 324.001.8 and 324.001.9, 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. Frier, Dr. Fowler, Dr. Nestleroad, Dr. Nichols and Ms. Stock. The motion carried 6 to 0.

ADJOURNMENT

The Missouri State Board of Optometry returned to open session at approximately 12:03 p.m. There being no further business to be brought before the Board at this time, a motion was made by Dr. Fowler and seconded by Ms. Stock that this meeting adjourn. The motion carried 5 to 0. Dr. Nestleroad was not present for the vote. The meeting adjourned at approximately 12:04 p.m.

Respectfully submitted,

Bonnie Mengwasser, Executive I



Brian Barnett, Executive Director

Approved by the Board on: February 26, 2010