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Governor  
State of Missouri

Jane A. Rackers, Division Director  
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Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

March 17, 2011      11:00 a.m.

Division of Professional Registration  
Missouri Conference Room  
3605 Missouri Boulevard  
Jefferson 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: 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 be aware that according to Missouri law, the Board can have open discussion and votes only on items included on the open agenda. If there is a topic you would like included on the open agenda, please notify the Board office not less than forty-eight (48) hours prior to the start of the meeting.

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

March 17, 2011 11:00 a.m.

Division of Professional Registration  
Missouri Conference Room  
3605 Missouri Boulevard  
Jefferson City, Missouri

1. Call to Order Dr. Bureman
2. Roll Call Dr. Finklang
3. Approval of the Agenda Dr. Bureman
4. Approval of the Minutes Dr. Bureman
  - October 14, 2010 – Conference Call
  - October 29, 2010 – Mail Ballot
  - November 3, 2010 – Conference Call
5. Executive Director Report Mr. Barnett
  - a. Financial Statement
  - b. Legislation
  - c. Rule Making
6. Approval of Continuing Education Courses Dr. Finklang
7. Website Update Mr. Barnett
8. Board Certification Dr. Bureman
9. Future Meeting Schedule Dr. Bureman
  - June 3, 2011 – Jefferson City
10. Board Travel Dr. Bureman
  - ARBO Annual Meeting – June 12 - 14, 2011  
Salt Lake City, UT
11. Motion to go into Closed Session Dr. Vanderfeltz
12. Adjournment

## **Open Minutes**

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

**March 17, 2011**

**Division of Professional Registration  
Missouri Conference Room  
3605 Missouri Boulevard  
Jefferson City, Missouri**

The open meeting of the Missouri State Board of Optometry was called to order by Dr. James Bureman, President, at approximately 11:04 a.m. on Thursday, March 17, 2011, at the Division of Professional Registration, Missouri Conference Room, 3605 Missouri Boulevard, Jefferson City, Missouri.

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

Dr. James E. Bureman, President  
Dr. Donald J. Vanderfeltz, Vice President  
Dr. Kurt W. Finklang, Secretary  
Dr. Cathy Frier, Member  
Dr. Michael L. Nichols, Member

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

Brian Barnett, Executive Director  
Bonnie Mengwasser, Licensing Supervisor

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

Earl Kraus, Division Counsel

#### **GUESTS PRESENT:**

Ms. Casey Millburg, MOSEPS

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. Nichols and seconded by Dr. Vanderfeltz to approve the open agenda as written. The motion carried unanimously.

## **APPROVAL OF THE MINUTES**

A motion was made by Dr. Finklang and seconded by Dr. Nichols to approve the following open minutes as written:

- October 14, 2010 Conference Call
- October 29, 2010 Mail Ballot
- November 3, 2010 Conference Call

The motion carried unanimously.

## **EXECUTIVE DIRECTOR REPORT**

### **Financial Statement**

Mr. Barnett presented the Board with the following financial statement as of January 31, 2011:

<b>Beginning Fund Balance – 7/1/10</b>		\$246,788.42		
Revenue (7/1/09 to 12/31/10)		\$200,446.45		
Fund Balance Sub Total		<b>\$447,234.87</b>		<b>\$447,234.87</b>
<b>Appropriations to Board:</b>				
Personal Service		\$57,115.56		
Expense & Equipment		<u>\$42,043.00</u>		
Total Appropriations		<b>\$99,158.56</b>		
<b>Appropriation Expenditures:</b>				
Personal Service		\$27,766.30		
Expense & Equipment		<u>\$5,251.80</u>		

Total Appropriation Expenditures		<b>\$33,018.10</b>		
<b>YTD Transfers from Fund:</b>				
Rent		\$815.22		
Dept. Cost Allocation		\$338.62		
OA Cost Allocation		\$1,170.00		
PR Transfers		\$19,238.32		
Refunds		\$612.75		
FY 09 Transfers Carried Over		\$5,541.31		
Total Transfers from Fund		<b>\$27,716.22</b>		
<b>Total Appropriation Costs and Transfers from Fund:</b>		<b>\$60,734.32</b>		<b>- \$60,734.32</b>
<b>Ending Fund Balance as of 12/31/09</b>				<b>\$386,500.55</b>
<b>Remaining Appropriation for FY11:</b>				
Personal Service		\$29,349.26		
Expense & Equipment		\$36,791.20		

Mr. Barnett informed the Board that if it continues with the same cost-saving measures, the Board should be able to maintain a fund balance at twice its annual appropriation and be without any danger of being swept or a need to raise licensure fees. The cost-saving measures the Board implemented last fiscal year cut the expense and equipment expenses by sixty-four percent (64%). Mr. Barnett anticipates even bigger savings in the current fiscal year. The biggest cost-saving measures the Board implemented were changing the way legal counsel is utilized and by moving all Board meetings to Jefferson City.

## **Legislation**

Mr. Barnett informed the Board that the Division is tracking the following bills that pertain directly to optometry:

HB455, which requires every public school district to screen its students for sensory processing disorder before the end of first grade and again before the end of third grade. This bill has been introduced and read a second time.

HB528, which requires a healthcare provider to provide medical records within fifteen (15) days of a request. This bill completed a public hearing this week, but hasn't been voted out of committee yet.

HB580, which allows a healthcare provider to charge a retrieval fee for outsourced record storage to a patient for copying records. This bill was passed out of committee yesterday.

HB669, which prohibits a contract between a health carrier or health benefit plan and a dentist or optometrist from requiring a fee schedule established by the insurer if the services are not covered under the plan. This bill was introduced, assigned to committee and a hearing was held on March 15, 2011.

HB677, which removes the June 30, 2012 expiration date of the provisions requiring every child enrolling in kindergarten or first grade in a public school to receive one (1) comprehensive vision exam. This bill was voted "do pass" from committee yesterday.

HB697, which puts a sunset on all administrative rules after six (6) years. Mr. Barnett explained that if this bill were to pass, the Board would have to re-promulgate every rule that hasn't been reviewed within a six (6)-year period. This bill was voted "do pass" from committee yesterday.

SB311, which repeals the sunset provision on the children's vision exam program. This bill has been referred to committee, but a hearing has not been scheduled yet.

SB350, which is the senate version of the bill that puts a sunset on all administrative rules after six (6) years.

## **Rulemaking**

Mr. Barnett reported that the proposed changes to the License Renewal rule will go into effect March 30, 2011.

## **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. Finklang and seconded by Dr. Nichols that the Board ratify Dr. Finklang's approval of the continuing education programs since the date of the last meeting. The motion carried unanimously.

## **WEBSITE UPDATE**

Mr. Barnett informed the Board that several other boards in the Division have started posting public disciplinary documents on their websites, and he is curious if the Board would be interested in doing so. Mr. Barnett expressed his opinion that disciplinary orders are public documents and should be readily available to anyone that wants to view them. Mr. Barnett also mentioned that some of the boards have recently come under scrutiny because their disciplinary documents aren't easily accessible to the public.

A motion was made by Dr. Nichols and seconded by Dr. Frier to instruct Mr. Barnett to put together a preliminary assessment of how much time and what cost would be involved to make disciplinary orders available on the Board's website, and bring that information to the June 2011 meeting for consideration. The motion carried unanimously. Dr. Bureman asked that Mr. Barnett contact the Missouri Optometric Association to determine what their opinion is on the matter.

## **BOARD CERTIFICATION**

Dr. Bureman informed the Board that he is on the competency subcommittee of the American Board of Optometry (ABO). Dr. Bureman reported that the ABO has a meeting this weekend to discuss the issues of certificate of maintenance and maintenance of competency. Dr. Bureman believes that currently, from a regulatory standpoint, board certification is of little significance because most regulatory boards don't require board certification for licensure. Dr. Bureman mentioned that the Citizen Advocacy Center would like all regulatory bodies to require a certificate of competency to show that licensees are competent to practice.

## **FUTURE MEETING SCHEDULE**

The next meeting of the Missouri State Board of Optometry is scheduled for Friday, June 3, 2011 at 9:00 a.m. in the Main Conference Room of the Division of Professional Registration.

The Board scheduled its fall meeting for Thursday, October 13, 2011 at the Chateau on the Lake in Branson, Missouri. This meeting is to be held in conjunction with the Missouri Optometric Association's (MOA) meeting and is tentatively scheduled to begin at 2:00 p.m. Dr. Vanderfeltz requested that Mr. Barnett stay over in order to be introduced during the MOA meeting on Friday. Dr. Nichols mentioned that he has an obligation at the American Academy of Optometry meeting, which is scheduled for October 12-15, 2011 in Boston, Massachusetts; therefore he will not be able to attend the October Board meeting.

## **BOARD TRAVEL**

Mr. Barnett informed the Board that the Association of Regulatory Boards of Optometry (ARBO) 2011 Annual Meeting is scheduled for June 12-14, 2011 in Salt Lake City, Utah. Dr. Bureman requested that the Board approve him and at least one other Board or staff member to attend. A motion was made by Dr. Nichols and seconded by Dr.

Vanderfeltz to approve Dr. Bureman, Mr. Barnett and one other Board member to attend the ARBO annual meeting. The motion carried unanimously.

### **CLOSED SESSION**

At approximately 12:21 p.m., a motion was made by Dr. Vanderfeltz and seconded by Dr. Nichols 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. Vanderfeltz, Dr. Finklang, Dr. Frier and Dr. Nichols. The motion carried 5 to 0.

### **RECONVENE**

The Board reconvened in open session at approximately 2:27 p.m.

### **OE TRACKER**

Dr. Vanderfeltz suggested, for future continuing education audits, that the Board consider instructing staff to retrieve the OE tracker documentation for all active licensees, rather than doing a 33% audit, in which those licensees who are selected are required to submit their paper documentation. Those licensees who don't have an OE tracker number would be sent the traditional letter requesting that they submit their paper documentation. Dr. Nichols suggested contacting ARBO to determine if its IT department has the ability to query their database for all active Missouri licensees with an OE tracker number, and provide the Board office with the continuing education documentation for the reporting period being audited. If ARBO has the ability to provide the Board with this type of documentation, Dr. Vanderfeltz asked Mr. Barnett to prepare a cost comparison between the traditional way of auditing and using the OE tracker documentation.

### **CLOSED SESSION**

At approximately 2:43 p.m., a motion was made by Dr. Vanderfeltz and seconded by Dr. Nichols 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. Finklang, Dr. Frier and Dr. Nichols. The motion carried 4 to 0. Dr. Vanderfeltz departed the meeting at approximately 2:44 p.m. and was not present for the vote in this matter.

### **ADJOURNMENT**

The Board reconvened in open session at approximately 2:51 p.m. 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. Frier that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 2:52 p.m.

**Respectfully submitted,**

**Bonnie Mengwasser, Licensing Supervisor**

A handwritten signature in black ink that reads "Brian Barnett". The signature is written in a cursive style with a large initial "B".

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**Brian Barnett, Executive Director**

**Approved by the Board on: June 3, 2011**