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Governor  
State of Missouri

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DIVISION OF PROFESSIONAL REGISTRATION

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Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

June 3, 2011                      9:00 a.m.

**Division of Professional Registration  
Main 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

June 3, 2011 9:00 a.m.

Division of Professional Registration  
Main 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
  - March 17, 2011 Board Meeting
5. Executive Director Report Mr. Barnett
  - a. Financial Statement
  - b. Legislation
6. Approval of Continuing Education Courses Dr. Bureman
7. Scope of Practice & Customer Service Survey Dr. Bureman
8. Discuss Developing Language to Create a Retired/Emeritus License Status Mr. Barnett
9. Board Certification Dr. Bureman
10. Website Update Mr. Barnett
11. Future Meeting Schedule Dr. Bureman
  - October 13, 2011 – Branson
12. Motion to go into Closed Session Dr. Vanderfeltz
13. Adjournment

## Open Minutes

### Missouri State Board of Optometry

June 3, 2011

Division of Professional Registration  
Main 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 9:01 a.m. on Friday, June 3, 2011, at the Division of Professional Registration, Main 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:**

Sarah Ledgerwood, Division Counsel  
Audrey Danner, Division Law Clerk

#### **GUESTS PRESENT:**

Ms. Jill Hancock, 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. Frier to approve the open agenda as written. The motion carried unanimously.

## **APPROVAL OF THE MINUTES**

A motion was made by Dr. Frier and seconded by Dr. Vanderfeltz to approve the open minutes of the March 17, 2011 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 April 31, 2011:

<b>Beginning Fund Balance – 7/1/10</b>		\$246,788.42		
Revenue (7/1/09 to 4/31/11)		\$202,104.95		
Fund Balance Sub Total		<b>\$448,893.37</b>		<b>\$448,893.37</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		\$41,272.71		
Expense & Equipment		<u>\$6,860.02</u>		
Total Appropriation Expenditures		<b>\$48,132.73</b>		
<b>YTD Transfers from Fund:</b>				
Rent		\$1,222.83		
Dept. Cost Allocation		\$489.48		
OA Cost Allocation		\$1,560.00		
PR Transfers		\$28,288.28		
Refunds		\$702.00		
FY 09 Transfers Carried Over		\$5,541.31		
Total Transfers from Fund		<b>\$37,803.90</b>		
<b>Total Appropriation Costs and</b>		<b>\$85,936.63</b>		<b>- \$85,936.63</b>
<b>Ending Fund Balance as of 12/31/09</b>				<b>\$362,956.74</b>

<b>Remaining Appropriation for FY11:</b>				
Personal Service		\$15,842.85		
Expense & Equipment		\$35,182.98		

Mr. Barnett reported that the Board has done a very good job of not spending much money this fiscal year. The Board has a very strong fund balance at this time due to the renewal season. The Board's revenue will be down by approximately \$4000 this fiscal year because not as many licensees renewed last fall as originally projected. Mr. Barnett reported that the Board is in no danger of being swept at this time.

Mr. Barnett volunteered to put together some statistical information for the Board to review during its October meeting regarding the increase and decrease in licensees over the past several years.

**Legislation**

Mr. Barnett reported that there wasn't a whole lot that went through this year in terms of the bills the Division was tracking. The bill that would establish a six (6) year sunset on all administrative rules did not go through in that form. Instead, what did pass a proposal that would require that all administrative rules be reviewed every six (6) years. Another bill passed that will require all state boards to notify employers of any change in an employee's license status. Mr. Barnett informed the Board that the capped fees bill did not pass.

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

**SCOPE OF PRACTICE AND CUSTOMER SERVICE SURVEY**

The Board received a scope of practice and customer service survey from Ms. Patricia Bennett, Administrator, Maryland Board of Examiners in Optometry. A motion was made by Dr. Nichols and seconded by Dr. Frier to instruct Mr. Barnett and Dr. Bureman to draft an appropriate response to the survey if it is still needed. The motion carried unanimously.

**DISCUSS DEVELOPING LANGUAGE TO CREATE A RETIRED/EMERITUS LICENSE STATUS**

Mr. Barnett gave the Board some background to the discussion on developing language to create a retired/emeritus license status. Typically during each audit, the Board comes across a few licensees who want to maintain their license, but are unable to obtain the necessary continuing education hours due to extenuating circumstances. The Board would like to develop some sort of an alternative that wouldn't allow the licensee

to have any kind of practice authority, but would offer them some type of licensure status. Mr. Barnett researched what some of the other state boards in the country have with regard to retired/emeritus licenses. Mr. Barnett reported that the language he found varied in that some boards' retired/emeritus licensure status includes practice authority, and some do not. Dr. Vanderfeltz is not comfortable with issuing an honorary license that doesn't have any renewal requirements. The Board also discussed the option of sending retired licensees a certificate of appreciation to thank them for their years of service. Mr. Barnett did not feel that sending certificates of appreciation would correct the problem at hand, in which licensees indicate on their renewal application that they had obtained the necessary continuing education hours, but upon an audit of their continuing education, those licensees are not able to produce the documentation. Dr. Bureman would like to find a way to prevent licensees from taking the chance of renewing without having the necessary continuing education hours. Mr. Barnett suggested the Board consider making some changes to the renewal application. A motion was made by Dr. Nichols and seconded by Dr. Frier to table this discussion until the October 2011 meeting to allow Mr. Barnett time to come up with different options that would not require a statute change. The motion carried unanimously.

### **BOARD CERTIFICATION**

Dr. Bureman informed the Board that he will be attending the Association of Regulatory Boards of Optometry (ARBO) Annual Meeting next weekend. Dr. Bureman is on the ARBO Continued Competence Committee. A topic that is being driven by citizen advocacy groups throughout the healthcare industry is maintenance of licensure. Currently, the Board's means for maintenance of licensure is requiring that all licensees obtain the necessary continuing education hours prior to renewal. Dr. Bureman believes the purpose of ARBO's Continued Competence Committee is to explore more options for maintenance of licensure to recommend to state boards. Dr. Bureman asked if a vote is taken on a resolution during the ARBO Annual Meeting, if the Board members would like him to notify them, so they can have a say in the vote that Dr. Bureman gives. The Board felt that, as the Board's representative to ARBO, Dr. Bureman should have the authority to vote as he feels necessary.

### **WEBSITE UPDATE**

The Board previously considered adding public disciplinary information to the website during its March 2011 meeting. Mr. Barnett reported that during that meeting, the Board requested that he determine how much additional work that would cause for the staff and at what additional cost. Mr. Barnett informed the Board that there would be minimal additional staff time involved to post public disciplinary actions on the website because the documents are already scanned and sent to a specific distribution list. The only other step would be for the staff to save that scanned document onto the website. A motion was made by Dr. Finklang and seconded by Dr. Nichols to include a link on the Board's website that would allow the public access to disciplinary information. Those voting yes: Dr. Bureman, Dr. Finklang, Dr. Nichols and Dr. Frier. The motion carried 4 to 0. Dr. Vanderfeltz abstained from the vote in this matter.

## **FUTURE MEETING SCHEDULE**

Mr. Barnett informed the Board that he may not be able to get approval to have the October 2011 meeting at the Chateau on the Lake in Branson because the sleeping room rate is so much higher than other hotels in the area. The Division is looking into the Radisson as an alternative at this time. Dr. Vanderfeltz believes it is very important for the Board meeting to take place at the Chateau, so that Mr. Barnett can be introduced during the Missouri Optometric Association meeting.

The Board tentatively scheduled its winter meeting for Thursday, February 16, 2012 at 11:00 a.m. in Kansas City in conjunction with the Heart of America Contact Lens Society meeting.

Dr. Vanderfeltz informed the Board that he is working with Medicare and WPS on the topic of local coverage determination for low vision. Other states that are involved in these discussions have said that optometrists have the ability to write orders for physical therapists and occupational therapists. Dr. Vanderfeltz is looking for an opinion as to whether Missouri-licensed optometrists have the authority to do so under current law. Ms. Ledgerwood suggested this topic be included on the next meeting agenda for further discussion. Dr. Vanderfeltz requested that Mr. Barnett research this issue and notify him.

## **CLOSED SESSION**

At approximately 11:43 a.m., a motion was made by Dr. Vanderfeltz and seconded by Dr. 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.

## **ADJOURNMENT**

The Board reconvened in open session at approximately 3:05 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. Finklang that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 3:07 p.m.

**Respectfully submitted,**

**Bonnie Mengwasser, Licensing Supervisor**



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**Brian Barnett, Executive Director**

**Approved by the Board on: October 13, 2011**