



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

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Brian Barnett
Executive Director

Meeting Notice

Missouri State Board of Optometry

October 13, 2011 2:00 p.m.

**Chateau on the Lake
Resort & Convention Center
415 North State HWY 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: 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

Posted: 8/15/2011
11:25 p.m.

Open Agenda

Missouri State Board of Optometry

**October 13, 2011
Chateau on the Lake
415 North State Highway 265
Branson, 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
 - June 3, 2011 Board Meeting
 - August 8, 2011 Mail Ballot
5. Executive Director Report Mr. Barnett
 - a. Financial Statement
 - b. Rulemaking
 - c. License Statistics
6. ARBO Annual Meeting Report Dr. Bureman
7. Board Certification Update Dr. Bureman
8. WPS/CMS Restrictions on Scope of Optometric Practice Dr. Vanderfeltz
9. Approval of Continuing Education Courses Dr. Bureman
10. Discuss Alternatives to Creating a Retired License Status Mr. Barnett
11. Discuss Language for Implementing New Temporary Military Spouse License Mr. Barnett
12. Future Meeting Schedule Dr. Bureman
13. Election of Officers Dr. Bureman
14. Motion to go into Closed Session Dr. Vanderfeltz
15. Adjournment

Open Minutes

Missouri State Board of Optometry

October 13, 2011
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. Bureman, President, at approximately 2:07 p.m. on Thursday, October 13, 2011, at the Chateau on the Lake, 415 North State Highway 265, Branson, Missouri.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Dr. Michael L. Nichols, Member

STAFF MEMBERS PRESENT:

Brian Barnett, Executive Director
Bonnie Mengwasser, Licensing Supervisor

LEGAL COUNSEL PRESENT:

Sarah Ledgerwood, Division Counsel (via telephone conference call)

GUESTS PRESENT:

Ms. Jill Hancock, MOSEPS (via telephone conference call)

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. Frier 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. Frier and seconded by Dr. Vanderfeltz to approve the open minutes of the June 3, 2011 Board meeting as written. The motion carried unanimously.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Frier to approve the open minutes of the August 8, 2011 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 August 31, 2011:

Beginning Fund Balance – 7/1/10		\$352,936.82		
Revenue (7/1/011 to 8/31/11)		\$3,857.00		
Fund Balance Sub Total		\$356,793.82		\$356,793.82
Appropriations to Board:				
Personal Service		\$57,115.56		
Expense & Equipment		<u>\$42,043.00</u>		
Total Appropriations		\$99,158.56		
Appropriation Expenditures:				
Personal Service		\$4,366.35		
Expense & Equipment		<u>\$1,606.28</u>		
Total Appropriation Expenditures		\$5,972.63		
YTD Transfers from Fund:				
Rent		\$140.39		
Dept. Cost Allocation		\$00.00		
OA Cost Allocation		\$876.00		
PR Transfers		\$2,843.82		
Refunds		\$00.00		
FY 11 Transfers Carried Over		\$9,072.29		
Total Transfers from Fund		\$12,932.50		
Total Appropriation Costs and		\$18,905.13		- \$18,905.13
Ending Fund Balance as of				\$337,888.69
Remaining Appropriation for				

Personal Service		\$52,749.21		
Expense & Equipment		\$40,436.72		

Mr. Barnett reported that the above financial statement only reflects the Board's expenses for the first two (2) months of the fiscal year. As of August 31, 2011, the Board has spent just under \$19,000. With the budget cuts the Board has made, the overall yearly spending over the past two (2) fiscal years has been cut by approximately sixty-seven percent (67%). Mr. Barnett reported that had the Board not changed the way it utilizes its legal counsel and the way it conducts meetings, it would have been necessary to raise license fees for this last renewal cycle.

Rulemaking

Nothing to report.

License Statistics

Mr. Barnett reported that when he first realized that approximately one hundred (100) licensees didn't renew during the 2010-2012 renewal cycle, he got a little concerned, but after preparing this statistical information, it became apparent that that seems to be the trend. On average, the Board issues sixty (60) new licenses each year, therefore the Board continues to license more optometrists than what it loses during each two (2)-year renewal cycle.

ARBO ANNUAL MEETING REPORT

Dr. Bureman informed the Board that he attended the ARBO Annual Meeting in June. This was the third ARBO meeting he has attended. Dr. Bureman believes it is a worthwhile meeting and would like to see continued Board representation at the meetings. Dr. Bureman is on three (3) committees; the Clinical Competence Committee, the Resolutions Committee and the International Committee.

BOARD CERTIFICATION

Dr. Bureman mentioned that there continues to be a lot of confusion and concern throughout the profession regarding board certification. Missouri optometrists are only concerned with maintenance of licensure at this time, which consists of a licensee renewing his/her license and obtaining the necessary continuing education. Also of concern, is determining if continuing education alone is sufficient in order for a licensee to maintain competence, or if professional licensing boards should require some type of testing to determine competence.

WPS/CMS RESTRICTIONS ON SCOPE OF OPTOMETRIC PRACTICE

Dr. Vanderfeltz reported that Wisconsin Physician Services (WPS) is the carrier for Medicare for the four (4)-state region of Missouri, Kansas, Iowa and Nebraska. Dr. Vanderfeltz has been the carrier advisor for over twenty (20) years. Approximately one (1) year ago, WPS created a local coverage determination that covers optometric services. Within that, WPS is allowing and disallowing certain CPT codes. WPS has conducted an audit on nursing homes and has down-coded approximately one hundred

(100) claims. WPS has also developed a draft policy on low vision codes. Dr. Vanderfeltz is very concerned with the impact these decisions could have because patients may not be getting the care they deserve because optometrists won't be able to code for certain procedures.

Dr. Finklang would like to know if WPS is allowing any medical professions to use the codes that are being disallowed for optometrists.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Frier to research the issue and draft a letter to send to Dr. Bussan and Dr. Boren, medical advisors for WPS, to point out the Board's concerns with the coding issues. The motion carried unanimously.

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. 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.

DISCUSS ALTERNATIVES TO CREATING A RETIRED LICENSE STATUS

Mr. Barnett reminded the Board that during its last meeting, the Board decided not to pursue creating a retired license status. Instead, the Board instructed staff to include a warning on the renewal application for licensees not to answer "yes" to the continuing education question if they did not obtain the necessary hours. A motion was made by Dr. Finklang and seconded by Dr. Frier to approve the changes to the 2012-2014 renewal application as presented. The motion carried unanimously.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Frier to instruct Mr. Barnett to include a notation on the website and the renewal application informing licensees who are retiring that a certificate of appreciation can be sent to them thanking them for their years of service. The motion carried unanimously.

DISCUSS LANGUAGE FOR IMPLEMENTING NEW TEMPORARY MILITARY SPOUSE LICENSE

In the past legislative session, a bill was passed that creates a temporary courtesy license for nonresident military spouses. The Board staff has created some potential rule language in order to implement the statute. A motion was made by Dr. Finklang and seconded by Dr. Frier to approve the language as presented and begin the process to promulgate the rule. The motion carried unanimously.

A motion was made by Dr. Frier and seconded by Dr. Finklang to promulgate a change to the Fees rule (20 CSR 2210-2.070) to include a \$75 application fee for a temporary courtesy license for nonresident military spouses. The motion carried unanimously.

FUTURE MEETING SCHEDULE

The Board tentatively scheduled a meeting for Friday, June 8, 2012 at 8:00 a.m. in Jefferson City.

ELECTION OF OFFICERS

A motion was made by Dr. Finklang and seconded by Dr. Frier to nominate Dr. Vanderfeltz as President. There being no further nominations, Dr. Vanderfeltz was declared President of the Board by acclamation. A motion was made by Dr. Bureman and seconded by Dr. Vanderfeltz to nominate Dr. Finklang as Vice-President. There being no further nominations, Dr. Finklang was declared Vice-President of the Board by acclamation. A motion was made by Dr. Vanderfeltz and seconded by Dr. Finklang to nominate Dr. Nichols as Secretary/Treasurer. There being no further nominations, Dr. Nichols was declared Secretary of the Board by acclamation.

Dr. Finklang informed the Board that another licensee asked him for clarification on 20 CSR 2210-2.030(10)(E). The licensee wanted to know if there was a limit on the number of hours he can claim for presenting COPE-approved continuing education courses. The Board members were in agreement that there is no restriction on the number of hours a licensee can claim for presenting COPE-approved courses.

CLOSED SESSION

At approximately 4:24 p.m., a motion was made by Dr. Vanderfeltz and seconded by Dr. Frier 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 and Dr. Frier. The motion carried 4 to 0.

ADJOURNMENT

The Board reconvened in open session at approximately 6:10 p.m. There being no further business to be brought before the Board at this time, a motion was made by Dr. Finklang and seconded by Dr. Frier that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 6:11 p.m.

Respectfully submitted,

Bonnie Mengwasser, Licensing Supervisor



Brian Barnett, Executive Director

Approved by the Board on: February 16, 2012