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Governor
State of Missouri

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Brian Barnett
Executive Director

Meeting Notice

Missouri State Board of Optometry

February 16, 2012 11:00 a.m.

**Sheraton
2345 McGee Street
Kansas 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

February 16, 2012 11:00 a.m.

**Sheraton Kansas City Hotel at Crown Center
2345 McGee Street
Kansas City, Missouri**

1. Call to Order Dr. Vanderfeltz
2. Roll Call Dr. Nichols
3. Approval of the Agenda Dr. Vanderfeltz
4. Approval of the Minutes Dr. Vanderfeltz
 - October 13, 2011 – Board Meeting
5. Executive Director Report Mr. Barnett
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. Legislation
6. Approval of Continuing Education Courses Dr. Finklang
7. Discussion of Board Certification Dr. Bureman
8. WPS/CMS Restrictions on Scope of Optometric Practice Dr. Vanderfeltz
9. Future Meeting Schedule Dr. Bureman
 - June 8, 2012 – Jefferson City
10. Board Travel Dr. Vanderfeltz
 - ARBO Annual Meeting – June 24-26, 2012
Chicago, Illinois
11. Motion to go into Closed Dr. Finklang
12. Adjournment

Open Minutes

Missouri State Board of Optometry

February 16, 2012

**Sheraton Kansas City Hotel at Crown Center
2345 McGee Street
Kansas City, Missouri**

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Vanderfeltz, President, at approximately 11:06 a.m. on Thursday, February 16, 2012, at the Sheraton Kansas City Hotel at Crown Center, 2345 McGee Street, Kansas City, Missouri.

BOARD MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Brian Barnett, Executive Director
Bonnie Mengwasser, Processing Technician Supervisor

LEGAL COUNSEL PRESENT:

Sarah Ledgerwood, Division Counsel

GUESTS PRESENT:

Fred Wilkens

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. Bureman and seconded by Dr. Hruza 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. Bureman to approve the open minutes of the October 13, 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 December 31, 2011:

Beginning Fund Balance – 7/1/11		\$352,936.82		
Revenue (7/1/011 to 12/31/11)		\$7,000.50		
Fund Balance Sub Total		\$359,937.32		\$359,937.32
Appropriations to Board:				
Personal Service		\$57,115.56		
Expense & Equipment		<u>\$42,043.00</u>		
Total Appropriations		\$99,158.56		
Appropriation Expenditures:				
Personal Service		\$22,336.95		
Expense & Equipment		<u>\$4,163.21</u>		
Total Appropriation Expenditures		\$26,500.16		
YTD Transfers from Fund:				
Rent		\$707.20		
Dept. Cost Allocation		\$291.62		
OA Cost Allocation		\$876.00		
PR Transfers		\$15,661.31		
Refunds		\$00.00		
FY 11 Transfers Carried Over		\$8,948.93		
Total Transfers from Fund		\$26,485.06		
Total Appropriation Costs and		\$52,985.22		- \$52,985.22
Ending Fund Balance as of 12/31/11				\$306,952.10
Remaining Appropriation for FY12:				
Personal Service		\$34,778.61		
Expense & Equipment		\$37,879.79		

Mr. Barnett informed the Board that its fund balance is in good shape. The Board's fund is in no danger of being swept, and there is no longer a need to raise license fees for the upcoming renewal. Mr. Barnett also doesn't anticipate needing to raise fees for the 2014 renewal. Mr. Barnett said the Board should be prepared to lose a larger percentage of licensees in the upcoming renewal because more people are retiring. All State government agencies are under a tremendous amount of scrutiny this year. With this in mind, there will likely be times when the Board won't be able to conduct business exactly the way it would like to.

New Licensure System

Mr. Barnett informed the Board that the Division has contracted with a systems developer to purchase a new licensure system. The new system will be extremely user-friendly and interactive for applicants/licensees. The Board's share of the cost will be \$5,280 split up over the next two (2) years. Mr. Barnett has already figured the cost into his five (5)-year projections to know how it will affect the Board's fund balance.

A motion was made by Dr. Nichols and seconded by Dr. Bureman to agree to pay for the Board's share of the new licensure system. The motion carried unanimously.

Dr. Vanderfeltz asked if meeting expenses were the largest contributor to the Board's overall expenses. Dr. Nichols said that in his time on the Board, the largest expense has typically been for legal services. Mr. Barnett said that the Board has done an outstanding job in reducing expenses over the past few years, and has become one of the most fiscally responsible Boards within the Division. Despite all of this, there may be an issue with being able to have the October 2012 meeting at the Chateau in Branson because the Office of Administration requires all State government agencies to bid those services out.

Dr. Vanderfeltz asked Mr. Barnett to prepare a comparison for the Board to review during the June 2012 meeting regarding the total costs for each meeting location.

Rulemaking

Nothing to report.

Legislation

For informational purposes, Mr. Barnett presented a Legislative Tracking Report to the Board. This report is made a part of the Board's file and as such will not be summarized in the minutes. Only bills involving further Board action are referenced in the minutes.

A motion was made by Dr. Bureman and seconded by Dr. Nichols to instruct Mr. Barnett to convey to the Division's legislative liaison that the Board does not support HB 1333. The motion carried unanimously.

A motion was made by Dr. Bureman and seconded by Dr. Nichols to instruct Mr. Barnett to convey to the Division's legislative liaison that the Board is in support of HB 1339. The motion carried unanimously.

RECESS

The Board recessed for lunch at approximately 12:29 p.m.

RECONVENE

The Board reconvened in open session at approximately 1:12 p.m.

Legislation (Continued)

A motion was made by Dr. Nichols and seconded by Dr. Bureman to instruct Mr. Barnett to convey to the Division's legislative liaison that the Board is in support of SB 641 and is opposed to SB 649. 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. Bureman 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.

BOARD CERTIFICATION

Dr. Bureman reported that there is a push from consumers to develop some form of maintenance of licensure. The Board's current mechanism is to require that licensees obtain thirty-two (32) hours of Board-approved continuing education during the two (2)-year reporting period. A proposed measure for maintenance of licensure is Board certification from a board that is recognized by the American Board of Medical Specialties. ARBO wants to develop a certificate of competence, which will offer licensing boards an alternative.

WPS/CMS RESTRICTIONS ON SCOPE OF OPTOMETRIC PRACTICE

Dr. Vanderfeltz reported that Wisconsin Physician Services (WPS) is the Medicare carrier for the four (4)-state region of Missouri, Kansas, Iowa and Nebraska. Optometry is the only profession that has a local coverage determination on procedures. WPS has approved the 95930 code for visual potential. The 92132 code for anterior segment is not approved. The 83861 code for dry eyes is not approved. The 82962 code for blood sugar tests is approved. The 92071 code for fitting contact lenses for keratoconus is not approved.

FUTURE MEETING SCHEDULE

The Board's next meeting is scheduled for June 8, 2012 at 9:00 a.m. in Jefferson City. The Board also tentatively scheduled its fall meeting for October 11, 2012 in Branson.

BOARD TRAVEL

Mr. Barnett informed the Board that the ARBO Annual Meeting is scheduled for June 24-26, 2012 in Chicago, Illinois. The Board instructed Mr. Barnett to submit the out-of-state travel request for Dr. Bureman, Dr. Hruza and himself.

CLOSED SESSION

At approximately 2:32 p.m., a motion was made by Dr. Finklang and seconded by Dr. Bureman 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. Vanderfeltz, Dr. Finklang, Dr. Nichols, Dr. Hruza and Dr. Bureman. The motion carried 5 to 0.

RECONVENE

The Board reconvened in open session at approximately 4:05 p.m.

Dr. Finklang requested that the Board staff always follow up on cases where letters are sent to licensees and no response is received prior to bringing the cases back to the Board for review to determine if the licensee received the letter.

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. Hruza that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 4:06 p.m.

Respectfully submitted,

Bonnie Mengwasser, Processing Technician Supervisor



Brian Barnett, Executive Director

Approved by the Board on: June 8, 2012