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State of Missouri

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Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

June 8, 2012                      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 8, 2012 9:00 a.m.

Division of Professional Registration  
Main Conference Room  
3605 Missouri Boulevard  
Jefferson 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 <ul style="list-style-type: none"><li>February 16, 2012 Board Meeting</li></ul>  | Dr. Vanderfeltz |
| 5.  | Executive Director Report <ul style="list-style-type: none"><li>a. Financial Statement</li><li>b. Legislation</li><li>c. Board meeting cost comparison</li></ul> | Mr. Barnett     |
| 6.  | Approval of Continuing Education Courses   | Dr. Finklang    |
| 7.  | WPS/CMS Restrictions on Scope of Optometric Practice   | Dr. Vanderfeltz |
| 8.  | Board Certification  | Dr. Bureman     |
| 9.  | Future Meeting Schedule <ul style="list-style-type: none"><li>October 11, 2012 – Branson</li></ul>   | Dr. Vanderfeltz |
| 10. | Motion to go into Closed Session   | Dr. Finklang    |
|     | Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, 324.001.8, RSMo and 324.001.9, RSMo.  |                 |
| 11. | Adjournment  |                 |

## Open Minutes

### Missouri State Board of Optometry

June 8, 2012

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

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Vanderfeltz, President, at approximately 9:03 a.m. on Friday, June 8, 2012, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson 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, Member

**STAFF MEMBERS PRESENT:**

Brian Barnett, Executive Director  
Rhonda Robinett-Fogle, Processing Technician Supervisor

**LEGAL COUNSEL PRESENT:**

Sarah Ledgerwood, Division Counsel

**GUESTS PRESENT:**

Casey Millbury, Missouri Society of Eye Physicians & Surgeons

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. Finklang to approve the open agenda as modified. The motion carried unanimously.

**APPROVAL OF THE MINUTES**

A motion was made by Dr. Nichols and seconded by Dr. Finklang to approve the open minutes of the February 16, 2012 Board meeting as modified. The motion carried unanimously.

## **EXECUTIVE DIRECTOR REPORT**

### **Financial Statement**

Mr. Barnett presented the Board with the following financial statement as of March 31, 2012:

<b>Beginning Fund Balance – 7/1/11</b>		\$352,936.82		
Revenue (7/1/011 to 12/31/11)		\$8,683.25		
Fund Balance Sub Total		<b>\$361,620.07</b>		<b>\$361,620.07</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		\$35,833.15		
Expense & Equipment		<u>\$6,909.51</u>		
Total Appropriation Expenditures		<b>\$42,742.66</b>		
<b>YTD Transfers from Fund:</b>				
Rent		\$1,133.82		
Dept. Cost Allocation		\$412.27		
OA Cost Allocation		\$876.00		
PR Transfers		\$25,029.38		
Refunds		\$00.00		
FY 11 Transfers Carried Over		\$8,948.93		
Total Transfers from Fund		<b>\$36,400.40</b>		
<b>Total Appropriation Costs and</b>		<b>\$79,143.06</b>		<b>- \$79,143.06</b>
<b>Ending Fund Balance as of 3/31/12</b>				<b>\$282,477.01</b>

<b>Remaining Appropriation for FY12:</b>				
Personal Service		\$21,282.41		
Expense & Equipment		\$35,133.49		

Mr. Barnett informed the Board the revenue this year is a little lower than what he projected, around \$4,000.00; however, Mr. Barnett stated that the Board's fund is in no danger of being swept. Mr. Barnett does not anticipate having to make any fee adjustments, but it is something he is watching very closely. Mr. Barnett stated he is interested in seeing the outcome of the renewal cycle this year. Mr. Barnett said in the renewal year there is usually a drop off in licensure due to people retiring and moving and this is the biggest thing that affects the Board's revenue; however, Mr. Barnett does not look for it to be a big negative impact year. Mr. Barnett stated that licensees should be very proud of the Board for their cost savings measures as the Board was able to avert from raising licensure fees in 2010 and again in 2012. Dr. Bureman asked Mr. Barnett where the danger of being swept is. Mr. Barnett stated that when the board fund exceeds three times the annual appropriation, there is danger of being swept; the Board would be basically looking at a little over \$300,000.00 for a sweep to occur.

### **Legislation**

During the meeting, Mr. Barnett was having difficulty accessing his legislative report; therefore, he will forward his written legislative tracking report to the Board Members via email. Mr. Barnett's report is made 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. Mr. Barnett did state none of the bills the Board was tracking made it through the legislative process.

### **Rulemaking**

Nothing to report.

### **Board Meeting Cost Comparison**

Mr. Barnett looked at the last four board meetings and overall it costs three times as much to have board meetings outside Jefferson City, MO. Hotel room rates increase and mileage rates increase considerably depending on where the meeting is held, especially the Kansas City, MO meeting.

### **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. Nichols and seconded by Dr. Bureman 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 was a push from consumers to develop some form of maintenance of licensure. Dr. Bureman stated there has been a movement out there, organizations formed; one is called Citizens Advocacy Committee who feels healthcare

professionals of all sorts need to, for protection of the public, need something better for maintenance of licensure. Dr. Bureman said the Federation of State Medical Boards is an organization that is similar to ARBO and the organization recognizes board certification of all the other disciplines; they have developed a continuing competency program, but with those somebody has to take another examination to keep their board certification. Therefore, Dr. Bureman stated they have determined those types of board certifications in deed someday if in the legislature something is passed that would require a certificate of competence beyond continuing education, those particular board certifications would spike. However, they do recognize that there are a number of Physicians practicing who are not board certified in their specialty and they need a way of testing those. Therefore, the Federation of State Medical Boards feels they need a pool to be able to test those types of providers and so they are in the process of putting together a test. ARBO looked at this and decided it would not be a bad approach but Dr. Bureman stated the problem in optometry is that the board certification process is just getting started and there is a lot of resistance to that board certification process.

Dr. Bureman reported the ARBO committee that he is on titled the Clinical Competency Committee is in the process of putting together a program to develop a test that could be used as a tool for individual state boards. Dr. Bureman stated that at the ARBO convention in a couple weeks, there will be a resolution there to give the Clinical Competency Committee the funding to move forward on this test. Dr. Bureman stated Dr. Hruza and he will attend the meeting and he will be the voting member for the Board at this conference. Dr. Bureman asked the board members for guidance on how he should vote on the resolution at the ARBO conference and then stated he will vote the way the majority feels. After detailed discussion between the board members regarding this issue and the resolution, the Board directed Dr. Bureman to vote as to what he believes is the best on this resolution at the upcoming ARBO meeting.

Additionally, Dr. Bureman announced he has been approached to run for the ARBO Board of Director's and he said their bylaws state that he must have the support of his Board; therefore, Dr. Bureman asked for the Board's approval in his endeavor to run for the Board of Director's. If approved, Dr. Bureman asked if the Board will submit a letter of recommendation on his behalf for his endorsement. A motion was made by Dr. Nichols and seconded by Dr. Finklang to support Dr. Bureman as a nominee to run for the ARBO Board of Directors and to submit a letter of recommendation on his behalf. The motion carried unanimously.

### **WPS/CMS RESTRICTIONS ON SCOPE OF OPTOMETRIC PRACTICE**

Dr. Vanderfeltz reported that the Tear Osmolarity code was approved. Dr. Vanderfeltz said this was the only change and that discussions are ongoing. Dr. Vanderfeltz stated that supposedly nobody gets to use the 92132 code for anterior surface. Dr. Vanderfeltz stated they have new technology coming out that does a better job at evaluating the anterior surface and neither the Optometry or Ophthalmology professions of the eye, are allowed to use the code. Dr. Vanderfeltz feels it is a shame that a bureaucratic group gets to decide what is good for the best interests of people in the

state of Missouri. Dr. Vanderfeltz said from what he understands from WPS, no one is getting paid for that code. Dr. Vanderfeltz stated that if they do not get comfortable meetings with WPS then they will need to go up the chain of command, get CMS to do it and then go from there.

### **FUTURE MEETING SCHEDULE**

Dr. Vanderfeltz announced the next board meeting is scheduled for October 11, 2012 at 1:00 p.m. in Branson, MO. The Board scheduled a tentative board meeting date for Thursday February 14, 2013 at 11:00 a.m. in Kansas City, MO. The Board also scheduled a tentative board meeting date for Friday June 7, 2013 at 9:00 a.m. in Jefferson City, MO.

The Board had detailed conversation discussing the ARBO Tracker and how it could possibly be utilized for the board's biennial random continuing education audit.

A motion was made by Dr. Hruza and seconded by Dr. Nichols to keep the biennial audit at thirty three percent (33%) for the upcoming 2012 renewal and to work with ARBO on an investigative process that could facilitate a hundred percent (100%) audit for the 2014 biennial renewal continuing education audit. The motion carried unanimously.

A motion was made by Dr. Nichols and seconded by Dr. Finklang to instruct Dr. Vanderfeltz and Mr. Barnett to draft proposed language for a rule change to allow carry over continuing education hours and bring the draft language to the October 11, 2012 meeting for the board's review. The motion carried unanimously.

### **CLOSED SESSION**

At approximately 12:07 p.m., a motion was made by Dr. Finklang 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. 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 1:08 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 1:12 p.m.

**Respectfully submitted,**

**Rhonda Robinett-Fogle, Processing Technician Supervisor**

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**Brian Barnett, Executive Director**

**Approved by the Board on: October 11, 2012**