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Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

February 14, 2013 11:00 a.m.

**Sheraton KC Hotel @ Crown Center  
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 14, 2013 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. Hruza
3. Approval of the Agenda Dr. Vanderfeltz
4. Approval of the Minutes Dr. Vanderfeltz
  - October 11, 2012 – Board Meeting
5. Executive Director Report Mr. Barnett
  - a. Financial Statement
  - b. Legislation
  - c. ARBO CE Tracker Info
6. Approval of Continuing Education Courses Dr. Hruza
7. Discussion of Board Certification
8. WPS/CMS Restrictions on Scope of Optometric Practice Dr. Vanderfeltz
9. Future Meeting Schedule Dr. Vanderfeltz
  - June 7, 2013 – Jefferson City
10. Board Travel Dr. Vanderfeltz
  - ARBO Annual Meeting – June 23-25, 2013  
San Diego, CA
11. Review of 20 CSR 2210-2.030 License Renewal Mr. Barnett
12. Motion to go into Closed Dr. Finklang
13. Adjournment

## **Open Minutes**

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

**February 14, 2013**

**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 11:00 a.m. on Thursday, February 14, 2013, at the Sheraton Kansas City Hotel at Crown Center, 2345 McGee Street, Kansas City, MO.

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

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

#### **BOARD MEMBERS ABSENT:**

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:**

LeeAnn Barrett, Executive Director, Missouri Optometric Association

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

#### **APPROVAL OF THE MINUTES**

A motion was made by Dr. Finklang and seconded by Dr. Hruza to approve the open minutes of the October 11, 2012 Board meeting as modified. The motion carried unanimously.

**EXECUTIVE DIRECTOR REPORT**

***Financial Statement***

Mr. Barnett presented the Board with the following FY-13 year end financial statement as of December 31, 2012:

<b>Beginning Fund Balance – 7/1/12</b>		<b>\$268,032.70</b>		
Revenue (7/1/012 to 12/31/12)		\$199,578.75		
Fund Balance Sub Total		<b>\$467,611.45</b>		<b>\$467,611.45</b>
<b>Appropriations to Board:</b>				
Personal Service		\$57,416.58		
Expense & Equipment		<u>\$41,110.00</u>		
Total Appropriations		<b>\$98,526.58</b>		
<b>Appropriation Expenditures:</b>				
Personal Service		\$22,706.36		
Expense & Equipment		<u>\$6,331.90</u>		
Total Appropriation Expenditures		<b>\$29,038.26</b>		
<b>YTD Transfers from Fund:</b>				
Rent		\$869.26		
Dept. Cost Allocation		\$275.98		
OA Cost Allocation		\$738.00		
PR Transfers		\$15,922.83		
Refunds		\$00.00		
FY 12 Transfers Carried Over		\$6,796.39		
Total Transfers from Fund		<b>\$24,602.46</b>		
<b>Total Appropriation Costs and Transfers from Fund:</b>		<b>\$53,640.72</b>		<b>- \$53,640.72</b>
<b>Ending Fund Balance as of 12/31/12</b>				<b>\$413,970.73</b>

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Mr. Barnett informed the Board the revenue this year is actually up a little bit this year. Mr. Barnett said the Board had an excellent renewal cycle this year, as of today Mr. Barnett stated there are only currently eighty-five (85) licensees that has not renewed. Mr. Barnett stated that last renewal cycle the Board lost one hundred (100) licensees so this cycle it is down.

Dr. Nichols suggested emailing second renewal notices to licensees prior to their expiration date. Mr. Barnett stated once we get the new licensing system, that he would like to see this happen, hopefully by the next optometry renewal cycle. Dr. Vanderfeltz suggested having the Missouri Optometric Association (MOA) to remind licensees to update their physical/email addresses with the State Board of Optometry and the Bureau of Narcotics & Dangerous Drug (BNDD) prior to their renewal. Ms. Barrett said that she is always looking for information to put in her weekly email and Ms. Barrett said she would certainly be happy to inform licensees.

Mr. Barnett stated at the last meeting the Board discussed the raising of the board member per diem fee which would require a statute change. Mr. Barnett stated that he believes this would be something that would be best to pursue as a division wide type of an initiative. Mr. Barnett informed the Board that he will start having discussions with other board executive directors and the possibility of trying to get this item on the next legislative agenda.

Mr. Barnett stated that the Board's fund is in no danger of being swept. Mr. Barnett stated per the five (5) year projections that he does not anticipate having to make any fee increases, but it is something he is watching very closely. Mr. Barnett stated ultimately his goal would be to lower licensing fees, so the Board could show licensees that the Board is working more efficiently with their money and provide savings back to them.

Dr. Hruza reported that on her last OE Tracker call there was discussion regarding states in danger of being swept and at the same time they were trying to promote OE Tracker use; therefore, the state as part of licensing paid for OE Tracker for every licensed O.D. in that state. Dr. Hruza stated it was an interesting concept, it done two things; it helped with their money and also promoted OE Tracker use. Mr. Barnett stated he would love for the Board to be able to do something like this; however, the Board does not currently have the money to be able to do it. Dr. Nichols stated he agrees that it would be a nice service, but probably only fifty percent of the licensees would actually use it and he suggested maybe work out a deal with ARBO and not pay upfront, only on those Missouri licensees who actually access the system. Dr. Hruza suggested talking about this on the next OE Tracker conference call. After detailed discussion, it was determined that it would cost the Board forty thousand dollars (\$40,000.00) bi-yearly and the board's fund cannot afford this amount at the present time unless the Board wants to increase license fees. Dr. Vanderfeltz suggested that Dr.

Hruza still research the process on her next conference call, and then the Board can discuss it again at the next board meeting.

### ***Legislation***

Mr. Barnett stated the current legislative session is shaping up in such a way that he does not have much to report on. Mr. Barnett stated there are some small potential changes being presented regarding the Sunshine Law; although, Mr. Barnett said he has not seen an actual draft of it yet as to know what the significant impact would be, if any. Mr. Barnett said at this point in the session it has been fairly quiet.

Dr. Barrett stated she is looking at a Bill and she is going to be speaking with a Representative on it on Monday. Dr. Barrett said HB 314 is the collaborative practice act, it has to do with medicine and nurse practitioners but they open up a section of the law that she may be able to attach some things regarding optometry. Mr. Barnett asked Dr. Barrett is MOA was going to be doing the cap fee again this year and she stated yes. Mr. Barnett stated that Dental has a couple bills on cap fees but he has not seen optometry on them.

### ***ARBO CE Tracker Update***

Mr. Barnett discussed the OE Tracker reports with the Board. Mr. Barnett stated that a report was pulled from the OE Tracker on November 7, 2012 of those licensees who had thirty two (32) or more hours at that time for the reporting period of November 1, 2010 to October 31, 2012, and out of one thousand four hundred and ninety one (1491) licensees listed, only four hundred ninety six (496) were shown to have thirty two (32) hours. Mr. Barnett said this was very disappointing to him as he was expecting more to be in compliance. Mr. Barnett stated the report was pulled a second time on January 4, 2013, and only five hundred twenty seven (527) were in compliance at that time; Mr. Barnett stated it was not a significant gain. Mr. Barnett also informed the Board the same report was run one last time on January 8, 2013 and at that time five hundred forty eight (548) licensees were in compliance. Mr. Barnett stated the Board is currently using the OE Tracker reports available to aid in the current audit which is thirty three percent of licensees and this process does save the board some time when auditing.

### **APPROVAL OF CONTINUING EDUCATION COURSES**

A motion was made by Dr. Nichols and seconded by Dr. Hruza to approve the following two continuing education courses:

Cornea & Laser Vision Institute  
Course: Cornea in a week  
Approved: 11-19-2012  
Course Date: 12-26-12 TO 01-05-2013

Mercy Clinic Eye Specialist  
Course: Femtosecond Laser Cataract Surgery  
Approved: 02-01-2013  
Course Date: 02-28-2013

The motion carried unanimously.

### **BOARD CERTIFICATION UPDATE**

Dr. Finklang stated now that there is a board certification process; we will just have to watch because some people like to put it on their stationary. Dr. Barrett stated that American Board of Optometry (ABO) gives examples of how you can list the board certification, once you obtain it. Dr. Vanderfeltz stated board certification is here and the Board will have to work with it, the Board can discuss more as time goes on and as issues come up, the Board should just keep it on the agenda to discuss at future meetings.

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

Dr. Vanderfeltz stated as discussed at the last meeting they did rescind the optometric services LCD and to his knowledge there is one coding "92286" using specular microscopy that they did the wrong calculation for and Dr. Vanderfeltz contacted WPS about it as it is done on a CMS level. Dr. Vanderfeltz stated it was wrong at a CMS level and asked the Board to pass that information along to doctors that might have gotten some contacts from doctors around the state and they are just paying a reduced fee. Dr. Vanderfeltz said it is supposed to be corrected at the CMS level, the calculation is not there but is has not been sent out to a local carrier. Dr. Vanderfeltz stated Dr. Barrett has received some correspondences regarding this issue. Dr. Barrett stated she spoke with them Tuesday evening and she asked them to re-file it again to see what happens.

### **FUTURE MEETING SCHEDULE**

Dr. Vanderfeltz announced the next board meeting is scheduled for June 7, 2013 at 9:00 a.m. in Jefferson City, MO.

Dr. Vanderfeltz also stated there is a meeting that has been tentatively set for October 10, 2013 at 1:00 p.m. at the Ball Park Hilton, Saint Louis, MO.

### **BOARD TRAVEL**

Dr. Vanderfeltz stated the ARBO meeting will be held on June 23-25, 2013 in San Diego, CA prior to the AOA meeting. Mr. Barnett stated that Dr. Bureman is planning on attending the ARBO meeting. Mr. Barnett stated he might be allowed to send two (2) board members to the ARBO meeting. Dr. Hruza stated she would like to attend the ARBO meeting as she is on both the NBEO Review Committee and the OE Tracker Committee. Dr. Nichols stated he will be attending the AOA meeting and Dr. Vanderfeltz said he is going to try to attend the AOA as well. After discussion, the Board decided to submit Dr. Bureman and Dr. Hruza to attend the ARBO meeting.

### **REVIEW OF 20 CSR 2210-2.030 LICENSE RENEWAL**

After detailed discussion regarding the review of 20 CSR-2.030 and the letter received from Dr. Raymond Myers requesting the Board's consideration for advanced approval

for courses from the Association for Research & Vision in Ophthalmology (ARVO) for the next 2012-2014 reporting period, the following motion was made.

A motion was made by Dr. Nichols and seconded by Dr. Finklang to table the discussion on potential rule changes until the next board meeting and instruct Mr. Barnett to do some research on obtaining further information on ARVO and other potential meetings and sources of continuing education, to check with Association of Regulatory Board of optometry (ARBO) regarding online continuing education and to send Dr. Myers a letter responding to his request. The motion carried unanimously.

### **CLOSED SESSION**

At approximately 1:40 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, and Dr. Hruza. The motion carried 4 to 0.

### **RECONVENE**

The Board reconvened in open session at approximately 2:48 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. Hruza that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 2:50 p.m.

**Respectfully submitted,**

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

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**Brian Barnett, Executive Director**

**Approved by the Board on:**