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Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

June 7, 2013 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

Posted: 7/11/2012  
5:00 p.m.

# Open Agenda

## Missouri State Board of Optometry

June 7, 2013 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. Hruza       |
| 3.  | Approval of the Agenda  | Dr. Vanderfeltz |
| 4.  | 9:30 a.m. John B. Crane, O.D. <ul style="list-style-type: none"><li>• Probation Violation Hearing</li></ul>               | Dr. Vanderfeltz |
| 5.  | Approval of the Minutes <ul style="list-style-type: none"><li>• February 14, 2013 Board Meeting</li></ul>                 | Dr. Vanderfeltz |
| 6.  | Executive Director Report <ul style="list-style-type: none"><li>a. Financial Statement</li><li>b. Legislation</li></ul>   | Mr. Barnett     |
| 7.  | Approval of Continuing Education Courses  | Dr. Hruza       |
| 8.  | WPS/CMS Restrictions on Scope of Optometric Practice  | Dr. Vanderfeltz |
| 9.  | Board Certification   | Dr. Bureman     |
| 10. | Review of 20 CSR 2210-2.030 License Renewal   | Mr. Barnett     |
| 11. | Future Meeting Schedule <ul style="list-style-type: none"><li>• October 10, 2013 – St. Louis, MO</li></ul>                | Dr. Vanderfeltz |
| 12. | Communication from Dr. William Gosnell, O.D.  | Dr. Vanderfeltz |
| 13. | 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. |                 |
| 14. | Adjournment   |                 |

## Open Minutes

### Missouri State Board of Optometry

June 7, 2013

#### Professional Registration 3605 Missouri Boulevard Jefferson City, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Vanderfeltz, President, at approximately 9:06 a.m. on Friday, June 7, 2013, at the Professional Registration, 3605 Missouri Boulevard, Jefferson 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  
Dr. James E. Bureman, Member

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

None

#### **STAFF MEMBERS PRESENT:**

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

#### **LEGAL COUNSEL PRESENT:**

Earl Kraus, Division Counsel  
Nate French, Division Counsel Intern

#### **GUESTS PRESENT:**

None

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

#### **JOHN B. CRANE, O.D. PROBATION VIOLATION HEARING**

At approximately 9:33 a.m., the Board began its probation violation hearing in the matter of State Board of Optometry, Petitioner, v. John B. Crane, O.D. Respondent, Case Number 2013-000451. The record will show that Dr. Crane was present and was not represented by counsel. The hearing was recorded by a court reporter and a transcript of the hearing will be retained as a permanent record of the Board. The hearing concluded at approximately 10:05 a.m.

**APPROVAL OF THE MINUTES**

A motion was made by Dr. Nichols and seconded by Dr. Bureman to approve the open minutes of the February 14, 2013 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 April 30, 2013:

<b>Beginning Fund Balance – 7/1/12</b>		<b>\$268,032.70</b>		
Revenue (7/1/012 to 4/30/13)		\$204,399.75		
Fund Balance Sub Total		<b>\$472,432.45</b>		<b>\$472,432.45</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		\$40,864.43		
Expense & Equipment		<u>\$9,715.11</u>		
Total Appropriation Expenditures		<b>\$50,579.54</b>		
<b>YTD Transfers from Fund:</b>				
Rent		\$1,313.59		
Dept. Cost Allocation		\$393.61		
OA Cost Allocation		\$1,477.00		
PR Transfers		\$27,793.09		
Refunds		\$165.00		
FY 12 Transfers Carried Over		\$6,796.39		
Total Transfers from Fund		<b>\$37,938.68</b>		
<b>Total Appropriation Costs and</b>		<b>\$88,518.22</b>		<b>- \$88,518.22</b>

<b>Transfers from Fund:</b>				
<b>Ending Fund Balance as of 04/30/13</b>				<b>\$383,914.23</b>

Mr. Barnett stated the board's fund balance is fantastic. Mr. Barnett stated there is no reason to raise fees, and the Board is still working towards their goal of lowering license fees. Mr. Barnett stated he sent the Board an email regarding travel appropriation cuts. Mr. Barnett said the Board will have to deal with the travel appropriation cuts; however, the cuts will not affect the board's fund balance. Mr. Barnett stated they cut the Board's out-of state-travel to potentially seven hundred dollars (\$700.00).

Mr. Kraus stated before the Board spends too much time making changes or considering potential adjustments, the travel appropriation will be reviewed some more and the impact may be less than originally thought.

Dr. Nichols asked Mr. Barnett to explain the sweep rule and Mr. Barnett informed the Board that if the board's fund balance exceeds three times the appropriation, then the excess amount is swept by general revenue. Mr. Barnett stated the Board is not in any danger of being swept.

**Legislation**

Dr. Vanderfeltz inquired about a potential increase in per diem for board members and Mr. Barnett stated it would require a statute change in order to increase the amount of per diem received. Mr. Barnett stated there has been some discussion on trying to do a broad change for everybody. Mr. Barnett stated he does not know how much traction it will get; not so much here, but from the Department. Mr. Barnett stated that anytime it is discussed that government employees would like to give themselves a pay raise then the perception of it is not well received in general even though it is not a considerable amount of money and it is not coming from general revenue. However, Mr. Barnett stated that the perception or the way it is portrayed up at the Capital from people that oppose it is will be negative. Mr. Barnett stated we will monitor to see how much traction it will get and he does not know if it will be this year.

Mr. Barnett stated the current legislative session is over and he said there was not really a lot accomplished this year, nothing passed that would have a big impact on the Board. Mr. Barnett stated there was one Bill regarding the consideration of counting military education towards licensure requirements.

## **APPROVAL OF CONTINUING EDUCATION COURSES**

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

Cornea & Laser Vision Institute  
Seasonal Allergic Conjunctivitis  
April 17, 2013

Moyes Eye Center  
Normal Tension Glaucoma  
4-25-13

Chris DeRose  
Economic Outlook  
4-23-13

Cokington Eye Centers  
Advances in Glaucoma  
4-30-2013

Sabates Eye Care  
Annual Ophthalmology Symposium  
6-22-13

Sabates Eye Care  
Diagnostic & Therapeutic Techniques  
4-25-13

The motion carried unanimously.

### ***Report from Dr. Bureman***

Dr. Bureman stated that he is on the Association Regulatory Board of Optometry (ARBO) Clinical Competency Committee. Dr. Bureman said the Committee was requested by the leadership of ARBO to consider some type of evaluation self-assessment process that could possibly be used in the future for disciplinary actions. Dr. Bureman stated all boards have issues at times where there is some concern on whether or not an optometrist is still competent to maintain a license and practice. Dr. Bureman said the Committee has evolved to where there is going to be a self-assessment test that is going to be developed by and given by the NBEO. Dr. Bureman stated that once the self-assessment test is done, then there will be an intervention that is tailored for particular weaknesses of individual practitioners. Dr. Bureman stated the idea with this process is designed to rehabilitate and not eliminate practitioners. Dr. Bureman informed the Board that what the Committee needs is a beta test, they need some individuals to take the test and participate in intervention in order to practice and the Committee is trying to figure out ways in order to accomplish this. Dr. Bureman stated that one of the ideas that have been suggested is to provide the participants with continuing education (CE) for their participation. Dr. Bureman stated that some of the other boards will be doing this, and he also asked why they just did not have COPE

approve it and Dr. Bureman stated that he was told because of the sensitivity of the project, as it is a beta project/experiment and may not lead to anything, they do not want any type of controversy built up on something that may never be an issue. Dr. Bureman stated this is just a tool for boards to use to assess a practitioner, ensuring safe practice. Dr. Bureman noted that an individual must complete all three (3) parts of the test in order to receive CE credit for it, and the Dr. Bureman asked the Board if they would be open to giving sixteen (16) hours of CE to participate in the test.

Mr. Barnett stated there are only two mechanisms in the Board giving CE credit with the first being the hours must be awarded by an entity listed in the CE rule or; second, they have to go through the board approval process, that it must be submitted not less than thirty (30) days prior to the date of the program; thus, following the specific procedures that are outlined in the rule. Mr. Barnett stated he does not believe there is a mechanism in the rule for the Board to say they will give CE for this, so a rule change would be needed in order to award CE.

After detailed discussion, the Board determined at the present time the Board cannot award CE for the test; however, the Board will be open to more discussion in the future.

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

Dr. Vanderfeltz stated that there is only one new item that has come up; there is a code that is relatively new "65778" which is an amniotic membrane transfer. Dr. Vanderfelz stated that this is a new code and a new procedure. Dr. Vanderfeltz recommended the Board submit a letter that says the Board feels that optometrists in the state of Missouri can do code 65778, if needed.

After detailed discussion, the Board made the following motion.

A motion was made by Dr. Nichols and seconded by Dr. Bureman to instruct staff to work with legal counsel to come up with a draft of a letter regarding the Board Statutes outlining scope of practice and the Board will continue to keep code number "65778" under advisement and if Medicare denies this procedure code then the Board will begin the rule making process. The motion passed unanimously.

#### **BOARD CERTIFICATION UPDATE**

Dr. Bureman stated he is going to talk about reviewing regulatory issues as far as board certification, not marketing, not hospital privileges just regulatory. Dr. Bureman stated regulatory agencies oversee the maintenance of licensure and in the state of Missouri, the maintenance of licensure is thirty two (32) hours of approved continuing education as in Statute and approved certificates is defined by optometry rule. However, Dr. Bureman stated there is push that is not within the professions themselves called the Citizens Advocacy Center and it has been reinforced with proposed changes in healthcare to ensure quality. Dr. Bureman said they feel a mechanism is needed to manage "continued competency". Dr. Bureman stated, "what is continued competency," and then said we need a way of determining what continued competency is, so we need

another new certificate of competency. Dr. Bureman said that board certification has been brought up that it could be a certificate of competence or it could also be something else. Dr. Bureman stated at some point in the future if it is determined that the continued competency in the profession of optometry then in the law they will list what are the certificates of competency as one might be the ABO, another might be something the American Academy of Optometry comes up with, or maybe something else, then individuals will need to have one of those in order to renew their license. Dr. Bureman stated as for as regulatory, that it is his opinion that nothing is going to happen as far as board certification and how it affects the Board regulatorily in the near future.

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

Mr. Barnett stated the Board reviewed a letter 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 at the last board meeting which was held on February 14, 2013. At this meeting, the Board decided to table the discussion on potential rule changes until the June 7, 2013 board meeting and instructed 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.

Mr. Barnett reported the following to the Board that ARVO has a mechanism for granting continuing education (CE), the American Medical Association (AMA) recognizes ARVO CE and grants it as category one (1) CE. Mr. Barnett then said we found out that the American Optometric Association (AOA) recognizes AMA courses as qualifying for optometric recognition award category one (1) CE. Mr. Barnett indicated this was something that he was unaware of, and then he went on to state that if ARVO awards it as two (2) hours of CE, the argument could be made that it would possibly qualify for CE with the Board. Mr. Barnett stated the board rule states that educational meetings of the AOA counts toward CE requirements. The Board concluded that it did not believe that the ARVO CE constituted an educational meeting of the AOA and therefore ARVO CE could not be automatically approved under this provision.

After detailed discussion regarding the review of 20 CSR-2210-2.030 the following motions were made.

A motion was made by Dr. Finklang and seconded by Dr. Nichols to contact American Optometric Association (AOA) and see if they consider Association for Research & Vision in Ophthalmology ARVO as an affiliate. This motion and second was withdrawn.

A motion was made by Dr. Finklang and seconded by Dr. Nichols to check with other states to see if they accept ARVO continuing education. The motion carried unanimously.

The Board also concurred they would like the language presented for the proposed new rule to be revised by changing the word **time block** to **renewal** in 20 CSR 2210-2.030 (6) and to change the proposed wording in 20 CSR 2210-2.030 (11)(F) to the following.

**Individuals who obtain a license by examination shall be exempt from the continuing education requirement for the first renewal after their initial license date.;**

***The Board recessed for lunch at approximately 12:16 p.m. and returned at approximately 12:45 p.m.***

The Board discussed a possible restriction of online continuing education (CE). Dr. Vanderfeltz asked the Board Members for their thoughts regarding online CE. Dr. Hruza responded by saying that it is a virtual world and the Board should not go away from online CE, Dr. Hruza said she feels that online CE is necessary; however, she is not stating it should be unlimited. Dr. Nichols agreed with Dr. Hruza that online CE should be accepted, and he said in a sense that online CE is better than classroom CE as usually they require testing with the online CE. Dr. Finklang, Dr. Bureman, and Dr. Vanderfeltz also agreed with the continued acceptance of online CE.

Mr. Barnett stated that based on CE audits, the Optometry Board online CE or correspondence courses is much lower than that of other professions. Mr. Barnett stated the majority of optometrists that are audited; obtain their CE by attending meetings. After detailed discussion, the Board concurred not to limit the amount of online CE. for optometrists.

A motion was made by Dr. Bureman and seconded by Dr. Nichols to submit the proposed rule amendment (20 CSR-2.030 License Renewal) as presented with the language modification discussed and documented above, and to wait on any changes regarding ARVO until a later date. The motion carried unanimously.

### **FUTURE MEETING SCHEDULE**

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

The Board set the February 2014 meeting for Thursday, February 13, 2014, meeting prior to the Heart of America Congress at the Sheraton Hotel in Kansas City, MO.

### **COMMUNICATION FROM DR. WILLIAM GOSNELL, O.D.**

The Board reviewed a letter received from Dr. Gosnell and discussed the context in detail. Dr. Vanderfeltz stated that Dr. Gosnell would like to see Optometrists to be recognized as "optometric physicians" by the state of Missouri. Dr. Vanderfeltz also stated that Dr. Gosnell would like for optometrists to give injections. After detailed discussion, the following motion was made.

A motion was made by Dr. Nichols and seconded by Dr. Bureman to direct staff and legal counsel to research information regarding other professions using the term “physician” and bring this issue back to the October 10, 2013 board meeting and to also direct staff to send a response letter to Dr. Gosnell. The motion carried unanimously.

**CLOSED SESSION**

At approximately 1:16 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. Bureman, Dr. Vanderfeltz, Dr. Finklang, Dr. Nichols, and Dr. Hruza. The motion carried 5 to 0.

**RECONVENE**

The Board reconvened in open session at approximately 2:50 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 2:51 p.m.

**Respectfully submitted,**

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

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**Brian Barnett, Executive Director**

**Approved by the Board on:**