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Brian Barnett  
Executive Director

## Meeting Notice

### Missouri State Board of Optometry

June 11, 2015 11:00 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.

## Open Agenda

### Missouri State Board of Optometry

June 11, 2015 11:00 a.m.

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

1. Call to Order Dr. Finklang
2. Roll Call Dr. Hruza
3. Approval of the Agenda Dr. Finklang
4. Approval of the Minutes Dr. Finklang
  - February 12, 2015 – Board Meeting
5. Executive Director Report Mr. Barnett
6. Legislation Mr. Barnett
7. Contact Lens Sales w/o Prescriptions Dr. Vanderfeltz
8. Approval of Continuing Education Courses Dr. Hruza
9. Board Certification Update Dr. Bureman
10. WPS/CMS Restrictions on Scope of Optometric Practice Dr. Vanderfeltz
11. Review of Continuing Education Requirements in 20 CSR 2210-2.030 Dr. Vanderfeltz
12. ARBO Update Dr. Hruza/ Dr. Bureman
13. Future Meeting Schedule Dr. Finklang
14. Motion to go into Closed Dr. Vanderfeltz  
Closed meeting pursuant to Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, 324.001.8, RSMo and 324.001.9, RSMo.
15. Adjournment

## Open Minutes

### Missouri State Board of Optometry

June 11, 2015

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. Finklang, President, at approximately 11:00 a.m. on Thursday, June 11, 2015 at The Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

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

Dr. Kurt W. Finklang, President  
Dr. Donald J. Vanderfeltz, Vice President  
Dr. Carrie Hruza, Secretary  
Dr. James E. Bureman, Board Member  
Dr. Kyle E. Brost, Board Member

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

Brian Barnett, Executive Director  
Sarah Becker, Processing Technician Supervisor

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

Sarah Ledgerwood, Division Counsel

#### **GUESTS PRESENT:**

Dr. 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. Brost and seconded by Dr. Vanderfeltz to approve the open agenda. The motion carried unanimously.

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

A motion was made by Dr. Vanderfeltz and seconded by Dr. Brost to approve the open minutes of the February 12, 2015 Board meeting. The motion carried unanimously.

**EXECUTIVE DIRECTOR REPORT**  
**Financial Statement**

Mr. Barnett presented the Board with the following FY-15 financial statement as of March 31, 2015:

**State Board of Optometry**  
**FY-15 Financial Statement**  
**March 31, 2015**

<b>Beginning Fund Balance – 7/1/14</b>		<b>\$ 283,609.47</b>		
Revenue (7/1/014 to 3/31/15)		\$ 200,973.35		
<b>Fund Balance Sub Total</b>		<b>\$484,582.82</b>		<b>\$484,582.82</b>
<b>Appropriations to Board:</b>				
Personal Service		\$58,074.18		
Expense & Equipment		\$ 34,726.00		
<b>Total Appropriations</b>		<b>\$92,800.18</b>		
<b>Appropriation Expenditures:</b>				
Personal Service		\$ 37,237.60		
Expense & Equipment		\$ 10,189.18		
<b>Total Appropriation Expenditures</b>		<b>\$47,426.78</b>		
<b>YTD Transfers from Fund:</b>				
Rent		\$ 1,370.48		
Dept. Cost Allocation		\$ 366.84		
OA Cost Allocation		\$ 1,269.00		
PR Transfers		\$23,787.74		
Refunds		\$170.00		
FY 14 Transfers Carried Over		\$ 4,856.35		
New Licensure System Costs		\$ 850.95		
<b>Total Transfers from Fund</b>		<b>\$32,671.36</b>		
<b>Total Appropriation Costs and Transfers from Fund:</b>		<b>\$ 80,098.14</b>		<b>- \$80,098.14</b>
<b>Ending Fund Balance as of 3/31/2015</b>				<b>\$404,484.68</b>

Mr. Barnett indicated that this was the big revenue year due to renewal and that the board is where it was expected. Fund balance is in good shape. However, there is a concern that the board has exceeded their travel appropriations. Mr. Barnett wanted the board members to be aware that this is something that the legislators look at and for the last two (2) years the board has exceeded it appropriations. Mr. Barnett suggested moving at least one more meeting to Jefferson City, Missouri. The Board discussed and decided not to change meeting locations or schedules at this time.

### LEGISLATION

Mr. Barnett said there are two items he would like to discuss. The first is Persons exempt from operation of law. Dr. Davis from UMSL asked regarding a project he is planning to do involving some of the students working and performing examinations outside of the confines of the school. In researching, Mr. Barnett came to the realization that there isn't an exemption in the practice law for students working in an accredited program, which is unusual as almost every other profession has that language in their statutes. Technically there is a statute that says this is what constitutes the practice of optometry and if you do any of these things you have to have a license issued by the board. Then you have this statute that gives exceptions to that, typically there are exceptions for students who are working in an accredited school, because technically they are practicing optometry as course of study. As is right now, those students technically are breaking the law. Mr. Barnett stated that it may be worthwhile for the board to consider trying to have this statute amended to include this exception, as the board needs to allow students to practice optometry while they are being clinically trained. Mr. Barnett and Ms. Ledgerwood will draft proposed language under this statute and send to the board for review.

The next thing Mr. Barnett brought to the board is the contact lens legislation. The MOA brought forward a legislative proposal to include dispensing or selling contact lens without a valid prescription from a licensed optometrist or physician as activity that would authorize the board to seek an injunction. The proposed change received a hearing, but it didn't go any further. Dr. Barrett stated it was hooked on some things in the house, such as the pharmacy bill; however, it didn't pass. Mr. Barnett would like to see the board approve to submit this as a legislative proposal from the Division and Department to see if this could be passed. Dr. Barrett informed the board that the MOA governmental affairs committee had met over the weekend, and intends to move forward and will assist the board in any way to have this passed. Dr. Barrett also stated he has a meeting scheduled next week with the chairperson of the professional registration committee in the house, he has agreed to assist in getting this passed.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Brost to submit this as a legislative proposal from the division and department. The motion carried unanimously.

### **CONTACT LENS SALES WITHOUT PRESCRIPTIONS**

Dr. Vanderfeltz wanted to bring this to the board as information that the AOA (American Optometric Association) has organized a watchdog group to find illegal contact lens sales. This group will monitor sales, at gas stations, flea markets and other venues. Dr. Vanderfeltz believes that this is something that is really important and wanted the board to be aware of this. Dr. Barrett indicated that the MOA is working with the AOA on this concern and working together to make a joint statement regarding this matter. Dr. Barrett asked the board for a statement on what does make a valid prescription. Mr. Barnett stated, a potential problem is that the board will need to promulgate a rule on what a valid prescription as the board cannot give an opinion. Mr. Barnett said that this is something the board may need to work on defining this and draft language on what defines valid prescriptions. Dr. Hruza and Dr. Bureman stated that they would make some inquires at the upcoming ARBO meeting to see if other states have prescription definitions.

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

The board reviewed the attached list of continuing education courses that were approved since February 12, 2015.

<b>Course Sponsor</b>	<b>Course Title</b>	<b>Course Date</b>	<b>Number of Hours</b>
Cokington Eye Center	OCT and Retinal Disease Epiretinal Membranes Dr. Ravi Singh, MD	6/2/2015	2
Mercy Eye Specialists	Femtosecond Laser Cataract Surgery & Multifocal IOL Changes	4/27/2015	
Mercy Eye Specialists	Allergic Conjunctivitis & Eyelid lesions	4/27/2015	1
TLC Laser Eye Center	Advances in Refractive Surgery	4/21/2015	1
The Cornea & Laser Vision Center	The Ectatic Cornea	3/11/2015	2
TLC Laser Eye Center	Advances in Refractive Surgery	3/3/2015	1

### **BOARD CERTIFICATION UPDATE**

Dr. Bureman stated that the thought is still there that using board certification as a mechanism of competency measurement is a good idea, but the urgency has seemed to have slowed down. The committee he was on, which was the competency committee doesn't meet any longer, so he has resigned from that committee. The thought for the committee was to come up with a test designed to be used as an assessment tool, which could be used as rehabilitation for someone in lieu of discipline. Discussion only, not motions made.

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

Dr. Vanderfeltz indicated that ICD 10 goes into effect October 1, 2015. WPS indicates that they are not going to pay allergy testing. Discussion only, no motions made.

### **REVIEW OF CONTINUING EDUCATION REQUIREMENTS IN 20 CSR 2210-2.030**

During a previous meeting, the board asked Mr. Barnett to put together some potential language to basically remove "board approved" regarding CE approval. Dr. Finklang doesn't want to make obtaining CE more difficult. Dr. Vanderfeltz stated that this does not address CE online. Mr. Barnett, indicated during the CE Audit, there were a significant number of licensees that had completed at least 16 hours of their CE on line. Dr. Vanderfeltz asked Mr. Barnett if he would forward 1-3 samples of the on line courses he became familiar with while conducting the CE audit and forward those to the board so they are able to review the standard and quality of those courses. Dr. Brost thinks it would be a good idea to see the quality of the education and give an educated vote at a later time. Mr. Barnett stated that there will always be issues regarding the internet, but there are likewise potential issues with more traditional courses. Mr. Barnett stated that there is no perfect answer. Dr. Hruza states that looking at the quality of online CE is part of our responsibility. Dr. Vandefeltz wants to table this until the next meeting to review some online courses.

### **ARBO UPDATE**

Dr. Hruza indicated that she is on two (2) separate committees; the OE tracker committee and a new committee called contemporary issues. OE tracker is still working on some of the same issues, still reaching out to other state's boards to use this as an audit method. The new Contemporary Issues committee is huge, it is everything from online sales of glasses, to tele medicine and social media mobility. Dr. Hruza reported that the focus is online optometry issues. Dr. Finklang asked if OE tracker tracks non-cope classes. Dr. Hruza stated that it does, but if the course has to be reported, then uploaded and then sent to OE tracker.

### **FUTURE MEETING SCHEDULE**

The Board set a meeting for October 15, 2015, in Kansas City, MO in conjunction with the MOA meeting, at the Marriott in Kansas City, to begin at 11:00 a.m.

A motion was made by Dr. Bureman and seconded by Dr. Hruza to move the date of the February 11, 2016 meeting in order to move the meeting location from Kansas City, Missouri to Jefferson City, Missouri. The motion failed with a vote of 2 to 3. Those voting yes: Dr. Bureman and Dr. Hruza. Those voting no: Dr. Vanderfeltz, Dr. Brost and Dr. Finklang. The Board set the meeting for February 11, 2016, in Kansas City, Missouri in conjunction with the Heart of America Contact Lens Society, meeting to begin at 11:00 a.m.

### **CLOSED SESSION**

At approximately 12:46 p.m., a motion was made by Dr. Vanderfeltz and seconded by Dr. Brost 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. Brost, Dr. Hruza and Dr. Bureman. The motion carried 5 to 0.

**RECONVENE**

The Board reconvened in open session at approximately 4:03 p.m.

There being no further business to be brought before the Board at this time, a motion was made by Dr. Brost and seconded by Dr. Hruza that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 4:16 p.m.

**Respectfully submitted,**

**Sarah Becker, Processing Technician Supervisor**

  
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**Brian Barnett, Executive Director**

**Approved by the Board on:**

10/15/15