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Brian Barnett
Executive Director

Meeting Notice

Missouri State Board of Optometry

February 11, 2016 11:00 a.m.

**The Westin Kansas City At Crown Center
One East Pershing Road
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.

Posted: 1/11/2016
12:15 p.m.

Open Agenda

Missouri State Board of Optometry

February 11, 2016 11:00 a.m.

**The Westin Kansas City @ Crown Center
One East Pershing Road
Kansas City, Missouri**

1. Call to Order Dr. Brost
2. Roll Call Dr. Vanderfeltz
3. Approval of the Agenda Dr. Brost
4. Approval of the Minutes Dr. Brost
 - October 15, 2015 – Board Meeting
 - December 9, 2015 – Mail Ballot
5. Executive Director Report Mr. Barnett
 - Financial Statement
6. Approval of Continuing Education Courses Dr. Brost
7. Board Certification Update
8. WPS/CMS Restrictions on Scope of Optometric Practice Dr. Vanderfeltz
9. Review of Continuing Education Requirements Dr. Vanderfeltz
10. Board Travel Dr. Brost
 - ARBO Annual Meeting – June 26-28, 2016
Boston, MA
11. Future Meeting Schedule Dr. Brost
12. 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.
13. Adjournment

Open Minutes

Missouri State Board of Optometry

February 11, 2016

The Westin Kansas City at Crown Center
1 E Pershing Road
Kansas City, Missouri 64108

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Brost, President, at approximately 11:01 a.m. on Thursday, February 11, 2016 at The Westin Kansas City at Crown Center, 1 E Pershing Road, Kansas City, Missouri.

BOARD MEMBERS PRESENT:

Dr. Kyle E. Brost, President
Dr. Donald J. Vanderfeltz, Vice President
Dr. Kurt W. Finklang, Member

BOARD MEMBERS ABSENT:

Dr. Carrie Hruza, Secretary
Dr. James E. Bureman, Member

STAFF MEMBERS PRESENT:

Brian Barnett, Executive Director
Sarah Becker, Processing Technician Supervisor

LEGAL COUNSEL PRESENT:

Thomas Townsend, 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. Finklang 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. Finklang to approve the open minutes of the October 15, 2015 Board meeting. The motion carried unanimously.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Finklang to approve the open minutes of the December 9, 2015 Mail Ballot. The motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mr. Barnett presented the Board with the following FY-16 financial statement as of December 31, 2015:

**State Board of Optometry
FY-16 Financial Statement
December 31, 2015**

Beginning Fund Balance – 7/1/15		\$ 382,271.02	
Revenue (7/1/015 to 12/30/15)		\$ 5,189.75	
Fund Balance Sub Total		\$387,460.77	\$387,460.77
Appropriations to Board:			
Personal Service		\$58,074.18	
Expense & Equipment		\$ 34,726.00	
Total Appropriations		\$92,800.18	
Appropriation Expenditures:			
Personal Service		\$ 23,320.38	
Expense & Equipment		\$ 3,984.09	
Total Appropriation Expenditures		\$27,304.47	
YTD Transfers from Fund:			
Rent		\$ 684.30	
Dept. Cost Allocation		\$ 259.39	
OA Cost Allocation		\$ 68.00	
PR Transfers		\$13,877.32	
Refunds		\$0.00	
FY 14 Transfers Carried Over		\$ 9,249.23	
New Licensure System Costs		\$ 0.00	
Total Transfers from Fund		\$24,138.24	
Total Appropriation Costs and Transfers from Fund:		\$ 51,442.71	- \$51,442.71
Ending Fund Balance as of 12/31/2015			\$336,018.06

Mr. Barnett reported that there have not been a lot of big changes in revenue and expenses they have stayed very consistent. This will be our revenue year due to renewals. Mr. Barnett doesn't expect a big fluctuation on balance. Our fund balance is in the position of being in good shape. Our sweep calculation is 3 times our annual appropriation, we worked the 5 year projection and our fund balance is at 2.47 times our annual appropriation which is exactly where we want it to be. We have to keep it above 2 times above the appropriations because we only renew every 2 years and then keep it below 3 times the appropriations to avoid excess funds being swept.

Dr. Vanderfeltz asked if the Board would be able to keep the renewal fees the same for the coming renewal. Mr. Barnett stated that we should be able to stay the same and be in no danger of having a sweep. Mr. Barnett said if we have a big change in the numbers at renewal time with a lot of drop off, our fund balance is in excellent shape, which will allow us to make the necessary adjustments if the need is there.

Dr. Finklang asked if there were a substantial decrease in graduate's applying for a Missouri license. Mr. Barnett states that there is always a bit of fluctuation but our numbers don't reflect a substantial decrease. Overall the numbers have stayed consistent regarding new applicants and persons not renewing.

Dr. Vanderfeltz asked if there is a way to track the age that optometrist choose to retire and not renew. Mr. Barnett stated that at this time there is not a way to track this information, but he would like to put together a survey to send out with the a renewal. If the Board would like to put some thoughts together from now until the June 10, 2016 meeting and come up with some demographics that we want to try to collect. The survey will be done on a volunteer basis so there will be a margin of error to account for. This is something that we can facilitate; we can do a test run and see what kind of numbers we get in. Mr. Barnett will start doing research on the best way to get the survey out to licensees and bring the information he obtains to the June meeting.

Dr. LeeAnn Barrett stated that Optometry was added to HB1850, so it's possible that the Board could get some demographic information from that as well. Mr. Barnett said what that bill allows us to do is contract with someone to come in and do the data collection for us. Dr. Barrett said MOA is interested in this bill so they are able to know Optometry health care access in what areas of the state.

Mr. Barnett informed the Board that the Board had two legislative proposals that were submitted. The Contact Lens Proposal, the Governor's office decided to not allow that proposal to go forward. Mr. Barnett was under the impression that the Governor was in support of this. Mr. Barnett stated he was very surprised that it wasn't moved on. The Department and the Division both were in support of this and were under the impression that it was going to move forward. Mr. Barnett was not given an explanation of why it wasn't moved on by the Governor's office.

Dr. Barrett was under the impression that someone in the Governor's office believed that investigative arm of the Attorney General's office should be able to address the sale of contact lenses without a prescription. Mr. Barnett pointed out that the Attorney General would seem to have the same problem that the Board currently has without a Missouri law to enforce. The MOA has decided not to push this and try again on next year's legislation.

Dr. Brost asked if it is an educational issue. Dr. Brost added obviously we can send our investigator but it comes down to it as a Federal Law and on a state level we are unable to do anything about it. Mr. Barnett said the problem is that there is not a Missouri Law; the Attorney General's office needs the law passed in order to be able to enforce it. Mr. Barnett recommendation would be for the Board to consider submitting again. Dr. Brost feels there could be serious issues if it's not pursued. Mr. Barnett suggested that we will revisit this during the June 10, 2016 Board meeting and have it resubmitted to the legislature in the 2017 legislative session.

Mr. Barnett informed the Board about the proposed legislation regarding student exemption practicing at an accredited Optometric school. There were some controversies at the hearing regarding if the students would be able to do that under the telehealth settings. Mr. Barnett's response was that in theory there isn't anything that would prevent them from doing that, it would be up to the school. Apparently there is a member on that committee that has a concern about the students not having an instructor physically present. Mr. Barnett modified the language and sent it back to Senator Wasson and he said it looked good and will be voted on by the Committee. The Senate Committee substitute now reads; nothing shall make it illegal for students practicing optometry in an accredited board approved school of optometry for practicing when an instructor is physically present. Mr. Barnett was informed that it was voted on by committee on February 8, 2016. Mr. Barnett stated he has had conversations with Senator Wasson about the importance of this issue and has been assured that this is going to move forward.

APPROVAL OF CONTINUING EDUCATION COURSES

The board reviewed the attached list of continuing education courses that were approved since October 15, 2015. A motion was made Dr. Vanderfeltz and seconded by Dr. Finklang to approve the following courses:

Precision Eye Care	Issues with ICD 10 & Impact on your Practice	11/10/2015	3
Clarkson Eyecare	Cataracts, Cornea, and Glaucoma, what's new?	11/11/2015	2
The Cornea & Laser Vision Center	Ophthalmology Grand Rounds	11/18/2015	2
McKnight Eye Centers, PC & Hunkeler Eye Institute	How Do We Drop The Drops?	12/3/2015	2
Mercy Eye Specialists	When it is more than just cataract surgery: options for complex anterior segment	1/25/2016	2
Moyes Eye Center	1. Glaucoma Case Presentations 2. Anterior Segment Review	1/28/2016	2
Galanis Cataract and Laser Eye Center	Evaluating Cataract outcomes, Diabetic Eye Disease, MIG's 2016	2/17/2016	3

The motion carried unanimously.

BOARD CERTIFICATION UPDATE

No discussion, no motions made.

WPS/CMS RESTRICTIONS ON SCOPE OF PRACTICE

Dr. Vanderfeltz indicated that there is no new information to bring to the board. Discussion only, no motions made.

REVIEW OF CONTINUING EDUCATION REQUIREMENTS

Dr. Vanderfeltz requested Mr. Barnett to work on language to limit the number of hours of CE obtained online to 16 hours and then the additional 16 hours must be completed in a classroom setting.

Mr. Barnett has drafted the language of the thirty-two (32) hours of board-approved continuing education required for license renewal, no more than sixteen (16) hours may be obtained through distance learning methods such as correspondence courses, online only courses, magazine articles or other methods where the licensee is not physically present with the course speaker or presenter.

A motion was made by Dr. Vanderfeltz and seconded by Dr. Finklang to table promulgating this rule change until the Board can get insight and discuss with Dr. Bureman and Dr. Hruza during the June meeting. The motion carried unanimously.

BOARD TRAVEL

A motion was made by Dr. Vanderfeltz and seconded by Dr. Finklang for approval from the Board to submit Dr. James Bureman, Dr. Kyle Brost and Mr. Brian Barnett names for travel approval to attend the ARBO Annual Meeting June 26-28, 2016 in Boston, MA. The motion carried unanimously.

FUTURE MEETING SCHEDULE

The Board set a meeting for October 13, 2016, Chateau on the Lake, Branson, MO to keep the start time at 11:00 a.m.

CLOSED SESSION

At approximately 12:15 p.m., a motion was made by Dr. Vanderfeltz and seconded by Dr. Finklang 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 and Dr. Brost. The motion carried 3 to 0.

RECONVENE

The Board reconvened in open session at approximately 2:23 p.m.

There being no further business to be brought before the Board at this time, a motion was made by Dr. Vanderfeltz and seconded by Dr. Finklang that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 2:24 p.m.

Respectfully submitted,

Sarah Becker, Processing Technician Supervisor


Brian Barnett, Executive Director

Approved by the Board on: *June 10, 2016*