



# STATE BOARD OF OPTOMETRY NEWSLETTER

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## LETTER FROM THE PRESIDENT



Cathy Frier, O.D.

It has been awhile since the Board published its last newsletter in March of 2002. Although we would like to send out a newsletter more often, there is not enough Board news to justify the cost. Therefore, I am pleased to take this opportunity to inform you of some of the activities in the past year and a half.

There have been three new appointments to the Missouri State Board of Optometry. Dr. W. Carter Glass of Gladstone and Dr. Terry M. Swinger of Caruthersville were appointed to the Board by Governor Bob Holden on March 27, 2002. Dr. Glass was appointed to replace Dr. Larry D. Snider of Harrisonville and Dr. Swinger was appointed to replace Dr. H.L. Poynter of Maryville. The Missouri Senate confirmed both appointments on April 25, 2002. On March 25, 2003, Governor Bob Holden appointed Dr. Danny Nestleroad of Monett to the State Board of Optometry. The Senate confirmed Dr. Nestleroad's appointment on April 24, 2003. Dr. Nestleroad replaces Dr. Tom Aldrich from St. Joseph. Dr. Snider, Dr. Poynter, and Dr. Aldrich served the Board with distinction and the Board thanks them for their service to the State. Also, our congratulations go out to the newest members of the Board. An introduction to these new members is contained later in this newsletter.

In July, the Board elected new officers for the upcoming year. It was an honor to have been elected as President of the State Board of Optometry. Dr. W. Carter Glass was elected as Vice President and Dr. Danny Nestleroad was elected as Secretary. I look forward this next year to leading the Board in continuing its work in protecting the public's interests in optometry while preserving the integrity of the optom-

etry profession.

The Board continues to receive complaints involving the illegal dispensing of contact lenses without a valid prescription. We have been referring these complaints to the Food and Drug Administration for appropriate action. Unfortunately, it doesn't appear that the FDA is taking action in any of these cases. In the future, the Board may consider a test case using its injunctive authority under Section 336.115, RSMo, and try to convince a court that it is the unlicensed practice of optometry. Also, it will be interesting to see what result, if any, that comes from the citizen petition that was filed with the Food and Drug Administration. According to a recent article published in the American Optometric Association News, the FDA is accepting public comment on a citizen petition that calls on the agency to strictly enforce existing federal laws and regulations regarding the sale and distribution of contact lenses and to prevent unlawful sales of the devices. The petition is titled,

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"Enforce the law and prevent unlawful sale of contact lenses." The article appeared in the July 21, 2003, issue of the American Optometric Association News. It says that comments on the petition can be mailed to: Dockets Management Branch, Food and Drug Administration, Room 1061, 5630 Fishers Lane, Rockville, MD, 20852. Comments can also be submitted by fax at (301) 827-6870 or through a special section of the FDA's Web site at [www.accessdata.fda.gov/scripts/oc/dockets/commentdocket.cfm](http://www.accessdata.fda.gov/scripts/oc/dockets/commentdocket.cfm). The author of the petition, Dr. Tim Milburn of Medina, Ohio, is hoping optometrists will respond to the FDA's call for comment on the petition. He encourages optometrists to "share some actual cases of contact lenses damaging your patient's eyes."

If there are any questions, I encourage licensees to contact the Board office for assistance. I would like to see the Board make it as easy as possible for optometrists to comply with the statutes and regulations governing the practice of optometry in Missouri.

Sincerely,

Cathy Frier, O.D.  
Board President



**Governor**  
The Honorable Bob Holden

**Department of Economic Development**  
Joseph L. Driskill, Director

**Division of Professional Registration**  
Marilyn Taylor Williams, Director

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Member

Terry M. Swinger, O.D.  
Member

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## MESSAGE FROM DIVISION DIRECTOR



Marilyn Taylor  
Williams

It is no secret that the State is in a financial crisis. Governor Holden has worked diligently to see that essential state services are funded for children and our most vulnerable citizens. The good news, however, is that the Governor's budget included a pay increase of \$600 for all state workers making \$40,000 or less. This increase was effective July 1.

The Division of Professional Registration is fortunate to be funded through professional licensing fees that are deposited into dedicated funds. The Division, therefore, does not have to rely on general revenue funds for its operation. The Legislature passed a retirement incentive package which affects re-hiring of personnel in any position vacated because of this incentive. According to state statute, an agency can fill only 1 out of 4 vacancies caused by this retirement incentive.

House Bill 600, which was signed into law with an emergency clause making this legislation effective July 1, 2003, affects all licensees within the Division of Professional Registration. Effective July 1, 2003, all persons and business entities applying for or renewing a professional license with the Division of Professional Registration are required to have paid all Missouri income taxes, and also are required to have filed all necessary state income tax returns for the preceding three years. If licensees have failed to pay their taxes or have failed to file their tax returns, their licenses will be subject to immediate revocation within 90 days of being notified by the Missouri Department of Revenue of any delinquency or failure to file. This requirement was enacted in House Bill 600 of the 92nd General Assembly (2003), and was signed into law on July 1st by the Governor. My Administrative Staff and the Division's Management Information System staff are working with the Department of Revenue and the Attorney General's Office to establish the necessary procedures for implementing this bill.

Administrative Staff along with the Division's Management Information System staff have been working toward making on-line renewal a reality. We have awarded the credit card contract and are hoping to start pilot boards renewing on-line in the very near future.

Yours truly,

A handwritten signature in cursive script that reads "Marilyn Taylor Williams".

Marilyn Taylor Williams  
Division Director



## NEW BOARD APPOINTEES



*W. Carter Glass, O.D.*

On March 27, 2002, Governor Bob Holden appointed Dr. W. Carter Glass to the Missouri State Board of Optometry. Dr. Glass is in private practice in Gladstone, Missouri. He has been in private practice in Missouri since graduating from Southern College of Optometry in 1976. Dr. Glass is a member of the American

Optometric Association; Missouri Optometric Association; Optometric Society of Greater Kansas City; and the Missouri Optometric Foundation. He served as President of the Missouri Optometric Association in 1994; President of the Optometric Society of Greater Kansas City from 1985 to 1987; and President of the Missouri Optometric Foundation from 1992 to present. Dr. Glass was honored as Missouri Optometrist of the Year in 1995 by the Missouri Optometric Association.



*Terry M. Swinger, O.D.*

Dr. Swinger was also appointed on March 27, 2002, by Governor Bob Holden. Dr. Swinger is in private practice in Caruthersville, Missouri. He has been in private practice in Missouri since graduating from Southern College of Optometry in 1964. Dr. Swinger is a member of the American Optometric

Association; the Missouri Optometric Association; the North Central States Optometric Council; and has been a Dale Carnegie instructor for twenty-five years. He served as President of the Missouri Optometric Association in 1992 and President of the North Central States Optometric Council. Dr. Swinger received the American Optometric Association's Key Man of the Year Award in 1993 and the Missouri Optometric Association's Optometrist of the Year Award in 1986. Dr. Swinger also received the Dale Carnegie Instructor of the Year Award in 1987. He previously served on the Missouri State Board of Optometry from 1979 to 1984, and was President of the Board in 1982.

Dr. Nestleroad was appointed to the Board by Governor Bob Holden on March 25, 2003. Dr. Nestleroad is in private practice in Monett, Missouri. He has been in private practice in Missouri since graduating from Indiana University School of Optometry in 1976. Dr. Nestleroad is a member of the American Optometric Association; the Missouri Optometric Association; and the Southwest Missouri Optometric Society. He served as President of the Missouri Optometric Association in 1999.



*Danny D. Nestleroad, O.D.*

The Board formally welcomes its three newest members of the Board and commends Dr. Snider, Dr. Poynter, and Dr. Aldrich for their public service.

## CONTINUING EDUCATION

In our last newsletter, we reported on the new two-year renewal cycle and how that affects the continuing education requirements. With the first year of our new two-year renewal cycle ending, the Board thought it important to remind licensees that the continuing education requirements did not change with biennial renewal. When the Board switched to the two-year renewal cycle, there were no changes implemented in the law requiring a "minimum of eight hours **each year** during the preceding licensing period at educational optometric programs, or their equivalent, that have been approved by the board." Eight hours of approved continuing education must be earned in the first year of the licensing period (September 1, 2002 through August 31, 2003) and eight hours must be earned in the second year of the licensing period (September 1, 2003 through August 31, 2004). Licensees do not have the ability to wait until the last month of the second year to earn all sixteen hours of continuing education. When applications for renewal are mailed in 2004, the question on the application form will read something like, "Have you earned eight hours of Board approved continuing education during the period of September 1, 2002

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## CONTINUING EDUCATION Continued

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through August 31, 2003, and have you earned an additional eight hours of approved continuing education during the period of September 1, 2003 through August 31, 2004?" If your answer to any part of that question is no, you will be subject to additional penalty fees for earning your continuing education hours after the end of any one-year reporting period.

We are still working on being able to renew optometry licenses via the Internet. The Division of Professional Registration is working on this project and will notify us when they are ready to renew online for Optometry. When this happens, licensees will have instantaneous confirmation of their license renewal. The actual renewal license will still be issued by regular mail. Based on reports of how this is working in other states, we anticipate that in future years a majority of our licensees will renew their licenses via the Internet.

The Board also wants to remind licensees that random audits are conducted each year to determine compliance with the continuing education requirements. Please be totally honest when answering the continuing education question on the renewal application. Since the random audit program was initiated, there have been five licensees disciplined for not having earned their CE or reporting CE that could not be documented. Another case is pending from the last renewal cycle. The discipline ranges from three to five years of licensure probation with terms including that the licensee earn an additional eight hours of approved continuing education during each year of the probation period. Licensees on probation are automatically included in the CE audit program.

The best advice the Board can offer a licensee when s/he does not have their CE hours within the correct reporting period is to notify the Board and ask for an extension. In our estimation, it is much easier to pay the \$50 continuing education penalty fee that gives the licensee additional time to earn continuing education credits than it is to face possible disciplinary

action, which is a permanent part on the licensee's record.

## LAPSED LICENSES

The following list contains the names of optometrists who did not renew their Missouri optometry license for the period of November 1, 2002 through October 31, 2004. The purpose of publishing this list is to alert licensed optometrists of those whom may be practicing without a current and valid license. An attempt has been made to notify every person on this list of the status of his or her license. If there is anyone on this list who is believed to be practicing in Missouri, please notify the office of the State Board of Optometry immediately.

Douglas D. Ayre	William L. Martin
James R. Bechtold	William R. McCaskill
Sandra D. Beck	Scott B. McClain
Jamison T. Boyd	Linda Morgan
Paul R. Boyt	C.M. Murphy
Mark Brei	Melissa B. Patterson
Emily Burkett	Russell Reisner
Darwin Chentnik	Edwin I. Rodriguez
Rolla R. Coleman	Daniele Saltarelli
Clarence F. Eisenbach	Sarah Saputo
Malachy Flanagan	Carol A. Schwartz
Brian K. Foutch	Virgil N. Summers
Mark J. Germain	Debra Sorensen
Patricia L. Hathaway	Christina M. Sorenson
Mari Hirata	April K. Swim
Elvin Ho	Nhan T. Tran
Ethan E. Huisman	Phuong T. Tran
Glenn H. Jaeger	Trina T. Tran
Paula M. Johnson	Alice E. Unger
Jeffrey D. Johnston	Thomas K. Unger
Melissa K. Johnston	Gary W. Vickers
Robert S. Keller	Laureen G. Waldron
Kelly Kerksick	Paul Ware
Mervi H. Leyendeckers	Ronald A. Wiedner
Ted R. Lymer	Hillard A. Young

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## NEXT BOARD MEETING

The next meeting of the Missouri State Board of Optometry is scheduled on February 12, 2004. The meeting will be held at the Hyatt Regency Hotel in Kansas City.

For information regarding meeting locations, please feel free to contact the Board's Central Office as it gets closer to the meeting date, or visit our web site. The address is on the inside cover of this newsletter.

