

Meeting Notice

Missouri State Board of Optometry

October 5, 2006 8:00 a.m.

Lodge of Four Seasons
Horseshoe Bend Parkway
Lake Ozark, 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: Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14 (7), 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 see attached tentative agenda for this meeting.

cc: Members, Missouri State Board of Optometry
Glenn Bradford, Attorney-at-Law
Laurie Morris, Office of Administration
Missouri Optometric Association
Davit T. Broeker, Director, Division of Professional Registration

Posted: 07/31/06
Time: 12:30 p.m.

Open Agenda

Missouri State Board of Optometry

October 5, 2006

9:00 a.m.

Lodge of Four Seasons
Horseshoe Bend Parkway
Lake Ozark, Missouri

1. Call to Order Dr. Fowler
2. Roll Call Dr. Nichols
3. Approval of the Agenda Dr. Fowler
4. Approval of the Minutes Dr. Fowler
 - July 14, 2006 – Board Meeting
 - August 1, 2006 – Conference Call
5. Executive Director Report Mrs. Rimiller
 - Financial Statement
 - CE Courses Approved
6. Legislation Mrs. Rimiller
 - Board Specific
 - Division-wide
7. Proposed Rulemaking – Fingerprinting Mrs. Rimiller
 - 4 CSR 210-2.070 – Fees
 - 4 CSR 210-2.011 – Licensure by Reciprocity
 - 4 CSR 210-2.020 – Licensure by Examination
8. Impaired Practitioner Programs Mrs. Rimiller
9. The Council on Endorsed Licensure Mobility for Optometrists Dr. Nestleroad
10. Jurisprudence Exam Dr. Nestleroad
11. Other Agenda Items Dr. Fowler
12. Motion to go into Closed Dr. Vanderfeltz
13. Adjournment

Open Minutes

Missouri State Board of Optometry

October 5, 2006
Lodge of the Four Seasons
Horseshoe Bend Parkway
Lake Ozark, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Dr. Christy Fowler, President, at approximately 9:00 a.m. on Thursday, October 5, 2006, at the Lodge of the Four Seasons, Horseshoe Bend Parkway, Lake Ozark, Missouri.

BOARD MEMBERS PRESENT:

Dr. Christy M. Fowler, President
Dr. Don Vanderfeltz, Vice President
Dr. Michael L. Nichols, Secretary
Ms. Dayna M. Stock, Public Member
Dr. Cathy Frier, Member
Dr. Danny D. Nestleroad, Member

STAFF MEMBERS PRESENT:

Sharlene Rimiller, Executive Director
Justin C. Smith, Executive I

LEGAL COUNSEL PRESENT:

Mr. Glenn Bradford, Attorney At Law

GUESTS PRESENT:

Joyce Baker, 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. Frier and seconded by Ms. Stock that the agenda be approved as written. Motion carried 6 to 0.

APPROVAL OF MINUTES

Ms. Stock noted that the minutes from the July 14, 2006, Board meeting reflected an incorrect meeting date. The correct date of the next meeting is February 15, 2007, and should be corrected in the minutes. A motion was made by Ms. Stock and seconded by Dr. Frier that the minutes of the July 14, 2006, open meeting be approved as amended and the minutes from the August 1, 2006, open conference call be approved as written. Motion carried 6 to 0.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mrs. Rimiller presented the Board with the following 2006 fiscal year end financial statement.

<u>Beginning Fund Balance</u>				\$425,541.23
Revenue (7/1/05 to 06/30/06)				<u>\$23,768.75</u>
Fund Balance Sub Total				\$449,309.98
Appropriations to Board:				
Personal Service	\$49,410.20			
Expense & Equipment	<u>\$42,604.00</u>			
Total Appropriations	\$92,014.20		\$92,014.20	
Appropriation Expenditures:				
Personal Service	\$43,320.86			
Expense & Equipment	<u>\$38,500.45</u>			
Total Appropriation Expenditures	\$81,821.31	\$81,821.31	<u>\$81,821.31</u>	
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$1,802.12			
General Revenue	\$1,053.00			
Fringe Benefits for Board Staff	\$18,240.49			
OA Sweep	\$10,269.23			
DED/MIS	\$1,324.80			
Refunds	\$125.00			
Professional Registration	\$9,960.59			
O.A. Cost Allocation	\$965.28			
FY-2005 Transfers paid in FY-2006	<u>\$6,828.50</u>			
Total Transfers	\$50,569.01	<u>\$50,569.01</u>		
<u>Total Fund Expenditures</u>		\$132,390.32	-	\$132,390.32
<u>Ending Fund Balance</u>			=	\$316,919.66

Mrs. Rimiller noted that the overall expenditures increased in fiscal year 2006 by \$20,549, mainly attributed to costs associated with legal services. The overall fund balance decreased by \$108,621.57 from the beginning of the fiscal year, which is not unusual for a low revenue year with no renewal fee income. She further noted that the revenue for fiscal years 2005 and 2006 increased by \$15,320.30 from the last renewal

period, which was in fiscal years 2003 and 2004. Mrs. Rimiller stated that the five year fund balance projections look positive for the future.

Mrs. Rimiller also reported that approximately 66.5% of the licensees have renewed at this time. The deadline for renewal is October 31st. She also noted that approximately 14% have renewed online, which is slightly higher than most other professions.

Ms. Stock asked if the newsletter has been sent out to the licensees. Mrs. Rimiller apologized for the delays and expects the newsletter to be mailed out soon. The newsletter will contain information about the OE Scanner, Continuing Education requirements, BNDD requirements, and has updated information on the new officers since the Letter from the President section is from Ms. Stock.

CE Courses Approval

Mrs. Rimiller asked for a motion to ratify the approval and/or rejection of the continuing education courses that had been submitted to the Board since the date of the last meeting. A motion was made by Dr. Vanderfeltz and seconded by Dr. Nestleroad that the Board ratify approval and/or rejection of the continuing education courses that had been submitted to the Board since the date of the last meeting. The motion passed 6 to 0.

LEGISLATION FOR 2007

Mrs. Rimiller asked the Board to review an email from Richard Paul, Executive Director of the Missouri Society of Eye Physicians & Surgeons, regarding the Board's proposed legislation. The email is asking the Board to consider a few minor changes in its legislation for 2007. Dr. Vanderfeltz pointed out that if the Board agrees to the changes, the possibility of the legislation being passed on a consent bill would be greater.

The first item addressed asks that the Board retain the current surgery prohibition language, which is "an optometrist may not perform surgery, including the use of lasers for treatment of any disease or condition or for the correction of refractive error." Dr. Vanderfeltz made a motion that the Board change the proposal back to the language in the existing statute. Dr. Frier seconded the motion. The motion passed 5 to 1, with Dr. Fowler voting no.

The second item addressed is a possible conflict with the definition of the word "adnexa." The new definition contains the words "or within the orbit." A motion was made by Dr. Nestleroad and seconded by Dr. Nichols to delete the words "or within the orbit" from the definition of "adnexa" in the Board's proposed legislation. The motion passed 6 to 0.

The third item requests that language be included in the proposal to clarify that nothing in Chapter 336 shall be construed to prohibit a person licensed under Chapter 334 from acting within the scope of his or her practice. A motion was made by Dr. Vanderfeltz and seconded by Dr. Nestleroad that the Board add the exemption language to the Board's proposal. The Board asked Mr. Bradford to research the appropriate wording and location to insert the language in the proposal. The motion passed 5 to 1, with Dr. Fowler voting no on the motion.

Dr. Vanderfeltz suggested that the Board review the changes again to ensure that all specifics are covered and the Board is not missing anything.

Mrs. Rimiller addressed the division wide legislation for 2007. She pointed out that there is a proposal that would increase the per diem rate for Board members from \$50 per day to \$70 per day. Additionally, there is clean up language that would help with the existing problems related to the suspension of licenses due to the nonpayment of state income taxes.

Mrs. Rimiller reported that she discussed the possibility of administrative fines for unlicensed practice with the Division director and the other Professional Registration managers but the result was that now is not a good time to pursue that kind of legislation. Mrs. Rimiller will check with ARBO to find out how many other states have fining authority for unlicensed practice.

PROPOSED RULEMAKING – FINGERPRINTING

Mrs. Rimiller discussed the proposed rule changes that were presented to the Board regarding the institution of fingerprinting for background checks on all new applicants for licensure. The rules proposed have been submitted to the Division and are currently in the formatting phase of the process.

IMPAIRED PRACTITIONER PROGRAMS

Mrs. Rimiller presented information that she received from other states regarding impaired practitioner programs. She stated while some states have this type of program, most of them are programs under an umbrella used for all Boards within their specific Division. Virginia, Washington, Florida, Kansas, and Minnesota all have these programs available to their licensees. Ms. Stock said that she would bring up the idea at the CAC meeting that she will attend later this month.

Mrs. Rimiller stated that in her time with the Optometry Board, there have been a very limited number of impairment cases that have been brought to the Board. Dr. Nichols agreed, and stated that it might be a good idea to work on the program jointly with another profession if the Board were to investigate this more fully. Mrs. Rimiller stated that if the Board wanted to institute such a program, it would require legislation. Dr. Fowler stated she wants a program that is available to our doctors, that isn't necessarily run by the Board.

Dr. Nichols pointed out an issue that could be a problem, which is the availability for such programs in the state. He suggested that the Board check with the professional associations, such as the American Optometry Association (AOA) or the Missouri Optometry Association (MOA), to see if they have any sort of impaired practitioner program for optometrists. Dr. Fowler would like to have an update on this item provided at the February 2007 meeting.

THE COUNCIL ON ENDORSED LICENSURE MOBILITY FOR OPTOMETRISTS (CELMO)

Dr. Nestleroad discussed information that he received regarding the requirements to obtain a certificate from the Council on Endorsed Licensure Mobility for Optometrists (CELMO). He stated that in order to receive a certificate one must, among other requirements, have a Doctorate degree from an approved school of optometry and must have been engaged in practice for a minimum of three of the past four years. The CELMO certificate also ensures that the practitioner is prescribing at the highest level in their state, which would eliminate any question regarding TPA or DPA certification for optometrists applying for licensure in Missouri from other states. A self query from the National Practitioners Databank (NPDB) must be done by the candidate prior to certification. Additionally, any license that they certify must be in good standing in all states of licensure.

Dr. Nestleroad explained that Missouri would not have to use the CELMO as the only requirement for licensure by endorsement; however, he stated that he would like to see it used as a significant part of the credentialing process. A motion was made by Dr. Nestleroad and seconded by Dr. Nichols that the Missouri State Board of Optometry utilize the CELMO certificate as a significant part of the credentialing process for licensure by endorsement.

During discussion of the motion, Dr. Fowler asked Dr. Nestleroad if there are any actions required to maintain the certificate approval. Dr. Nestleroad explained that the optometrist must keep the certificate current, and any changes in licensure status must be reported to CELMO. Dr. Nestleroad stated that he did have a few more questions for his contact person at CELMO, such as if they verify the information provided at renewal. Dr. Fowler asked if the Board needs to contact ARBO to make them aware of the Board's decision, if indeed the motion passes. Dr. Nestleroad stated that he would contact Jennifer Parker at ARBO to inform her of the Board's decision.

Dr. Nichols asked if it was possible that applicants will be misinformed and believe the CELMO certificate is the only requirement to be licensed in Missouri by endorsement. Dr. Nestleroad stated that CELMO informs them on the application that possession of the certificate does not ensure licensure in any state at this time. The motion passed 6 to 0.

JURISPRUDENCE EXAMINATION

Mrs. Rimiller stated that she has attempted to contact Sherry Cooper with the American Optometric Association (AOA) to inquire as to how many states substitute a signed affidavit from the applicant to indicate that the applicant has read and understands the statutes, rules and regulations in lieu of taking a jurisprudence examination. Her efforts so far have been unsuccessful but she will try again. Dr. Nestleroad asked that this item be tabled until the February agenda for further discussion. Dr. Nestleroad will contact Sherry Cooper for more information.

LISA DIBLER, O.D.

The Board received a letter from Lisa Dibler, O.D. asking for clarification on CPT codes used by optometrists. A motion was made by Dr. Nichols and seconded by Ms. Stock

to send Dr. Dibler a letter stating that due to the changing nature of the codes, because the Board is not the body that establishes coding for insurance reimbursement purposes the Board has decided to eliminate its approval of any CPT codes for optometry. The motion passed 6 to 0.

CLOSED SESSION

A motion was made by Dr. Vanderfeltz and seconded by Dr. Nestleroad to move into closed session pursuant to section 610.021 (1) and (14) RSMo, for the purpose of discussing complaints, investigative reports, applicants for licensure, general legal actions, approval of closed session minutes, causes of action or litigation and any confidential or privileged communications between the Board and its attorney. Those voting yes: Dr. Frier, Dr. Fowler, Dr. Vanderfeltz, Dr. Nichols, Dr. Nestleroad and Ms. Stock. Motion carried 6 to 0.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Ms. Stock and seconded by Dr. Nestleroad that this meeting adjourn. Motion carried 6 to 0. The meeting adjourned at approximately 1:55 p.m.

Respectfully submitted,

Justin C. Smith, Executive I

Sharlene Rimiller, Executive Director

Approved by the Board on: _____