

Meeting Notice

Missouri State Board of Optometry

February 12, 2009 8:00 a.m.

**Hyatt Regency Crown Center Hotel
2345 McGee Street
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: 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
 LeeAnn Barrett, O.D., Executive Director, Missouri Optometric Association
 David T. Broeker, Director, Division of Professional Registration

Open Agenda

**Missouri State Board of Optometry
February 12, 2009 8:00 a.m.
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2345 McGee Street
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1. Call to Order Dr. Bureman
2. Roll Call Dr. Fowler
3. Approval of the Agenda Dr. Bureman
4. Approval of the Minutes Dr. Bureman
 - October 9, 2008 – Board Meeting
5. Executive Director Report Mr. Barnett
 - a. Financial Statement
 - b. Rulemaking Status Report
 - c. Legislation
6. Report on ACOE Evaluation at UMSL Dr. Bureman
7. Approval of CE Courses Dr. Fowler
8. Discussion on Latisse Dr. Bureman
9. Discussion of Board Certification Dr. Nichols
10. Discussion on Using Medicated Contact Lenses Dr. Bureman
11. Information on Children's Vision Bill Dr. Nichols
12. Future Meeting Schedule Dr. Bureman
 - July 24, 2009 – St. Louis
 - September 30, 2009 – Lake Ozark
13. Board Travel Dr. Bureman
 - ARBO Annual Meeting – June 21-23, 2008,
National Harbor, Maryland
14. Other Agenda Items Dr. Bureman
15. Motion to go into Closed Dr. Frier
16. Adjournment

Open Minutes

Missouri State Board of Optometry

February 12, 2009
Hyatt Regency Crown Center Hotel
2345 McGee Street
Kansas City, Missouri

The open meeting of the Missouri State Board of Optometry was called to order by Dr. James Bureman, President, at approximately 8:07 a.m. on Thursday, February 12, 2009, at the Hyatt Regency Crown Center Hotel, 2345 McGee Street, Kansas City, Missouri.

BOARD MEMBERS PRESENT:

Dr. James E. Bureman, President
Dr. Cathy Frier, Vice President
Dr. Christy M. Fowler, Secretary
Dr. Danny Nestleroad, Member
Dr. Michael L. Nichols, Member

BOARD MEMBERS ABSENT:

Ms. Dayna M. Stock, Public Member

STAFF MEMBERS PRESENT:

Brian Barnett, Executive Director
Bonnie Mengwasser, Executive I

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 Dr. Nestleroad to approve the agenda as written. The motion carried unanimously.

APPROVAL OF THE MINUTES

A motion was made by Dr. Nichols and seconded by Dr. Frier to approve the open session minutes of the October 9, 2008 Board meeting with the following amendments: correct the order of Board members present at the meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR REPORT

Financial Statement

Mr. Barnett presented the Board with the following financial statement as of November 30, 2008:

Beginning Fund Balance				\$252,937.68
Revenue (7/1/08 to 11/30/08)				\$191,844.25
Estimated Revenue (12/1/08 – 6/30/09)				<u>\$7,829.75</u>
Fund Balance Sub Total				\$452,611.68
Appropriations to Board:				
Personal Service	\$55,562.00			
Expense & Equipment	<u>\$42,043.00</u>			
Total Appropriations	\$97,605.00		\$97,605.00	
Appropriation Expenditures:				
Personal Service	\$19,249.94			
Expense & Equipment	<u>\$12,656.13</u>			
Total Appropriation Expenditures	\$31,906.07		\$31,906.07	
Fund Transfers: (Projected for Year)				
Rent & Utilities	\$1,717.21			
General Revenue	\$1,300.00			
Fringe Benefits for Board Staff	\$27,164.26			
DED/MIS	\$591.38			
Refunds	\$800.00			
Professional Registration	\$12,798.75			
O.A. Cost Allocation	\$1,851.52			
FY-2008 Transfers paid in FY-2009	<u>\$9,383.04</u>			
Total Transfers	\$55,606.16	\$55,606.16		
Total Fund Expenditures		\$87,512.23	-	\$87,512.23
Fund Balance Sub Total			=	\$365,099.45
Unexpended Appropriations:				
Personal Service	\$36,312.06			
Expense & Equipment	<u>\$29,386.87</u>			
Total Unexpended Appropriations	\$65,698.93		-	\$65,698.93
Fund Balance Projected as of 6/30/08				\$299,400.52

Mr. Barnett informed the Board that its finances are in very good shape, especially since the Board hasn't had to pay out much in legal expenses this fiscal year. For the past two years, legal expenses have been the Board's largest expense and equipment expenditure. Mr. Barnett reported that he has started running the five year projections, and he hopes to have that finished by the next meeting. Mr. Barnett believes the Board may need to look at a slight license fee increase by 2012 to maintain the Board's fund balance.

Rulemaking Status Report

Mr. Barnett reported that there are currently no rules going through the rulemaking process at this time. The pharmaceutical rule and licensure by endorsement rule both went into effect November 30, 2008.

Legislation

Mr. Barnett reported that there are a few bills the Division is tracking during this legislative session. All of them are the same bills from last year's legislative session. The Division is tracking potential changes to the Sunshine law as well as House Bill 108 which requires all government bodies to maintain a recording of any closed session meeting. Mr. Barnett reported that House Bill 110, which exempts eye glasses from state and local sales and use tax, has not been assigned to a committee yet. House Bill 203, which prohibits any agreement between a health insurance carrier and a licensed healthcare provider from containing provisions which places restrictions on the provider, has been assigned to the House committee on health insurance.

REPORT ON ACOE EVALUATION AT UMSL

Dr. Bureman reported to the Board regarding his attendance at the University of Missouri – St. Louis (UMSL) College of Optometry's evaluation by the Accreditation Council on Optometric Education (ACOE). UMSL goes through this accreditation process once every seven years and the ACOE requested that a Board member be present to observe the process. Dr. Bureman stated that he was glad that he was a part of the process and he believes it was important that a member of the Board was there. Dr. Bureman also stated that he is very impressed by the education that UMSL is providing.

APPROVAL OF CONTINUING EDUCATION COURSES

The Board reviewed the list of continuing education courses that were approved since the date of the last meeting. A motion was made by Dr. Fowler and seconded by Dr. Frier that the Board ratify Dr. Fowler's approval of the continuing education programs on the list of applications received since the date of the last meeting. The motion carried unanimously

DISCUSSION ON LATISSE

A motion was made by Dr. Nichols and seconded by Dr. Fowler to approve the use of Latisse as the practice of optometry. The motion carried unanimously.

Mr. Barnett informed the Board that Ms. Mengwasser is developing an opinion manual, consisting of Board opinions over the past fifteen years. This will be used as a reference tool by both the Board and staff.

DISCUSSION OF BOARD CERTIFICATION

For informational purposes, Dr. Nichols reported to the Board on the proposed board certification process developed by the Joint Board Certification Project Team, consisting of six optometric organizations. This information is made a part of the Board's file and as such will not be summarized in the minutes.

DISCUSSION ON USING MEDICATED CONTACT LENSES

Dr. Nichols reported that the use of medicated contact lenses hasn't been approved by the FDA yet. A motion was made by Dr. Nichols and seconded by Dr. Fowler that it is the Board's opinion that it is within the scope of practice for a licensed optometrist to use this device with ocular medicine or to serve in a consultative role if used for systemic medication. The motion carried unanimously.

INFORMATION ON CHILDREN'S VISION BILL

A motion was made by Dr. Nichols and seconded by Dr. Nestleroad to work with the Missouri Optometric Association to include some information regarding the children's vision bill in the Board's next newsletter. The motion carried unanimously.

FUTURE MEETING SCHEDULE

The next two meetings of the Missouri State Board of Optometry are scheduled for July 24, 2009 in Chesterfield and September 30, 2009 at the Lake of the Ozarks.

BOARD TRAVEL

A motion was made by Dr. Nestleroad and seconded by Dr. Nichols to approve Dr. Fowler and Mr. Barnett to attend the ARBO Annual Meeting, June 21-23, 2009 in National Harbor, Maryland. The motion carried unanimously.

CLOSED SESSION

A motion was made by Dr. Frier 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. Frier, Dr. Fowler, Dr. Nestleroad and Dr. Nichols. The motion carried 5 to 0.

OPEN SESSION

The Missouri State Board of Optometry returned to open session at approximately 11:04 a.m.

ADJOURNMENT

There being no further business to be brought before the Board at this time, a motion was made by Dr. Nestleroad and seconded by Dr. Frier that this meeting adjourn. The motion carried unanimously. The meeting adjourned at approximately 11:05 a.m.

Respectfully submitted,

Bonnie Mengwasser, Executive I

A handwritten signature in cursive script that reads "Brian Barnett".

Brian Barnett, Executive Director

Approved by the Board on: July 24, 2009