

MEMORANDUM

TO: Minnesota Board of Optometry
FROM: Tiernee Murphy /s/ TM
DATE: October 5, 2016
RE: Amendments to Chapter 6500

During its meeting on September 28, 2016, the Minnesota Board of Optometry discussed proposed changes to its rules. The Board is proposing the following amendments, which will be sent to the Revisor's Office for review and drafting of the proposed rules.

6500.0100 DEFINITIONS

SUBPART 1. **SCOPE.** THE TERMS USED IN THIS CHAPTER HAVE THE MEANINGS GIVEN THEM IN THIS PART.

SUBP. 2. **ACT.** "ACT" MEANS THE MINNESOTA OPTOMETRIC PRACTICE ACT, MINNESOTA STATUTES, SECTIONS 148.52 TO 148.62 AND THE MINNESOTA CONTACT LENS PRESCRIPTION ACT, MINNESOTA STATUTES, SECTION 145.711 TO 145.714.

SUBP. 3. **BOARD.** "BOARD" MEANS THE MINNESOTA BOARD OF OPTOMETRY.

The Board is recommending repealing subparts 2a, 4, 4a, 5, and 6 and incorporating those concepts into a comprehensive continuing education rule that is discussed at the end of this memo.

6500.0300 PURPOSE AND APPLICATION

THESE RULES ARE INTENDED TO ~~CLARIFY AND~~ IMPLEMENT MINNESOTA STATUTES, SECTION 148.52 TO 148.62 AND 145.711 TO 145.714. ET SEQ., TO THE END THAT THE PROVISIONS THEREUNDER MAY BE BEST EFFECTUATED AND THE PUBLIC INTEREST MOST EFFECTIVELY SERVED IN A MANNER TO BEST PROTECT THE PUBLIC.

THESE RULES SHALL BE APPLICABLE TO ALL PERSONS LICENSED TO PRACTICE OPTOMETRY IN THE STATE OF MINNESOTA AND PURSUANT TO THE PROVISIONS OF MINNESOTA STATUTES, SECTION 148.52 ET SEQ., AND, IN PERTINENT PART, AND TO THOSE PERSONS APPLYING TO THE ~~MINNESOTA BOARD OF OPTOMETRY~~ FOR A LICENSE TO PRACTICE OPTOMETRY IN THE STATE OF MINNESOTA.

The changes reflected in this section are intended to tighten up the language, removing cumbersome and outdated terminology, and to better reflect the Board's public protection goal.

6500.0400 PROFESSIONAL CONDUCT

SUBPART 1. **TITLE.** WHEN USING THE TITLE "DOCTOR" OR ITS ABBREVIATION "DR.", THE ABBREVIATION "O.D." SHALL NOT BE USED AS A SUFFIX TO THE NAME. HOWEVER, WHEN USING THE TITLE OR ABBREVIATION BEFORE THE NAME, THE NAME SHALL BE FOLLOWED BY THE EXPLANATORY TERM "OPTOMETRIST."

~~REPEAL SUBP. 2. **USE OF HYPHENATED TITLE.** FOR AN OPTOMETRIST TO USE A HYPHENATED TERM CONNECTING THE PRACTICE OF OPTOMETRY WITH ANY BUSINESS PROPERLY CONSIDERED FOREIGN TO THE SUBJECT OF EYES AND REFRACTION IS CONSIDERED MISLEADING AND CONSTITUTES UNPROFESSIONAL CONDUCT. OLD LANGUAGE REGARDING THE FORMER MODEL OF JEWELRY STORES. **JEWELER OPTOMETRIST**~~

SUBP. 3. ~~**EMPLOYMENT OF CAPPERS OR STEERERS.**~~ **ENTICEMENT.** ANY OPTOMETRIST EMPLOYING OR ENGAGING FOR A SALARY, FEE, OR COMMISSION ANY PERSON, FIRM, OR CORPORATION TO STEER, SOLICIT, LURE, OR ENTICE ANY PERSON TO COME TO THE OPTOMETRIST'S OFFICE OR BRANCH OFFICE FOR OPTOMETRIC SERVICE IS CONSIDERED AS EMPLOYING "CAPPERS" OR "STEERERS" TO OBTAIN BUSINESS AND THIS CONSTITUTES MAY BE ENGAGED IN UNPROFESSIONAL CONDUCT.

SUBP. 4. **TRANSFER OF PRACTICE.** IN THE EVENT AN OPTOMETRIC PRACTICE IS TRANSFERRED TO A ~~DULY~~ LICENSED OPTOMETRIST, ~~SAID~~ THE TRANSFEREE MAY, THROUGH PROFESSIONAL CARDS, STATIONERY, SIGNS, E-MAIL, OR OTHER PERMISSIBLE FORMS OF ANNOUNCEMENT, IDENTIFY THE TRANSFEREE AS HAVING ACQUIRED THE PRACTICE, PROVIDED THAT NO SUCH ANNOUNCEMENT SHALL BE USED OR DISPLAYED MORE THAN TWO YEARS AFTER THE DATE OF TRANSFER. DURING ~~SAID~~ THE TWO-YEAR PERIOD THE NAME OR NAMES OF THE TRANSFEROR ~~THOSE FROM WHOM THE PRACTICE WAS TRANSFERRED~~ SHALL NOT APPEAR IN LETTERS LARGER THAN THE LETTERS USED IN THE NAME OF THE TRANSFEREE.

The Board is recommending that subpart 2 be repealed because it is obsolete.

The Board would like subpart 3 to no longer use the language cappers or steers because it feels the language is confusing and obsolete.

The Board is recommending changes to subpart 4 to tighten up the language and reflect current practices, including the use of e-mail.

6500.0500 DISPLAY AND DISCLOSURE OF NAME

~~THE OPTOMETRIST'S NAME~~ BOARD-ISSUED CERTIFICATE ~~OF THE OPTOMETRIST~~ SHALL BE DISPLAYED PROMINENTLY AT ANY OFFICE OR ESTABLISHMENT WHERE THE OPTOMETRIST ~~SUCH PERSON EXAMINES EYES~~ PRACTICES OPTOMETRY.

~~ALL RECEIPTS RELATING TO PAYMENT FOR EYE EXAMINATIONS SHALL INDICATE THE NAME OF THE EXAMINING OPTOMETRIST.~~

The Board recommends these changes to tighten up the language and better reflect current practices.

6500.0600 PRESCRIPTION

PRESCRIPTIONS FURNISHED TO THE PATIENT SHALL BE SIGNED BY THE EXAMINING OPTOMETRIST. NO LICENSED OPTOMETRIST SHALL SIGN OR CAUSE TO BE SIGNED A REFRACTIVE PRESCRIPTION WITHOUT FIRST MAKING A PERSONAL EXAMINATION OF THE EYES OF THE PERSON FOR WHOM THE PRESCRIPTION IS MADE.

The Board recommends this change to specify when a personal examination is required under current practices.

6500.0700 RECORDS

~~SUBPART 1. **CONTENT OF RECORDS.** IN THE ABSENCE OF COMPELLING REASONS TO THE CONTRARY, IT SHALL BE CONSIDERED EITHER GROSSLY INCOMPETENT OR UNPROFESSIONAL CONDUCT, OR BOTH, FOR AN OPTOMETRIST LICENSED TO PRACTICE OPTOMETRY IN THIS STATE TO FAIL TO KEEP A RECORD OF THE FOLLOWING MINIMUM PROCEDURES ON ALL PATIENTS:~~

- ~~— A. CASE HISTORY;~~
- ~~— B. VISUAL ACUITY WITHOUT CORRECTION;~~
- ~~— C. OCULAR PATHOLOGY;~~
- ~~— D. REFRACTIVE FINDINGS, BOTH FAR AND NEAR;~~
- ~~— E. BINOCULAR FINDINGS;~~
- ~~— F. PRESCRIPTION GIVEN, IF ANY, WITH VISUAL ACUITY ATTAINED; AND~~
- ~~— G. PATIENT REFERRAL, IF ANY.~~

~~SUBP. 2. **STORAGE.** ANY AND ALL PATIENT RECORDS REQUIRED AT SUBPART 1 SHALL BE MAINTAINED FOR AT LEAST FIVE YEARS.~~

SUBP 1. MINIMUM STANDARDS FOR MEDICAL RECORDS. THE MAINTENANCE OF ADEQUATE MEDICAL RECORDS IS AN INTEGRAL PART OF MEDICAL CARE. ADEQUATE RECORDS ARE NECESSARY TO ENSURE CONTINUITY OF CARE. OPTOMETRISTS LICENSED IN MINNESOTA SHALL MAINTAIN FOR EACH OF HIS OR HER PATIENTS, A RECORD WHICH, IN ORDER TO MEET THE MINIMUM STANDARD FOR MEDICAL RECORDS, SHALL FOR EACH ENCOUNTER:

- (A) BE LEGIBLE TO SOMEONE OTHER THAN THE AUTHOR, AND WRITTEN IN THE ENGLISH LANGUAGE;
- (B) CONTAIN ONLY THOSE TERMS AND ABBREVIATIONS THAT ARE OR SHOULD BE COMPREHENSIBLE TO OTHER HEALTH CARE PROFESSIONALS IN THE SAME OR SIMILAR SPECIALTIES;
- (C) CONTAIN ADEQUATE IDENTIFICATION OF THE PATIENT AND TREATING HEALTH CARE PROFESSIONAL;
- (D) SPECIFY THE DATE THE HEALTH CARE WAS PROVIDED;
- (E) CONTAIN INFORMATION SUPPORTING THE DECISION MAKING, DIAGNOSIS, OR RECOMMENDED TREATMENT PLAN, WHICH MAY INCLUDE THE CHIEF COMPLAINT OR REASON FOR THE ENCOUNTER; HISTORY OF PRESENT ILLNESS; MEDICAL, SOCIAL, AND/OR FAMILY HISTORY; EXAMINATIONS PERFORMED AND TESTS ORDERED AND THEIR FINDINGS OR INTERPRETATIONS; OR COUNSELING OFFERED; CONCURRENT CARE OR TRANSFERS OF CARE; CONSULTATIONS REQUESTED;
- (F) SPECIFY THE PRESCRIPTIONS WRITTEN OR RENEWED; ANY MEDICATIONS PRESCRIBED, DISPENSED, OR ADMINISTERED; AND THE QUANTITY AND STRENGTH OF EACH;
- (G) DOCUMENT THE PATIENT'S PROGRESS DURING THE COURSE OF TREATMENT IF APPLICABLE; AND
- (H) INCLUDE ALL PATIENT RECORDS RECEIVED FROM OTHER HEALTH CARE PROVIDERS, IF THOSE RECORDS FORMED THE BASIS FOR A TREATMENT DECISION BY THE OPTOMETRIST.

SUBP. 2. STORAGE. ANY AND ALL PATIENT RECORDS REQUIRED AT SUBPART 1 SHALL BE MAINTAINED FOR AT LEAST FIVE YEARS. IN THE EVENT OF CLOSURE OF A PRACTICE, ALL RECORDS FROM PATIENT ENCOUNTERS DURING THE PREVIOUS 5 YEARS SHALL BE OFFERED TO THE INDIVIDUAL PATIENTS OR TRANSFERRED TO ANOTHER PROVIDER AFTER NOTIFICATION OF THE NEW LOCATION IS MADE TO THOSE INDIVIDUALS.

The Board felt that the old records rule was outdated and unhelpful.

6500.0800 INCORPORATING UNDER THE PROFESSIONAL FIRMS ACT

SUBPART 1. **INCORPORATION.** ONE OR MORE LICENSED OPTOMETRISTS MAY FORM A CORPORATION UNDER THE PROFESSIONAL CORPORATIONS ACT AS STATED IN MINNESOTA STATUTES, SECTION ~~319A.01 ET SEQ 319B.01 TO 319B.40.~~ WITH REFERENCE TO THE FORMATION AND MAINTENANCE OF SUCH PROFESSIONAL OPTOMETRIC CORPORATIONS, THE FOLLOWING RULES SHALL APPLY.

SUBP. 2. **FILING.** NO PROFESSIONAL OPTOMETRIC CORPORATION SHALL BEGIN TO RENDER PROFESSIONAL SERVICE IN THIS STATE UNTIL IT HAS FILED WITH THE BOARD ~~EXECUTIVE SECRETARY~~ A COPY OF ITS ARTICLES OF INCORPORATION.

~~REPEAL SUBP. 3. **CORPORATE NAME.** EITHER THE ABBREVIATION "O.D." OR THE WORD "OPTOMETRY," "OPTOMETRIC," OR "OPTOMETRIST(S)" SHALL APPEAR IN THE CORPORATE NAME. WHERE THE WORD "DOCTOR" OR ITS ABBREVIATION IS USED AS A PREFIX WITH THE NAME OF THE OPTOMETRIST, THE ABBREVIATION "O.D." SHALL NOT BE USED AS A SUFFIX. THIS SHOULD PROBABLY BE DELETED. A OPHTHALMOLOGIST AND OPTOMETRIC WOULD NOT HAVE THIS IN THEIR NAME AND TITLE.~~

~~REPEAL SUBP. 4. **DISPLAY OF INDIVIDUAL NAME.** WHERE AN OPTOMETRIST IS WORKING AS AN EMPLOYEE OF A PROFESSIONAL OPTOMETRIC CORPORATION, THE NAME OF THAT OPTOMETRIST SHALL BE DISPLAYED PROMINENTLY AT ANY ESTABLISHMENT WHERE SUCH PERSON IS RENDERING PROFESSIONAL SERVICES.~~

The Board recommends repealing subparts 3 and 4 because they are no longer applicable. The Board recommends the changes to subparts 1 and 2 to reflect the current statute and to better reflect the Board's current procedure.

6500.0900, 0.950, .1000, .1100, .1200, .1300, .1400, .1500, .1600, AND .1700. Please see proposed comprehensive continuing education rule at end of this memo.

6500.1800 APPLICATION FEES – REPEAL IN ITS ENTIRETY

This rule is no longer applicable.

6500.1900 LICENSE CERTIFICATE ISSUANCE FEE – REPEAL IN ITS ENTIRETY

This rule is no longer applicable.

6500.2000 INDIVIDUAL ANNUAL LICENSE RENEWAL and **6500.2800 TERMS AND RENEWAL OF LICENSE**

SUBPART 1. **FEE-RENEWAL APPLICATION.** ON OR BEFORE JANUARY 1 OF EACH YEAR, ~~THE BOARD SHALL RECEIVE ALL LICENSEES MUST SUBMIT TO THE BOARD A LICENSE RENEWAL APPLICATION FEE OF \$105 FROM EVERY LICENSED OPTOMETRIST WHO DESIRES TO CONTINUE TO BE ENTITLED TO~~ LAWFULLY PRACTICE IN THIS STATE. A RENEWED LICENSE IS VALID FROM JANUARY 1 OF THE YEAR OF ISSUE UNTIL DECEMBER 31 OF THE YEAR OF ISSUE.

SUBP. 2. **ADDRESS-OF-PRACTICE INFORMATION REQUIRED ON RENEWAL APPLICATION.** ~~AN APPLICATION FOR RENEWAL MUST BE POSTMARKED BY OR, IF SUBMITTED ONLINE, RECEIVED BY THE BOARD ON OR BEFORE DECEMBER 31 OF EACH YEAR OF RENEWAL. THE RENEWAL APPLICATION SHALL INCLUDE THE APPLICANT'S SIGNATURE, ANY APPLICATION FEES REQUIRED BY STATUTE, THE ADDRESS OR ADDRESSES WHERE THE APPLICANT PRACTICES OPTOMETRY, ANY CHANGES IN THE APPLICANT'S OPTOMETRY PRACTICE LOCATIONS IN THE PREVIOUS 12-MONTH PERIOD, THE APPLICANT'S LICENSE NUMBER, AND ANY OTHER INFORMATION REASONABLY REQUESTED BY THE BOARD. AT THE TIME OF APPLICATION FOR RENEWAL PAYING THE FEE REQUIRED BY THIS PART, THE OPTOMETRIST SHALL INFORM THE BOARD OF THE ADDRESS OR ADDRESSES OF THE PLACE OR PLACES WHERE HE PRACTICE IS THE PRACTICE OF OPTOMETRY IS CONDUCTED. THE OPTOMETRIST SHALL ALSO INFORM THE BOARD OF ANY CHANGE IN THE ADDRESS OR ADDRESSES OF THE PRACTICE DURING THE 12-MONTH PERIOD WITHIN ONE MONTH OF THE CHANGE.~~

SUBP. 3. **COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS.** AS SPECIFIED IN PARTS 6500.0900 TO 6500.1700, SUBMISSION TO THE BOARD OF SATISFACTORY PROOF OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS IS AND SHALL BE A CONDITION PRECEDENT TO ANNUAL LICENSE RENEWAL.

~~SUBP. 4. **DEFAULT; REVOCATION-SUSPENSION OF LICENSE.** WHEN AN OPTOMETRIST DEFAULTS IN PAYMENT OF THE ANNUAL RENEWAL FEE UNDER SUBPART 1, THE BOARD MAY INVOKE THE PROCEDURES OF PART 6500.2800 SUBPART 5 FOR THE REVOCATION SUSPENSION OF THE LICENSE; PROVIDED THAT THE PAYMENT OF THE FEE AT OR BEFORE THE COMPLETION OF THE SUSPENSION PROCEDURES BELOW OF PART 6500.2800 (30 DAYS, WITH SUCH AN ADDITIONAL SUM LATE FEE NOT EXCEEDING \$35 AS MAY BE FIXED SET BY THE BOARD, SHALL EXCUSE THE DEFAULT. IN THE EVENT ANY DEFAULT REMAINS UNEXCUSED AT THE COMPLETION OF THE PROCEDURES OF PART 6500.2800 AND A LICENSE IS REVOKED FOR NONPAYMENT OF RENEWAL FEES, THE BOARD MAY, IN ITS DISCRETION, REFUSE TO ISSUE A NEW LICENSE TO ANY PERSON WHOSE LICENSE HAS BEEN SO REVOKED SUSPENDED UNTIL SUCH TIME AS THAT PERSON REPASSES OR, IF PREVIOUSLY LICENSED BY RECIPROCITY, PASSES THE EXAMINATIONS AND COMPLIES WITH ALL OTHER REQUIREMENTS FOR INITIAL LICENSURE BY EXAMINATION IN THIS STATE.~~

SUBP. 4. **FAILURE TO SUBMIT RENEWAL APPLICATION, REQUIRED FEES, AND/OR EVIDENCE OF CONTINUING EDUCATION COMPLIANCE.**

IF A LICENSEE FAILS TO SUBMIT THE RENEWAL APPLICATION, THE REQUIRED FEE, AND EVIDENCE OF CONTINUING EDUCATION COMPLIANCE, THE BOARD WILL FOLLOW THE FOLLOWING PROCEDURES:

A. AFTER JANUARY 1 OF THE RENEWAL YEAR, THE BOARD WILL CHANGE THE STATUS OF THE ACTIVE LICENSEE TO DESIGNATE THE NON-RENEWED OR LAPSED LICENSE. A LICENSEE MAY NOT PROVIDE SERVICES AS A LICENSED OPTOMETRIST WITH A LAPSED OR NON-RENEWED LICENSE.

B. AFTER JANUARY 1 OF THE RENEWAL YEAR, THE BOARD WILL SEND TO LICENSEE, AT THE LAST ADDRESS ON FILE, NOTICE THAT THE LICENSEE HAS FAILED TO SATISFY THE LICENSE RENEWAL REQUIREMENTS

AND WILL SPECIFY WHICH REQUIREMENT REMAINS UNSATISFIED. THE BOARD WILL SET FORTH THE STEPS THE LICENSEE MUST TAKE TO RENEW HIS OR HER LICENSE AND ANY LATE FEES REQUIRED, WILL NOTIFY THE LICENSEE OF THE OPTION OF VOLUNTARILY TERMINATING THE LICENSE, AND WILL NOTIFY THE LICENSEE THAT FAILURE TO RESPOND WITHIN 30 DAYS AFTER THE NOTICE IS SENT BY THE BOARD WILL RESULT IN THE TERMINATION OF THE LICENSE.

C. IF THE APPLICATION FOR RENEWAL, INCLUDING THE REQUIRED INFORMATION ABOUT CONTINUING EDUCATION COMPLIANCE, THE APPLICATION FEE, AND ANY LATE FEES, ARE NOT RECEIVED BY THE BOARD WITHIN THE 30 DAY DEADLINE SPECIFIED IN THE NOTICE, THE LICENSE WILL BE TERMINATED AND THE LICENSEE WILL NO LONGER BE AUTHORIZED TO PRACTICE OPTOMETRY IN MINNESOTA. THE TERMINATION WILL BE ADMINISTRATIVE AND WILL NOT CONSTITUTE DISCIPLINARY ACTION ON THE LICENSE.

D. A LICENSE THAT HAS BEEN ADMINISTRATIVELY TERMINATED UNDER THIS RULE SHALL BE REINSTATED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN 6500.2900.

SUBP. 5 PRACTICING OPTOMETRY WITHOUT A CURRENT LICENSE. PRACTICING OPTOMETRY WITHOUT A RENEWED OR CURRENT LICENSE SHALL HAVE THE SAME FORCE, EFFECT, AND POTENTIAL LEGAL CONSEQUENCES AS PRACTICING OPTOMETRY WITHOUT A LICENSE.

SUBP. 6. CONTESTED CASE PROCEEDING. THE BOARD, IN LIEU OF THE PROCESS SET FORTH IN SUBPART 4, MAY INITIATE A CONTESTED CASE PROCEEDING TO TAKE DISCIPLINARY ACTION ON THE LICENSE FOR FAILURE TO SUBMIT FEES AND CONTINUING EDUCATIONAL COMPLIANCE AT THE SAME TIME THAT IT INITIATES DISCIPLINARY ACTION PROCEEDINGS AGAINST THE LICENSEE FOR OTHER GROUNDS SPECIFIED IN MINNESOTA STATUTES, SECTIONS 148.52 TO 148.62 OR PARTS 6500.0400 TO 6500.1700.

The Board recommends that rules 6500.2000 and 6500.2800 be combined into one rule that addresses (1) the deadline for renewal application and information required to renew; (2) the procedure the Board will follow to notify licensees about the failure to timely renew; and (3) the penalty for failure to renew on time. As currently written, the two sections are somewhat duplicative and, given their separation in the rules, could be misleading. Also, the Board is recommended that the Board change the language of a non-renewed or lapsed license to be “terminated” instead of “suspended” to lessen the possibility that someone would believe an administrative suspension is a disciplinary action.

6500.2200 FEE PAYMENT; NONREFUNDABLE

~~ALL REQUIRED FEES REQUIRED IN THIS CHAPTER SHALL BE SUBMITTED ONLY BY CHECK OR MONEY ORDER, MADE PAYABLE TO THE BOARD. NO SUCH FEE OR ANY PORTION OF A FEE PAID OR PAYABLE TO THE BOARD IS REFUNDABLE.~~

The Board is recommending these changes to tighten up the language. Also, fees are now set by statute so the reference to “this chapter” is no longer applicable.

6500.2300 CLINICAL PRACTICAL EXAMINATION REPEAL

This rule is no longer applicable.

6500.2400 JURISPRUDENCE EXAMINATION

SUBPART 1. **REQUIREMENTS.** AN EXAMINATION ON MINNESOTA OPTOMETRIC JURISPRUDENCE SHALL BE GIVEN AND MUST BE PASSED WITH A SCORE OF ~~60~~ 80 PERCENT OR BETTER. AN APPLICANT WHO FAILS THE MINNESOTA JURISPRUDENCE EXAMINATION AND PASSES A ~~BOARD-CONSTRUCTED OR~~ NATIONALLY CONSTRUCTED CLINICAL EXAMINATION MAY REPEAT THE JURISPRUDENCE EXAMINATION ONLY. ~~IF THE CLINICAL EXAMINATION IS FAILED, THE ENTIRE EXAMINATION MUST BE RETAKEN, INCLUDING THE MINNESOTA JURISPRUDENCE EXAMINATION.~~ FOR APPLICANTS, THE MINNESOTA JURISPRUDENCE EXAMINATION SCORE IS VALID FOR ONE YEAR FROM THE DATE OF THE EXAM.

SUBP. 2. **SCHEDULING.** THE MINNESOTA JURISPRUDENCE EXAMINATION MAY BE SCHEDULED EITHER IN CONJUNCTION WITH THE NATIONAL CLINICAL EXAMINATION OR SCHEDULED WITH THE EXAMINING BODY ON A SEPARATE OCCASION FROM THE NATIONAL CLINICAL EXAMINATION. ~~AN APPLICANT FOR LICENSURE IN THIS STATE MAY:~~

- ~~A. TAKE THE JURISPRUDENCE EXAMINATION IN CONJUNCTION WITH A NATIONALLY PRESENTED EXAMINATION ACCORDING TO THE PROCEDURES SET BY THE EXAMINING ORGANIZATION; OR~~
~~B. SCHEDULE AN APPOINTMENT TO TAKE THE JURISPRUDENCE EXAMINATION WITH THE EXECUTIVE DIRECTOR OF THE BOARD.~~

The Board recommends that the pass rate be increased to 80 percent and that the rule specifies that the score is valid for one year. The changes in subpart 2 are intended to better reflect the scheduling process.

6500.2700 OPTOMETRIST EMERITUS REGISTRATION

SUBPART 1. **APPLICATION.** ANY OPTOMETRIST DULY LICENSED TO PRACTICE OPTOMETRY IN MINNESOTA PURSUANT TO MINNESOTA STATUTES, SECTIONS 148.52 TO 148.62, WHO DECLARES THAT HE OR SHE IS RETIRED FROM ACTIVE PRACTICE OF OPTOMETRY MAY APPLY TO THE BOARD FOR EMERITUS REGISTRATION ON THE ANNUAL LICENSE RENEWAL FORM. TO QUALIFY, THE OPTOMETRIST MUST BE RETIRED AND MUST NOT BE SUBJECT TO ANY DISCIPLINARY ACTION OR BE SUBJECT TO AN ORDER OF THE BOARD IMPOSING A SUSPENDED, CONDITIONAL, OR RESTRICTED LICENSE TO PRACTICE OPTOMETRY.

SUBP. 2. **STATUS OF REGISTRANT.** THE EMERITUS REGISTRATION IS NOT A LICENSE WHICH PERMITS THE REGISTRANT TO PRACTICE OPTOMETRY AS DEFINED IN MINNESOTA STATUTES, SECTIONS 148.52 TO 148.62, AND THE RULES OF THE BOARD.

SUBP. 3. **CONTINUING EDUCATION.** THE CONTINUING EDUCATION REQUIREMENTS OF PART 6500.0900 ARE NOT APPLICABLE TO EMERITUS REGISTRATION.

SUBP. 4. **CHANGE TO ACTIVE STATUS.** THE EMERITUS OPTOMETRIST MUST:

- A. APPLY TO THE BOARD FOR REINSTATEMENT OF HIS OR HER ACTIVE LICENSE; AND
B. COMPLY WITH THE CONTINUING EDUCATION REQUIREMENTS FOR THE TIME PERIOD IN WHICH THE LICENSE WAS IN EMERITUS STATUS. ~~THIS~~ THE CONTINUING EDUCATION REQUIREMENTS MUST BE FULFILLED PRIOR TO PETITIONING THE BOARD FOR REINSTATEMENT OF LICENSE.

SUBP. 5. ~~RENEWAL CYCLE OR FEES.~~ BEING REGISTERED AS AN EMERITUS OPTOMETRIST WILL NOT SUBJECT THE PERSON TO THE ANNUAL LICENSE RENEWAL CYCLE OR RENEWAL FEE.

EACH APPLICANT WHO MEETS ALL REQUIREMENTS FOR REGISTRATION AS EMERITUS OPTOMETRIST SHALL BE ISSUED A CERTIFICATE. ~~THE FEE FOR THIS CERTIFICATE IS \$10.~~ A REPLACEMENT CERTIFICATE MAY BE ISSUED BY THE BOARD.

These changes are intended clarify the language and remove reference to the fee, which is now set by statute.

6500.2800 TERMS AND RENEWAL OF LICENSE REPEAL

The Board is recommending that this rule be repealed and combined with 6500.2000.

6500.2900 REINSTATEMENT OF LICENSE

SUBPART 1. **REQUIREMENTS.** UPON COMPLYING WITH THE REQUIREMENTS IN THIS PART, THE APPLICANT'S LICENSE SHALL BE REINSTATED. ANY PERSON DESIRING THE REINSTATEMENT OF A LICENSE SHALL:

- A. SUBMIT TO THE BOARD A COMPLETED APPLICATION ON A FORM PROVIDED BY THE BOARD;
- B. SUBMIT WITH THE APPLICATION THE FEE OF THREE PRIOR RENEWAL PERIODS AND LATE FEES SPECIFIED IN PART 6500.2000, SUBPART 1;
- C. INCLUDE WITH THE APPLICATION A LETTER STATING THE REASONS FOR APPLYING FOR REINSTATEMENT;
~~AND~~
- D. IF LICENSED IN ANOTHER STATE, DEMONSTRATE THAT LICENSE HAS BEEN IN ACTIVE, GOOD STANDING FOR THE THREE YEARS PRIOR TO APPLICATION;
- E. RETAKE AND PASS THE MINNESOTA JURISPRUDENCE EXAMINATION; AND
- F. DEMONSTRATE SATISFACTION OF CONTINUING EDUCATION REQUIREMENTS FOR THE THREE YEARS PRIOR TO APPLICATION. ~~COMPLY WITH THE APPLICATION PROVISIONS OF PART 6500.2000, SUBPART 3.~~

~~SUBP. 2. **EXPIRATION OR VOLUNTARY TERMINATION OF LICENSE.** APPLICANTS WHOSE LICENSE HAS EXPIRED UNDER PART 6500.2800, SUBPART 3, OR WHO VOLUNTARILY TERMINATE THEIR LICENSE MUST:~~

~~A. SUBMIT EVIDENCE OF HAVING SUCCESSFULLY COMPLETED THE CONTINUING EDUCATION REQUIREMENTS THAT WOULD HAVE APPLIED TO THEM HAD THEIR LICENSE NOT EXPIRED. IF THE LICENSE HAD EXPIRED BECAUSE OF FAILURE TO MEET THE CONTINUING EDUCATION REQUIREMENTS OR IF THE APPLICANT'S CONTINUING EDUCATION CYCLE CONCLUDED DURING THE TIME THAT THE LICENSE WAS IN EXPIRED STATUS AND ALL THE REQUIREMENTS HAD NOT BEEN COMPLIED WITH, THE APPLICANT MUST SUCCESSFULLY COMPLETE THIS CYCLE OF CONTINUING EDUCATION.~~

~~B. ON FILING A REINSTATEMENT APPLICATION, PAY THE ANNUAL RENEWAL FEES AND APPLICABLE PENALTY FEES FOR THE YEARS BETWEEN EXPIRATION OR TERMINATION OF THE LICENSE AND THE YEAR IN WHICH THE APPLICATION IS FILED.~~

SUBP. 3 ~~2.~~ **REVOKED OR SUSPENDED LICENSE.** NO LICENSE THAT HAS BEEN SUSPENDED OR REVOKED BY THE BOARD UNDER ITS AUTHORITY TO TAKE DISCIPLINARY ACTION MAY BE REINSTATED UNLESS THE

APPLICANT FOR REINSTATEMENT SATISFIES ALL OF THE INFORMATION REQUIRED IN SUBPART 1 AND EVIDENCE OF FULL REHABILITATION FROM THE OFFENSE FOR WHICH THE LICENSE WAS SUSPENDED OR REVOKED AND COMPLIES WITH ALL OTHER REASONABLE CONDITIONS IMPOSED BY THE BOARD FOR THE PURPOSE OF ESTABLISHING THE EXTENT OF REHABILITATION. ~~IN ADDITION, IF THE DISCIPLINARY ACTION WAS BASED IN PART ON FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS, THE LICENSE MAY NOT BE REINSTATED UNTIL THE APPLICANT HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS SET FORTH IN SUBPART 2.~~ THE BOARD MAY REQUIRE THE LICENSEE TO PAY ALL COSTS OF THE PROCEEDINGS RESULTING IN THE SUSPENSION OR REVOCATION OF A LICENSE UNDER PART 6500.2800 OR PURSUANT TO ITS DISCIPLINARY AUTHORITY AND THE REINSTATEMENT OR ISSUANCE OF A NEW LICENSE. A LICENSEE WHO HAS BEEN DISCIPLINED BY THE BOARD IN A MANNER OTHER THAN BY SUSPENSION OR REVOCATION MAY BE REQUIRED BY THE BOARD TO PAY ALL COSTS OF THE PROCEEDINGS RESULTING IN THE DISCIPLINARY ACTION.

SUBP.4 3. LICENSURE APPLICATION NOT PRECLUDED. NOTHING IN THIS PART PROHIBITS AN OPTOMETRIST FROM APPLYING FOR LICENSURE UNDER MINNESOTA STATUTES, SECTION 148.57, SUBDIVISIONS 1 AND 2.

SUBP. 5. ~~EXEMPTIONS.~~ A LICENSEE WHO PAYS AN ANNUAL LICENSE RENEWAL FEE AND MEETS ANY OF THE FOLLOWING CONDITIONS IS EXEMPT FROM COMPLYING WITH THE CONTINUING EDUCATION REQUIREMENTS IF THE LICENSEE FILES AN AFFIDAVIT WITH THE BOARD SPECIFYING THE CONDITION APPLICABLE TO THE LICENSEE:

- ~~—— A. RESIDES PERMANENTLY OUTSIDE THE STATE AND DOES NOT PRACTICE WITHIN THE STATE;~~
- ~~B. IS RETIRED FROM PRACTICE AND DOES NOT PERFORM ANY OPTOMETRIC SERVICES ON A VOLUNTARY OR FREE BASIS; OR~~
- ~~—— C. IS PERMANENTLY DISABLED AND UNABLE TO PRACTICE OPTOMETRY.~~

SUBP. 6. ~~EXPIRATION OF EXEMPTION.~~ A LICENSEE CLAIMING EXEMPTION UNDER SUBPART 5 WHO SUBSEQUENTLY DECIDES TO RESUME PRACTICE SHALL ~~SUBMIT TO THE BOARD, BEFORE RESUMING PRACTICE, A WRITTEN NOTICE OF THE INTENDED CHANGE AND EVIDENCE OF HAVING COMPLETED THE CONTINUING EDUCATION REQUIREMENTS EQUIVALENT TO WHAT REQUIREMENTS WOULD HAVE BEEN WITHOUT THE EXEMPTION IMMEDIATELY PRECEDING THE DATE OF RECEIPT OF THE NOTICE OF THE INTENT TO RESUME PRACTICE. IF THE LICENSEE HAS NOT COMPLIED WITH THE CONTINUING EDUCATION REQUIREMENTS, THE LICENSEE MUST COMPLY WITH PART 6500.2900, SUBPART 2; IF THE LICENSEE HAS BEEN EXEMPT FROM COMPLYING WITH THE CONTINUING EDUCATION REQUIREMENTS, THE LICENSEE MAY NOT RESUME PRACTICE UNTIL NOTIFIED BY THE BOARD THAT THE EVIDENCE SUBMITTED IS ACCEPTABLE. THE LICENSEE WILL BE PLACED IN THE CONTINUING EDUCATION CYCLE THAT WOULD HAVE APPLIED IF THE EXEMPTION HAD NOT BEEN CLAIMED.~~

The Board recommends the changes above so the rule more clearly reflects the two “reinstatement” processes – one in which someone petitions for reinstatement after a lapsed Minnesota license and one in which someone petitions for reinstatement after disciplinary action on his or her license. Subpart 1 addresses the licensee petitioning after a lapsed license, and subpart 2 address the licensee petitioning after disciplinary action.

COMPREHENSIVE CONTINUING EDUCATION RULE ENCOMPASSING RULES 6500.0100, .0900, .0950, .1000, .1200, .1300, .1400, .1500, .1600, and .1700

6500.XXXX CONTINUING EDUCATION REQUIREMENTS

SUBP. 1. PURPOSE OF CONTINUING EDUCATION. THE PURPOSE OF MANDATORY CONTINUING EDUCATION IS TO (1) PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS OF MINNESOTA WHO RECEIVE SERVICES FROM LICENSEES; AND (2) PROMOTE THE CONTINUING PROFESSIONAL COMPETENCE OF PROVIDERS OF THESE SERVICES. THE CONTINUED DEVELOPMENT AND MAINTENANCE OF COMPETENCE ARE ONGOING ACTIVITIES AND THE ETHICAL RESPONSIBILITY OF EACH LICENSEE.

SUBP. 2. REQUIRED HOURS AND COMPLIANCE PERIOD. ALL OPTOMETRISTS LICENSED IN MINNESOTA ARE REQUIRED AS A CONDITION OF LICENSURE AND LICENSE RENEWAL TO COMPLETE 40 HOURS OF BOARD-APPROVED CONTINUING OPTOMETRIC EDUCATION EVERY TWO YEARS. THE TWO-YEAR CYCLE BEGINS ON JANUARY 1 AND ENDS ON DECEMBER 31 OF THE SECOND YEAR. ~~THE MINIMUM CREDIT THAT MAY BE REPORTED FOR ANY CONTINUING EDUCATION ACTIVITY IS .25 HOURS.~~

SUBP. 3. CONTINUING EDUCATION REPORTING. AT THE TIME OF LICENSE RENEWAL, EACH LICENSEE SHALL DEMONSTRATE, EITHER THROUGH A BOARD-APPROVED ELECTRONIC TRACKING SYSTEM OR PAPER DOCUMENTATION, COMPLETION OF THE MINIMUM OF 40 APPROVED CONTINUING EDUCATION HOURS SINCE THE LAST RENEWAL. A MAXIMUM OF 15 HOURS PER REPORTING PERIOD MAY BE SATISFIED BY BOARD-APPROVED HOME STUDY. A MAXIMUM OF SIX HOURS PER REPORTING PERIOD MAY BE SATISFIED BY CONTINUING EDUCATION IN PRACTICE MANAGEMENT.

IT IS THE LICENSEE'S RESPONSIBILITY TO MAINTAIN PROOF OF CONTINUING EDUCATION COMPLIANCE IN EITHER PAPER OR ELECTRONIC FORMAT. FAILURE TO DEMONSTRATE PROOF OF THE REQUIRED CONTINUING EDUCATION COMPLIANCE WILL RESULT IN NONRENEWAL OF LICENSE IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN 6500.2000.

PROOF OF ATTENDANCE, IN EITHER ELECTRONIC OR PAPER FORM, MUST INCLUDE:

- A. THE NAME OF THE SPONSORING ORGANIZATION;
- B. THE NAME OF THE LICENSEE;
- C. THE COURSE TITLE AND INSTRUCTOR'S NAME;
- D. NUMBER OF HOURS IN ATTENDANCE;
- E. THE DATE OF THE PROGRAM; AND
- F. ANY OTHER EVIDENCE THE BOARD MAY REASONABLY REQUIRE.

FOR PURPOSES OF THIS SUBPART, A RECEIPT FOR PAYMENT OF THE FEE FOR THE CONTINUING EDUCATION PROGRAM OR ACTIVITY IS NOT SUFFICIENT EVIDENCE OF COMPLETION.

SUBP. 4 AUDITS OF CONTINUING EDUCATION. THE BOARD MAY CONDUCT RANDOM AUDITS FOR THE PURPOSE OF VERIFYING CONTINUING EDUCATION EACH REPORTING YEAR. A LICENSEE WHO IS BEING AUDITED MUST PROVIDE VERIFICATION OF THE REQUIRED NUMBER OF CONTINUING EDUCATION HOURS BY SUBMITTING THE DOCUMENTATION DESCRIBED IN SUBPART 3. FAILURE TO SUBMIT THE REQUIRED DOCUMENTATION SHALL BE GROUNDS FOR DISCIPLINARY ACTION.

SUBP. 5. COURSES; BOARD APPROVAL REQUIRED. CONTINUING EDUCATION ACTIVITIES MUST BE APPROVED BY THE BOARD OR THE BOARD'S DESIGNEE. ACTIVITIES MUST BE APPROVED FOR ALL ATTENDEES WHEN SUBMITTED BY THE SPONSOR AS PRESCRIBED IN SUBPART 7, OR A LICENSEE MAY REQUEST INDIVIDUAL

APPROVAL AS PRESCRIBED IN SUBPART 8. COURSES THAT MEET APPROVAL CRITERIA STANDARDS AND RECEIVE APPROVAL FROM THE BOARD'S DESIGNEE SHALL BE ACCEPTED FOR CREDIT BY THE BOARD.

THE BOARD OR THE BOARD'S DESIGNEE SHALL CONSIDER THE FOLLOWING FACTORS WHEN DETERMINING WHETHER AN ACTIVITY SHOULD BE APPROVED:

A. WHETHER THE ACTIVITY IS STRUCTURED ON SOUND EDUCATIONAL PRINCIPLES AND HAS A TOPIC RELEVANT TO THE PRACTICE OF OPTOMETRY;

B. WHETHER THE SPEAKERS, LECTURERS, OR OTHERS PARTICIPATING IN THE ACTIVITY ARE RECOGNIZED BY THE BOARD AS BEING HIGHLY QUALIFIED IN THEIR FIELD;

C. WHETHER THE PROPOSED COURSE, IF CONDUCTED WITHIN MINNESOTA, IS OPEN TO ALL OPTOMETRISTS LICENSED IN MINNESOTA;

D. WHETHER THE TUITION FEE CHARGED FOR COURSES CONDUCTED WITHIN MINNESOTA IS THE SAME FOR NONMEMBERS OF THE COURSE'S SPONSORING ORGANIZATION AS IT IS FOR MEMBERS. ANY DIFFERENCE IN TUITION SHALL BE REASONABLE AND RELATED TO THE SPONSORING ORGANIZATION'S EXPENSE IN OPERATING THE CONTINUING EDUCATION COURSE; AND

E. WHETHER THE COURSE IS INTERACTIVE BETWEEN AUDIENCE AND INSTRUCTOR, LIVE OR REMOTE VIA WEBINAR, TELECONFERENCING AND/OR VIDEOCONFERENCING.

COURSES OR PROGRAMS DEEMED BY THE BOARD TO BE A SALES PROMOTION FOR A PRODUCT OR SERVICE MAY BE DENIED APPROVAL OF CONTINUING EDUCATION CREDIT. SUCH PROGRAMS AND COURSES MAY BE PRESENTED WITHOUT CONTINUING EDUCATION CREDIT WHEN SO NOTED BY THE SPONSOR.

SUBP. 6 RETROACTIVE REVOCATION OF CE APPROVAL. THE BOARD MAY, AFTER DUE CONSIDERATION, ADD OR DELETE CONTINUING EDUCATION CREDIT HOURS OF PREVIOUSLY APPROVED CONTINUING DUE TO A CHANGE IN CONTENT OR ACTUAL HOURS OF PRESENTATION. THE BOARD WILL NOTIFY THE PROGRAM SPONSOR VIA MAIL OF THE CHANGE IN APPROVAL. THE PROGRAM SPONSOR MUST THEN NOTIFY THE PROGRAM PARTICIPANTS OF THE CHANGE IN CONTINUING EDUCATION HOURS AWARDED.

SUBP. 7. SPONSOR'S APPLICATION FOR COURSE APPROVAL. A PROGRAM SPONSOR REQUESTING APPROVAL BY THE BOARD OR THE BOARD'S DESIGNEE MUST SUBMIT A PROGRAM, SCHEDULE, AND COURSE DESCRIPTION TO THE BOARD WITHIN THE STUDY COMPLIANCE PERIOD. THE BOARD SHALL RESPOND TO THE APPLICATIONS WITHIN A REASONABLE TIME. NOTHING IN THIS PART SHALL PERMIT THE BOARD TO APPROVE OF AN EDUCATIONAL PROGRAM THAT HAS NOT SATISFIED THE CRITERIA IN SUBPART 5. COURSES NOT ELIGIBLE FOR CREDIT SHALL BE SO IDENTIFIED BY THE PROGRAM SPONSOR.

SUBP. 8. A LICENSEE'S APPLICATION FOR COURSE APPROVAL.

A LICENSEE MAY APPLY INDIVIDUALLY TO THE BOARD FOR APPROVAL OF CONTINUING EDUCATION ACTIVITIES THAT HAVE NOT BEEN APPROVED BY THE BOARD OR ITS DESIGNEE. A LICENSEE SHALL COMPLETE AND SUBMIT TO THE BOARD THE FOLLOWING INFORMATION, AS WELL AS ANY OTHER INFORMATION THE BOARD OR ITS DESIGNEE DEEMS NECESSARY TO EVALUTE THE COURSE FOR APPROVAL:

A. THE NAME AND ADDRESS OF THE ORGANIZATION SPONSORING THE ACTIVITY, IF APPLICABLE;

B. A DETAILED DESCRIPTION OF THE CONTENT OF THE ACTIVITY;

C. THE NAME AND CREDENTIALS OF EACH INSTRUCTOR OR PRESENTER, IF APPLICABLE; AND

D. THE LOCATION, INCLUDING THE NAME AND ADDRESS OF THE FACILITY, AT WHICH THE ACTIVITY WILL BE CONDUCTED.

IF THE ACTIVITY DOES NOT MEET THE STANDARDS IN SUBPART 5, THE BOARD OR ITS DESIGNEE SHALL DENY APPROVAL. THE BOARD WILL NOTIFY THE LICENSEE IN WRITING OF ITS REASON FOR DENYING APPROVAL OF AN ACTIVITY UNDER THIS SUBPART.

SUBP. 9 SOURCES OF CREDIT.

CONTINUING EDUCATION CREDIT MAY BE APPLIED FOR THE FOLLOWING PROGRAMS THAT COMPLY WITH THE REQUIREMENTS OF SUBPART 5:

A. PROGRAMS APPROVED BY THE BOARD OR ITS DESIGNEE UNDER SUBPART 5. A MAXIMUM OF SIX CREDIT HOURS PER COMPLIANCE PERIOD WILL BE GRANTED FOR PROGRAMS RELATED TO PRACTICE MANAGEMENT.

B. PARTICIPATION IN GRAND ROUNDS, WHICH CONSIST OF PRESENTING MEDICAL CONDITIONS AND /OR TREATMENT OF A PARTICULAR PATIENT OR TYPE OF CONDITION TO AN AUDIENCE CONSISTING OF LICENSED HEALTH CARE PROVIDERS, RESIDENTS, AND/OR MEDICAL STUDENTS. ONE HOUR OF CONTINUING EDUCATION CREDIT WILL BE AWARDED FOR EACH HOUR OF PARTICIPATION IN GRAND ROUNDS.

C. PREPARATION OF ARTICLES ACCEPTED FOR PUBLICATION IN OPTOMETRIC JOURNALS OR OTHER HEALTH-RELATED JOURNALS. A MAXIMUM OF THREE HOURS OF CONTINUING EDUCATION PER COMPLIANCE PERIOD WILL BE GRANTED FOR ACCEPTANCE AND PUBLICATION OF ARTICLES IN OPTOMETRIC OR HEALTH-RELATED JOURNALS.

D. PREPARATION OF BOOKS OR SUBPARTS OF BOOKS ON OPTOMETRY-RELATED SUBJECTS THAT HAVE BEEN ACCEPTED FOR PUBLICATION. A MAXIMUM OF NINE HOURS OF CONTINUING EDUCATION CREDITS PER COMPLIANCE PERIOD WILL BE GRANTED FOR ACCEPTANCE AND PUBLICATION OF BOOKS.

E. DEVELOPMENT AND PRESENTATION OF A LECTURE ON OPTOMETRY-RELATED TOPICS BEFORE AN AUDIENCE OF OPTOMETRIC OF OTHER HEALTH CARE PROFESSIONALS. ONE HOUR OF CONTINUING EDUCATION CREDIT WILL BE AWARDED FOR EACH HOUR OF PRESENTATION. FOR ONE TIME ONLY DURING EACH COMPLIANCE PERIOD, TWO HOURS OF CONTINUING EDUCATION CREDIT WILL BE AWARDED FOR PREPARATION FOR EACH HOUR OF PRESENTATION.

F. PARTICIPATION IN NON-INTERACTIVE HOME STUDY ACTIVITIES, INCLUDING SELF-INSTRUCTION IN VISION CARE PERIODICALS, WEBCASTS, AUDIO- OR VIDEO-TAPED PROGRAMS, ~~TELECONFERENCE OR VIDEOCONFERENCE PROGRAMS~~, PODCASTS, WRITTEN CORRESPONDENCE COURSES, AND INTERNET COURSES. ALL PROGRAMS MUST INCLUDE A SELF-TEST TO QUALIFY FOR CONTINUING EDUCATION CREDIT. A MAXIMUM OF 15 HOURS OF CONTINUING EDUCATION CREDITS PER COMPLIANCE PERIOD WILL BE AWARDED FOR HOME STUDY ACTIVITIES.

SUBP. 10 EXEMPTION FOR CONTINUING EDUCATION REQUIREMENTS.

A LICENSEE WHOSE LICENSE HAS NOT EXPIRED AND WHO MEETS ANY OF THE FOLLOWING CONDITIONS IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS IN THIS PART:

A. ANY LICENSEE WHO HAS BEEN GRANTED EMERITUS STATUS UNDER PART 6500.2700;

B. ANY LICENSEE SERVING IN ACTIVE MILITARY SERVICE, AS DEFINED IN MINNESOTA STATUTES SECTION 190.05, SUBDIVISION 5, DURING ANY PART OF THE 12 MONTHS IMMEDIATELY PRECEDING THE ANNUAL LICENSE RENEWAL DATE;

C. ANY LICENSEE FIRST LICENSED BY EXAMINATION OR RECIPROCITY IN THE FIRST YEAR OF THE COMPLIANCE PERIOD IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS FOR THAT YEAR BUT IS

RESPONSIBLE FOR 20 HOURS OF CONTINUING EDUCATION FOR THE SECOND YEAR OF THE COMPLIANCE PERIOD;
AND

D. ANY LICENSEE FIRST LICENSED BY EXAMINATION OR RECIPROCITY IN THE SECOND YEAR OF THE COMPLIANCE PERIOD IS EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS FOR THE ENTIRE COMPLIANCE PERIOD.

SUPB. 11 REQUIREMENTS IN SPECIFIED SUBJECTS. THE BOARD MAY, WHEN COMPELLED BY ADVANCEMENT IN SCOPE OF PRACTICE OR EMERGING PUBLIC HEALTH ISSUES, AND BY MAILING WRITTEN NOTICE TO EACH LICENSED OPTOMETRIST ON OR BEFORE JANUARY 1, REQUIRE ALL OPTOMETRISTS TO ATTEND CONTINUING EDUCATION PROGRAMS IN SPECIFIED SUBJECTS.

The Board would like all of the separate continuing education rules combined into one comprehensive rule that addresses all issues related to continuing education and more accurately reflects the way the Board tracks CE compliance. This rule is modeled on the continuing education rule recently passed by the Board of Marriage and Family Therapy.