

MINNESOTA BOARD OF OPTOMETRY

2829 University Avenue SE, Suite 403, Minneapolis, MN 55414
(651) 201-2762

July 8, 2015 Board Meeting

The Minnesota Board of Optometry met on Wednesday, July 8, 2015 in the Conference Room of Suite 403, University Park Plaza Building, 2829 University Avenue SE, Minneapolis, MN for the purpose of conducting such business as would normally come before the Board.

Patrick O'Neill, O.D., President called the meeting to order at 9:05 AM.

Introductions and roll call of all board members was completed. A quorum was declared.

Present were:

Kari Slotten, Public Member
Ron Czerepak, Public Member
Roger Pabst, O.D.
John Muellerleile, O.D.
Patrick O'Neill, O.D.
Michelle Falk, O.D. (arrived at 9:20 AM)
Don Sipola, O.D.

Also present were:

Jennifer Middleton, Office of the Attorney General
Beth Coleman, Minnesota Optometric Association
Anna Hartsel, Office and Administrative Specialist, Sr.
Randy Snyder, Executive Director

Members Absent: none

A motion to approve the agenda was made by Pabst and seconded by Muellerleile. Motion passed.

Minutes of the April 1, 2015 were approved; motion by Pabst, seconded by Muellerleile, and the minutes were approved.

The new licensee report was approved as presented with motion to approve by Sipola, second by Slotten. The following applicants/new licensees requesting a Minnesota Optometry license were presented to the Board. Each applicant has provided documentation meeting the requirements for licensure by examination in the state of Minnesota as a licensed optometrist. The board approved a delegation of authority for board staff to initially license candidates that provide an application with all requirements clearly met.

Bohjanen, Eric
Dovich, Jennifer
Fitch, Phillip
Allen, Joseph

Dahlke, Amanda
Genereux, Lucas
Holland, Zachary
LaVallie, Sean

Maffitt, Kari
 Mix, Kasie
 Ryba, Michelle
 Zabrowski, Cheryl
 Baars, Tyler
 Earley, Meghan
 Endres, Chase
 Kollodge, Thomas
 Lepinski, Miranda
 Peterson, Brynn

Sjolund, Daniel
 Timshina, Inna
 Trontvet, Carissa
 Walkoviak, Ashley
 Heggstad, Caitlin
 Schmoll, Anna
 Krein, Kirsten
 Larson, Christian
 Peterson, Aaron
 Malchow, Michelle

After file review, an endorsement application from Mark Licatano, O.D. was approved by motion of Pabst, seconded by Sipola. Motion carried.

The Assistant Attorney General informed the MBO that Minnesota Rule 6500.2900 on reinstatement cannot be waived. When rules are opened for comment, they will be reviewed to determine if other alternatives are acceptable.

The April 30, 2015 financial report was provided. The report identifies that 100% of our spending authority has been spent prior to June 30, 2015. Increased case numbers and complexity have doubled legal expense for the year. Sipola motioned to approve the financial report with second by Slotten. Motion carried.

Sipola and Snyder provided an overview of Senate File 383, which passed 61-2 in the Senate and the final language as signed into law by Governor Dayton. Our bill was moved forward via the conference committee, agreed upon, and included Omnibus Health and Human Services bill. The only review or remaining item for this three year MBO project is assuring the final statutory language in which the Office of the Revisor deletes key sections of 'repealed language' and that the final language be reviewed by the board to determine if all board initiatives were met. This should take place prior to the September board meeting.

The state jurisprudence examination will be updated with Dr. Sipola chairing and Dr. Falk serving on this committee. They will attempt to create a larger exam bank of approved questions and offer two or more versions with a goal of completion prior to 2016.

The board renewal of license fee was last increased in 1984. All fees were reviewed and a new fee schedule was approved with an effective date of August 1, 2015. Lengthy discussion took place on future budgets, and if a balance is created, the board now has statutory authority to reduce fees. A six to nine month balance of the annual budget is expected to be maintained.

After a lengthy discussion on fees, the board set the following schedule and will monitor fund balance. Fees approved were the following:

	Date of Last Change	Proposed Not to Exceed Fee
Optometry:Licensure Application	8/1/08	\$160.00
Opt: Licensure Registration	11/30/87	\$12.00
Opt:Annual License Renewal	10/9/84	\$130.00
Opt:Late Penalty Fee	10/9/84	\$75.00
Opt:Dpa Application	2/22/88	\$0.00
Opt:Tpa Application	11/15/93	\$0.00
Opt:Duplicate/Replacement Card		\$10.00
Opt:CE Provider Application	10/9/84	\$45.00

Opt:Emeritus Registration	3/10/97	\$10.00
Opt:Reciprocity Application	8/1/08	\$160.00
Endorsement Application		\$160.00
Corporation Annual Report	1/1/85	\$100.00
Corporation Renewal		\$25.00
License Verification	8/1/15	\$50.00
Opt:Replacement of Initial License		\$12.00

The Continuing Education Committee report included the new COPE-Accreditation Criteria and Processes proposal which attempts to strengthen education by assessing an optometrists' current knowledge and those identified gaps for an individual clinical improvement. Transition is always a challenge and the board will continue to monitor the change.

After discussion, direction was given for the CE Committee to draft a FAQ for Corporate Sponsors, Sunshine Laws, meals and sponsorship events.

Discussion resulted in no action on the CPDO assessment and the awarding of CE for completion of the program.

Dr. Falk presented the ARBO annual meeting report. Overall, Minnesota is doing well in meeting public safety standards and in technology approaches for licensees. Telemedicine, social media, medicinal or recreation marijuana issues, electronic enhancements to board operations, illegal sales of contact lenses, and expanding scope of practice were all discussed at length. Dr. Falk shared that these national issues should be tracked but that Minnesota is well positioned. Contemporary practice standards are enacted and we remain at the forefront of public safety related to Optometric practice. She acknowledged the leadership of Minnesota board member, Dr. Roger Pabst, who served as ARBO Board President and convener of the national meeting in Seattle.

The medical cannabis FAQ was presented and accepted. Motion by Muellerleile, seconded by Pabst to approve. Motion carried.

Snyder updated the board on the NPDB audit which focused on assuring that all formal substantiated complaints are sent to the national data bank. All requested information has been provided and the final results will be shared once received.

Kelly Freese, Minnesota licensed OD was approved as a COPE Reviewer. Motion by Sipola and seconded by Pabst to recognize and approve the nomination with gratitude. Motion carried.

Chair O'Neill and Randy Snyder discussed the edited position description of the Executive Director for MBO. This project was an original request by Minnesota Management and Budget with the mandate to submit the position description prior to June 25th. Discussion and direction for the Position Description was determined that the minimum education level for the position should be a Master's degree, preferably related to health, law or business.

The Board reviewed multiple policy issues presented to them in the past months and discussed the following:

- Optometrist employee/employer issues are more appropriately resolved through labor attorneys. With regard to corporate or OD ownership of the medical records, there is no clarity in Minnesota law other than optometrists need to safeguard the patient record. If an optometrist delegates ownership to the corporation or a new OD, it would seem to meet the 'safeguard' requirement. Office hours, performance pay incentives are labor related and not in the public safety arena or board jurisdiction.
- Vision Therapy insurance codes are best dealt with through the Minnesota Optometric Association as the provider association related to reimbursement and is not a public safety issues.
- South Dakota requested clarification on office visit minimum standards which Minnesota has a 'minimum content of medical record' entry requirement in current rules; Minn. Rule, 6500.0700, an indirect reference but minimum standard of practice for an office visit.

There was no update from the Board President.

Dr. Falk continues to serve as the PMP representative and will attend those meetings only upon request when an Optometric concern is presented. Discretion to attend those meetings as needed was made a motion by Sipola, seconded by Slotten and motion passed.

There was no Council of Health Boards meeting.

Snyder shared the FARB report which is the Federation of Association of State Regulatory Boards. Once received, the meeting agenda will be presented at a future meeting with participation dependent on funding.

The 2016 open appointments electronic link from the Secretary of State's office will be sent to Board member Sipola with the nominations for that position opening in November, 2015.

A news release/newsletter email will be prepared for July/August. It will be emailed or available by downloading off the website to reduce mailing expense per board member discussion. The mailing should be short, reviewed by Dr. O'Neill and highlight Continuing Education end of year decisions, the July 1st changes in law, fee increase and the need to renew before December 31 if seeing patients in the state of Minnesota.

The board will conduct the next regularly scheduled business meeting on September 23 2015, January 13, and March 23, 2016. The June/July 2016 meeting date has not yet been determined.

Meetings are open to the public and normally held at University Park Plaza, 2829 University Avenue SE, Minneapolis, MN.

The meeting was adjourned at 11:14 AM by Pabst and seconded by Falk and the board reconvened at 11:30 AM in Conference Room C in closed session for the sole purpose of a disciplinary hearing. Motion to adjourn carried with the next call of meeting to be September 23, 2015.

Respectfully submitted,



Randy Snyder
Executive Director

Approved by



Don Sipola, O.D.
Secretary