

OPTOMETRISTS

148.52 BOARD OF OPTOMETRY.

The Board of Optometry shall consist of two public members as defined by section 214.02 and five Minnesota licensed optometrists appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09.

The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214.

History: (5785) 1915 c 127 s 1; 1925 c 239 s 1; 1929 c 420 s 1; 1973 c 62 s 1; 1973 c 638 s 20; 1975 c 136 s 16; 1976 c 222 s 61; 1976 c 239 s 56; 1991 c 199 art 1 s 42; 2015 c 71 art 10 s 1

148.53 POWERS OF BOARD.

The state Board of Optometry shall have the power to make any rules and to do any and all things not inconsistent with law which it may deem necessary or expedient for the effective enforcement of sections 148.52 to 148.62 or for the full and efficient performance of its duties thereunder.

History: (5786) 1915 c 127 s 2; 1925 c 239 s 2; 1929 c 420 s 2; 1985 c 248 s 70

148.54 BOARD; SEAL.

The Board of Optometry shall elect from among its members a president, vice president, and secretary and may adopt a seal.

History: (5787) 1915 c 127 s 3; 1925 c 239 s 3; 1949 c 267 s 1; 1975 c 136 s 17; 1976 c 222 s 62; 2015 c 71 art 10 s 2

148.55 [Repealed, 1976 c 222 s 209]

148.56 OPTOMETRISTS.

Subdivision 1. **Optometry defined.** (a) Any person shall be deemed to be practicing optometry within the meaning of sections 148.52 to 148.62 who shall in any way:

(1) advertise as an optometrist;

(2) employ any means, including the use of autorefractors or other automated testing devices, for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof;

(3) possess testing appliances for the purpose of the measurement of the powers of vision;

(4) diagnose any disease, optical deficiency or deformity, or visual or muscular anomaly of the visual system consisting of the human eye and its accessory or subordinate anatomical parts;

(5) prescribe lenses, including plano or cosmetic contact lenses, or prisms for the correction or the relief of same;

(6) employ or prescribe ocular exercises, orthoptics, or rehabilitative and rehabilitative therapeutic vision care; or

(7) prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation, prevention, treatment, or management of disease, deficiency, deformity, or abnormality of the human eye and adnexa included in the curricula of accredited schools or colleges of optometry, and as limited by Minnesota statute and adopted rules by the Board of Optometry, or who holds oneself out as being able to do so.

(b) In the course of treatment, nothing in this section shall allow:

(1) legend drugs to be administered intravenously; by intraocular or sub-Tenon injection; by injection posterior to the orbital septum; or by intramuscular injection, except as permitted under paragraph (d);

- (2) invasive surgery including, but not limited to, surgery using lasers;
- (3) Schedule II and III oral legend drugs to be administered or prescribed; or
- (4) oral steroids to be administered or prescribed for more than 14 days without consultation with a physician.

(c) Nothing in this section shall allow anesthetics to be administered by injection, except that an optometrist may administer local anesthesia by injection:

- (1) for excision of chalazia, except that recurrent chalazia must be referred to a physician; and
- (2) for excision of a single epidermal lesion that: (i) is without characteristics of malignancy; (ii) is no larger than five millimeters in size; (iii) is no deeper than the dermal layer of the skin; and (iv) is not a lesion involving the eyelid margin.

(d) An optometrist may inject Botulinum toxin, limited to the periocular muscles of facial expression innervated by the first two branches of the facial nerve, including for cosmetic purposes.

Subd. 1a. Injections. In order to perform injections permitted under subdivision 1, an optometrist must receive approval from the board after demonstrating to the board that the optometrist has sufficient educational or clinical training to perform injections. This subdivision does not apply to injections for treatment of anaphylaxis.

Subd. 2. Unlawful practices. It shall be unlawful for any person who is not licensed as an optometrist in this state to:

- (1) perform any of the actions contained in subdivision 1;
- (2) fit, sell, or dispose of, or to take, receive, or solicit any order for the fitting, sale, or disposition of, any spectacles, eye glasses, or lenses for the correction of vision in any place within the state other than an established place of business where spectacles, eye glasses, or lenses are commonly sold and dealt in; or
- (3) sell or dispose of, at retail, any spectacles, eye glasses, or lenses for the correction of vision in any established place of business or elsewhere in this state except under the supervision, direction, and authority of a duly licensed optometrist who holds a certificate under sections 148.52 to 148.62, and is in charge of and in personal attendance at the booth, counter, or place where such articles are sold or disposed of.

Subd. 3. Unregulated sales. Nothing in sections 148.52 to 148.62 shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses or to the replacement of duplications of broken lenses, nor to sales upon prescription from persons legally authorized by the laws of this state to examine eyes and prescribe glasses therefor, nor shall it apply to regularly licensed physicians and surgeons. Sections 148.52 to 148.62 also do not apply to the sale of spectacles, used for reading and containing only simple lenses having a plus power of up to and including 3.25, if no attempt is made to test the eyes. The term "simple lenses" does not include bifocals. The seller shall prominently display a sign on the counter or rack or other display device where the spectacles are offered for sale that reads as follows: "If you have experienced a vision loss, the selection of these glasses should not take the place of an eye exam."

Subd. 4. License required. It shall be unlawful for any person to engage in the practice of optometry without first procuring a license from the state Board of Optometry.

Subd. 5. Scope of practice exemption. Nothing in sections 148.52 to 148.62 shall prohibit the practice of a licensed or registered health care provider in Minnesota who is operating within the provider's scope of practice under Minnesota law.

History: (5789) 1915 c 127 s 5; 1925 c 239 s 5; 1929 c 420 s 3; 1983 c 301 s 146; 1986 c 444; 1987 c 125 s 1; 2008 c 262 s 1; 2013 c 129 s 1,2; 2022 c 55 art 1 s 40; 1Sp2025 c 3 art 6 s 5,6

148.57 LICENSE.

Subdivision 1. Examination. (a) A person not authorized to practice optometry in the state and desiring to do so shall apply to the state Board of Optometry by filling out and swearing to an application for a license granted by the board and accompanied by a fee established by the board, not to exceed the amount specified in section 148.59. With the submission of the application form, the candidate shall prove that the candidate:

(1) is of good moral character;

(2) has obtained a clinical doctorate degree from a board-approved school or college of optometry, or is currently enrolled in the final year of study at such an institution; and

(3) has passed all parts of an examination.

(b) The examination shall include both a written portion and a clinical practical portion and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written and clinical practical examinations, the board may:

(1) prepare, administer, and grade the examination itself;

(2) recognize and approve in whole or in part an examination prepared, administered and graded by a national board of examiners in optometry; or

(3) administer a recognized and approved examination prepared and graded by or under the direction of a national board of examiners in optometry.

(c) The board shall issue a license to each applicant who satisfactorily passes the examinations and fulfills the other requirements stated in this section.

Subd. 2. Endorsement. (a) An optometrist who holds a current license from another state, and who has practiced in that state not less than three years immediately preceding application, may apply for licensure in Minnesota by filling out and swearing to an application for license by endorsement furnished by the board. The completed application with all required documentation shall be filed at the board office along with a fee established by the board, not to exceed the amount specified in section 148.59. The application fee shall be for the use of the board and in no case shall be refunded.

(b) To verify that the applicant possesses the knowledge and ability essential to the practice of optometry in this state, the applicant must provide evidence of:

(1) having obtained a clinical doctorate degree from a board-approved school or college of optometry;

(2) successful completion of both written and practical examinations for licensure in the applicant's original state of licensure that thoroughly tested the fitness of the applicant to practice;

(3) successful completion of an examination of Minnesota state optometry laws;

(4) compliance with the requirements in section 148.575;

(5) compliance with all continuing education required for license renewal in every state in which the applicant currently holds an active license to practice; and

(6) being in good standing with every state board from which a license has been issued.

(c) Documentation from a national certification system or program, approved by the board, which supports any of the listed requirements, may be used as evidence. The applicant may then be issued a license if the requirements for licensure in the other state are deemed by the board to be equivalent to those of sections 148.52 to 148.62.

Subd. 3. [Repealed, 2015 c 71 art 10 s 34]

Subd. 4. [Repealed, 2015 c 71 art 10 s 34]

Subd. 5. **Change of address.** A person regulated by the board shall maintain a current name and address with the board and shall notify the board in writing within 30 days of any change in name or address. If a name change only is requested, the regulated person must request revised credentials and return the current credentials to the board. The board may require the regulated person to substantiate the name change by submitting official documentation from a court of law or agency authorized under law to receive and officially record a name change. If an address change only is requested, no request for revised credentials is required. If the regulated person's current credentials have been lost, stolen, or destroyed, the person shall provide a written explanation to the board.

Subd. 6. **Expedited and temporary licensing for former and current members of the military.** (a) Applicants seeking licensure according to this subdivision must be:

(1) an active duty military member;

(2) the spouse of an active duty military member; or

(3) a veteran who has left service in the two years preceding the date of license application, and has confirmation of an honorable or general discharge status.

(b) A qualified applicant under this subdivision must provide evidence of:

(1) a current valid license, certificate, or permit in another state without history of disciplinary action by a regulatory authority in the other state; and

(2) a current criminal background study without a criminal conviction that is determined by the board to adversely affect the applicant's ability to become licensed.

(c) A temporary license issued under this subdivision is effective for six months from the initial temporary licensure date.

(d) During the temporary license period, the individual shall complete the licensed optometrist application for licensure.

(e) In order to remain licensed after the expiration of the temporary license, an individual must meet the requirements in section 148.57, subdivisions 1 and 2.

History: (5790) 1915 c 127 s 6; 1925 c 239 s 6; 1929 c 420 s 4; 1949 c 267 s 3; 1967 c 381 s 2; 1973 c 62 s 2-4; 1976 c 222 s 63; 1978 c 516 s 1; 1982 c 388 s 5; 1985 c 247 s 25; 1986 c 444; 1992 c 419 s 1; 1993 c 121 s 3; 2000 c 413 s 1; 2008 c 262 s 2; 2015 c 71 art 10 s 3-5; 2015 c 77 art 2 s 18

148.571 [Repealed, 2015 c 71 art 10 s 34]

148.572 [Repealed, 2015 c 71 art 10 s 34]

148.573 Subdivision 1. [Repealed, 2015 c 71 art 10 s 34]

Subd. 2. [Repealed, 2008 c 262 s 7]

Subd. 3. [Repealed, 2008 c 262 s 7]

148.574 PROHIBITIONS RELATING TO LEGEND DRUGS.

Notwithstanding sections 151.37 and 152.12, an optometrist is prohibited from dispensing legend drugs at retail, unless the legend drug is within the scope designated in section 148.56, subdivision 1, and is administered to the eye through an ophthalmic good as defined in section 145.711, subdivision 4.

History: 1982 c 388 s 4; 1993 c 121 s 5; 2003 c 62 s 2; 2008 c 262 s 5; 2015 c 71 art 10 s 6

148.575 CERTIFICATE REQUIRED FOR USE OF LEGEND DRUGS.

Subdivision 1. [Repealed, 2015 c 71 art 10 s 34]

Subd. 2. **Requirements defined.** A licensed optometrist shall comply with the following requirements for the use of legend drugs:

(1) successful completion of at least 100 hours of study in the examination, diagnosis, and treatment of conditions of the human eye with legend drugs;

(2) successful completion of two years of supervised clinical experience in differential diagnosis of eye disease or disorders as part of optometric training or one year of that experience and ten years of actual clinical experience as a licensed optometrist; and

(3) successful completion of a nationally standardized examination approved or administered by the board on the subject of treatment and management of ocular disease.

Subd. 3. [Repealed, 2015 c 71 art 10 s 34]

Subd. 4. **Accreditation of courses.** The Board of Optometry may approve courses of study in general or ocular pharmacology and examination, diagnosis, and treatment of conditions of the human eye only if they are taught by an institution that meets the following criteria:

(1) the institution has facilities for both didactic and clinical instruction in pharmacology and ocular disease treatment;

(2) the institution certifies to the Board of Optometry that the course of instruction is comparable in content to courses of instruction required by other health-related licensing boards whose license holders or registrants are permitted to administer pharmaceutical agents in their professional practice for either diagnostic or therapeutic purposes or both; and

(3) the institution is accredited by a regional or professional accrediting organization recognized by the Council for Higher Education Accreditation or its successor agency.

Subd. 5. [Repealed, 2015 c 71 art 10 s 34]

Subd. 6. [Repealed, 2015 c 71 art 10 s 34]

History: 1993 c 121 s 6; 2003 c 62 s 3,4; 2008 c 262 s 6; 2015 c 71 art 10 s 7

148.576 [Repealed, 2015 c 71 art 10 s 34]

148.577 STANDARD OF CARE.

A licensed optometrist is held to the same standard of care in the use of those legend drugs as physicians licensed by the state of Minnesota.

History: 1993 c 121 s 8; 2003 c 62 s 6; 2015 c 71 art 10 s 8

148.578 [Repealed, 1997 c 7 art 2 s 67]

148.58 [Repealed, 1976 c 222 s 209]

148.59 LICENSE RENEWAL; LICENSE AND REGISTRATION FEES.

A licensed optometrist shall pay to the state Board of Optometry a fee as set by the board in order to renew a license as provided by board rule. No fees shall be refunded. Fees may not exceed the following amounts but may be adjusted lower by board direction and are for the exclusive use of the board:

- (1) optometry licensure application, \$160;
- (2) optometry annual licensure renewal, \$200;
- (3) optometry late penalty fee, \$75;
- (4) annual license renewal card, \$10;
- (5) continuing education provider application, \$45;
- (6) emeritus registration, \$10;
- (7) endorsement/reciprocity application, \$160;
- (8) replacement of initial license, \$12;
- (9) license verification, \$50;
- (10) state jurisprudence examination, \$75;
- (11) optometric education continuing education data bank registration, \$25; and
- (12) miscellaneous labels and data retrieval, \$50.

History: (5792) 1915 c 127 s 8; 1925 c 239 s 8; 1949 c 267 s 4; 1959 c 378 s 1; 1967 c 381 s 4; 1973 c 62 s 6; 1976 c 222 s 64; 1986 c 444; 2015 c 71 art 10 s 9; 1Sp2019 c 9 art 10 s 7

148.595 TEMPORARY MILITARY PERMIT; FEE.

The Board of Optometry shall establish a temporary permit in accordance with section 197.4552. The fee for the temporary military permit is \$250.

History: 2014 c 312 art 4 s 10

148.60 EXPENSES.

The expenses of administering sections 148.52 to 148.62 shall be paid from appropriations made to the Board of Optometry.

History: (5793) 1915 c 127 s 9; 1925 c 239 s 9; 1955 c 847 s 14; 1973 c 638 s 21; 1975 c 136 s 19; 1976 c 222 s 65

148.603 GROUNDS FOR DISCIPLINARY ACTION.

The board may refuse to grant a license or may impose disciplinary action as described in section 148.607 against any optometrist for the following:

(1) failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or in rules of the board. The burden of proof shall be on the applicant to demonstrate the qualifications or the satisfaction of the requirements;

(2) obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (i) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (ii) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

(3) conviction, during the previous five years, of a felony or gross misdemeanor, reasonably related to the practice of optometry. Conviction as used in this section shall include a conviction of an offense which if committed in this state would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon;

(4) revocation, suspension, restriction, limitation, or other disciplinary action against the person's optometry license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction;

(5) advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease;

(6) violating a rule adopted by the board or an order of the board, a state or federal law, which relates to the practice of optometry, or a state or federal narcotics or controlled substance law;

(7) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient; or practice of optometry which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, which in any of the cases, proof of actual injury need not be established;

(8) failure to supervise an optometrist's assistant or failure to supervise an optometrist under any agreement with the board;

(9) aiding or abetting an unlicensed person in the practice of optometry, except that it is not a violation of this section for an optometrist to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority;

(10) adjudication as mentally incompetent, mentally ill, or developmentally disabled, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise;

(11) engaging in unprofessional conduct which includes any departure from or the failure to conform to the minimal standards of acceptable and prevailing practice in which case actual injury to a patient need not be established;

(12) inability to practice optometry with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills;

(13) revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law;

(14) improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to sections 144.291 to 144.298 or to furnish a medical record or report required by law;

(15) fee splitting, including without limitation:

(i) paying, offering to pay, receiving, or agreeing to receive a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices; and

(ii) dividing fees with another optometrist, other health care provider, or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the optometrist has disclosed the terms of the division;

(16) engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;

(17) becoming addicted or habituated to a drug or intoxicant;

(18) prescribing a drug or device for other than accepted therapeutic or experimental or investigative purposes authorized by the state or a federal agency;

(19) engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient;

(20) failure to make reports as required by section 148.604 or to cooperate with an investigation of the board as required by section 148.606;

(21) knowingly providing false or misleading information that is directly related to the care of a patient; and

(22) practice of a board-regulated profession under lapsed or nonrenewed credentials.

History: 2000 c 413 s 2; 2003 c 66 s 3; 2015 c 71 art 10 s 10

148.604 REPORTING OBLIGATIONS.

Subdivision 1. Permission to report. A person who has knowledge of any conduct constituting grounds for discipline under sections 148.52 to 148.62 may report the violation to the board.

Subd. 2. Institutions. Any hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the board any action taken by the institution or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition an optometrist's privilege to practice or treat patients in the institution, or as part of the organization, any denial of privileges, or any other disciplinary action. The institution or organization shall also report the resignation of any optometrist prior to the conclusion of any disciplinary proceeding, or prior to the commencement of formal charges but after the optometrist had knowledge that formal charges were contemplated or in preparation. Each report made under this subdivision must state the nature of the action taken, state in detail the reasons for the action, and identify the specific patient medical records upon which the action was based. No report shall be required of an optometrist voluntarily limiting the practice of the optometrist at a hospital provided that the optometrist notifies all hospitals where the optometrist has privileges of the voluntary limitation and the reasons for it.

Subd. 3. Licensed professionals. A licensed optometrist shall report to the board personal knowledge of any conduct by any optometrist which the person reasonably believes constitutes grounds for disciplinary action under sections 148.52 to 148.62, including any conduct indicating that the person may be incompetent, may have engaged in unprofessional conduct, or may be physically unable to safely engage in the practice of optometry.

Subd. 4. Self-reporting. An optometrist shall report to the board any personal action which would require that a report be filed with the board by any person, health care facility, business, or organization pursuant to subdivisions 2 and 3.

Subd. 5. Deadlines; forms; rulemaking. Reports required by subdivisions 2 to 4 must be submitted not later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to ensure prompt and accurate reporting.

Subd. 6. Subpoenas. The board may issue subpoenas for the production of any reports required by subdivisions 2 to 4 or any related documents.

History: 2015 c 71 art 10 s 11

148.605 IMMUNITY.

Subdivision 1. Reporting. Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to the board pursuant to section 148.604 or for otherwise reporting to the board violations or alleged violations of section 148.603, if they are acting in good faith and in the exercise of reasonable care.

Subd. 2. Investigation; indemnification. (a) Members of the board, persons employed by the board, and consultants retained by the board for the purpose of investigation of violations, the preparation of charges, and management of board orders on behalf of the board are immune from civil liability and criminal

prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under sections 148.52 to 148.62, if they are acting in good faith and in the exercise of reasonable care.

(b) Members of the board and persons employed by the board or engaged in maintaining records and making reports regarding adverse health care events are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under sections 148.52 to 148.62, if they are acting in good faith and in the exercise of reasonable care.

(c) For purposes of this section, a member of the board or a consultant described in paragraph (a) is considered a state employee under section 3.736, subdivision 9.

History: 2015 c 71 art 10 s 12

148.606 OPTOMETRIST COOPERATION.

An optometrist who is the subject of an investigation by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation and providing copies of patient medical records, as reasonably requested by the board, to assist the board in its investigation. If the board does not have written consent from a patient permitting access to the patient's records, the optometrist shall delete any data in the record which identifies the patient before providing it to the board. The board shall maintain any records obtained pursuant to this section as investigative data pursuant to chapter 13.

History: 2015 c 71 art 10 s 13

148.607 DISCIPLINARY ACTIONS.

When the board finds that a licensed optometrist under section 148.57 has violated a provision or provisions of sections 148.52 to 148.62, it may do one or more of the following:

(1) revoke the license;

(2) suspend the license;

(3) impose limitations or conditions on the optometrist's practice of optometry, including the limitation of scope of practice to designated field specialties; the imposition of retraining or rehabilitation requirements; the requirement of practice under supervision; or the conditioning of continued practice on demonstration of knowledge or skills by appropriate examination or other review of skill and competence;

(4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the optometrist of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding; and

(5) censure or reprimand the licensed optometrist.

History: 2015 c 71 art 10 s 14

148.61 PENALTY.

Subdivision 1. [Repealed, 1945 c 242 s 14]

Subd. 2. [Renumbered 148.511, subdivision 1]

Subd. 3. [Renumbered 148.101]

Subd. 4. [Renumbered 148.511, subd 2]

Subd. 5. **Gross misdemeanor.** Every person not licensed by the board pursuant to section 148.57 who practices optometry in this state shall be guilty of a gross misdemeanor.

History: (5794) 1915 c 127 s 10; 1925 c 239 s 10; 2000 c 413 s 3

148.62 APPLICATION.

Sections 148.52 to 148.62 shall not be construed as forbidding any person licensed to practice any profession in this state from engaging in such profession as it may now be defined by law.

History: (5796-1) 1925 c 239 s 13

CHAPTER 6500
BOARD OF OPTOMETRY
OPTOMETRISTS

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6500.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. [Repealed, 43 SR 5]

Subp. 2a. [Repealed, 43 SR 5]

Subp. 3. **Board.** "Board" means the Minnesota Board of Optometry.

Subp. 4. [Repealed, 43 SR 5]

Subp. 4a. [Repealed, 43 SR 5]

Subp. 5. [Repealed, 43 SR 5]

Subp. 6. [Repealed, 43 SR 5]

Statutory Authority: *MS s 145.714; 148.53; 214.06; 214.12*

History: *11 SR 1793; 23 SR 883; 43 SR 5*

Published Electronically: *July 11, 2018*

6500.0150 [Renumbered 6500.0950]
Published Electronically: *June 11, 2008*

6500.0200 [Repealed, 23 SR 883]
Published Electronically: *June 11, 2008*

6500.0300 PURPOSE AND APPLICATION.

This chapter is intended to implement Minnesota Statutes, sections 148.52 to 148.62 and 145.711 to 145.714, in order to best protect the public.

This chapter is applicable to all persons licensed to practice optometry in Minnesota and to those persons applying to the board for a license to practice optometry in Minnesota.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *43 SR 5*

Published Electronically: *July 11, 2018*

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."

Subp. 2. [Repealed, 43 SR 5]

Subp. 3. [Repealed, 43 SR 5]

Subp. 4. **Transfer of practice.** In the event an optometric practice is transferred to a licensed optometrist, the transferee may, through professional cards, stationery, signs, email, 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 the two-year period, the name or names of the transferor shall not appear in letters larger than the letters used in the name of the transferee.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *17 SR 1279; 43 SR 5*

Published Electronically: *January 30, 2024*

6500.0500 DISPLAY AND DISCLOSURE OF NAME.

The optometrist's board-issued certificate shall be displayed prominently at any office or establishment where the optometrist practices optometry.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *43 SR 5*

Published Electronically: *July 11, 2018*

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.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *43 SR 5*

Published Electronically: *July 11, 2018*

6500.0700 RECORDS.

Subpart 1. Minimum standards for medical records. An optometrist licensed in the state must maintain a medical record for each patient. For each encounter with a patient, the medical record must:

- 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, or family history; examinations performed and tests ordered and their findings or interpretations; counseling offered; concurrent care or transfers of care; or 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. [Repealed, 43 SR 5]

Subp. 3. **Storage.** Patient records required by 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 five years shall be offered to the individual patients or transferred to another provider after notification of the new location is made to those individuals.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *43 SR 5*

Published Electronically: *July 11, 2018*

6500.0800 INCORPORATING UNDER THE PROFESSIONAL CORPORATIONS ACT.

Subpart 1. Incorporation. One or more licensed optometrists may form a professional optometric corporation. If an optometrist chooses to incorporate, the optometrist must do so under the Professional Firms Act as stated in Minnesota Statutes, chapter 319B. A solo practitioner optometrist who is not incorporated is not required to comply with the Professional Firms Act.

Subp. 2. Filing. No professional optometric corporation shall begin to render professional service in this state until it has filed with the board a copy of its articles of incorporation.

Subp. 3. [Repealed, 43 SR 5]

Subp. 4. [Repealed, 43 SR 5]

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *17 SR 1279; 43 SR 5*

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6500.0900 [Repealed, 43 SR 5]

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6500.1800 [Repealed, 43 SR 5]

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6500.1900 [Repealed, 43 SR 5]

Published Electronically: *July 11, 2018*

6500.2000 TERMS AND RENEWAL OF INDIVIDUAL ANNUAL LICENSE.

Subpart 1. **Renewal of application.** On or before January 1 of each year, a licensee must submit to the board a license renewal application to continue 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. **Information required on renewal application.** An application for renewal must be postmarked, 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 related to the application process as requested by the board.

Subp. 3. **Compliance with continuing education requirements.** As specified in part 6500.3000, an applicant must submit to the board proof of compliance with continuing education requirements as part of the applicant's annual license renewal.

Subp. 4. [Repealed, 43 SR 5]

Subp. 4a. **Failure to submit renewal application, required fees, or evidence of continuing education compliance.** If a licensee fails to submit the renewal application, the required fee, or evidence of continuing education compliance, the board shall follow the following procedures.

A. After January 1 of the renewal year, the board shall change the status of the active licensee to designate the nonrenewed or lapsed license. A licensee may not provide services as a licensed optometrist with a lapsed or nonrenewed license.

B. After January 1 of the renewal year, the board shall send to the licensee, at the last address on file, notice that the licensee has failed to satisfy the license renewal requirements and shall specify which requirement remains unsatisfied. The board shall set out the steps the licensee must take to renew a license and any late fees required, notify the licensee of the option of voluntarily terminating the license, and notify the licensee that failure to respond within 30 days after the notice is sent by the board will result in 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 shall 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. The board shall send to the licensee, at the last address on file, notice that the license has been administratively terminated.

D. The notice sent after January 1 shall also include notice of the licensee's right to request review of the board's determination that the licensee has failed to satisfy the renewal requirements. The licensee's request for review must state all of the reasons the licensee believes the board's determination is incorrect and include copies of any and all relevant documents that were previously timely submitted, in addition to any documents demonstrating proof of their submission. The licensee may submit the request for review within the 30 days after the board sends the notice

required by item B, or within 15 days after a licensee receives a notice of termination pursuant to item C. The board shall issue a decision on its review of the licensee's request within 30 days after it receives the request. The licensee's license shall remain in "nonrenewed" or "lapsed" status pending the board's review of the licensee's request for review under this item. The board's decision on a request for review under this item is a final decision, not subject to review.

E. A license that has been administratively terminated under this part may be reinstated pursuant to part 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 in subpart 4a, may initiate a contested case proceeding to take disciplinary action on the licensee for failure to submit fees and continuing education compliance at the same time that it initiates disciplinary action proceedings against the licensee for other grounds specified in part 6500.3000 or Minnesota Statutes, sections 148.52 to 148.62.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *9 SR 1690; 13 SR 2933; 19 SR 734; 43 SR 5*

Published Electronically: *July 11, 2018*

6500.2100 [Repealed, L 2008 c 262 s 7]

Published Electronically: *August 29, 2008*

6500.2200 FEE PAYMENT; NONREFUNDABLE.

All required fees shall be payable to the board. No fee or any portion of a fee paid or payable to the board is refundable.

Statutory Authority: *MS s 145.714; 148.53; 148.57; 148.59; 214.06*

History: *43 SR 5*

Published Electronically: *July 11, 2018*

6500.2300 [Repealed, 43 SR 5]

Published Electronically: *July 11, 2018*

6500.2400 JURISPRUDENCE EXAMINATION.

Subpart 1. Requirements. An applicant must pass an examination on Minnesota optometric jurisprudence with a score of 80 percent or better. An applicant who fails the Minnesota jurisprudence examination and passes a nationally constructed clinical examination may repeat the jurisprudence examination only. For applicants, the Minnesota jurisprudence examination score is valid for one year from the date of the examination.

Subp. 2. Scheduling. The Minnesota jurisprudence examination must 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.

Statutory Authority: *MS s 145.714; 148.53; 148.57; 148.59; 214.06; 214.12*

History: *9 SR 1690; 18 SR 468; 43 SR 5*

Published Electronically: *July 11, 2018*

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 that 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 6500.3000 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. The continuing education requirements must be fulfilled prior to petitioning the board for reinstatement of license.

Subp. 5. Renewal cycle. 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. A replacement certificate may be issued by the board.

Statutory Authority: *MS s 16A.128; 145.714; 148.53; 214.06*

History: *11 SR 1793; 12 SR 1775; 43 SR 5*

Published Electronically: *July 11, 2018*

6500.2800 [Repealed, 43 SR 5]

Published Electronically: *July 11, 2018*

6500.2900 REINSTATEMENT OF LICENSE.

Subpart 1. Requirements. After a former licensee complies with the requirements in this part, the 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 up to three prior renewal periods and the applicable late fees, if the person has not held an active license in any state during the three calendar years preceding the date of the application;
- C. include with the application a letter stating the reasons for applying for reinstatement;
- D. retake and pass the Minnesota jurisprudence examination; and
- E. demonstrate satisfaction of Minnesota continuing education requirements for the three years prior to application, except that if the person holds an active license in any state on the date the person applies for reinstatement, the person may demonstrate proof of compliance with the continuing education requirements of the state or states in which the person is licensed for the three calendar years preceding the date of the application in lieu of demonstrating compliance with Minnesota continuing education requirements.

If the individual is licensed in another state or states, the individual must also demonstrate that the individual's license has been active and in good standing in all states in which the individual is licensed for the three years prior to application.

Subp. 2. [Repealed, 43 SR 5]

Subp. 3. **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 the requirements of subpart 1, provides 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. The board may require the licensee to pay all costs of the proceedings resulting in the suspension or revocation of a license under part 6500.2000 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. [Repealed, 43 SR 5]

Subp. 5. [Repealed, 43 SR 5]

Subp. 6. [Repealed, 43 SR 5]

Statutory Authority: *MS s 16A.128; 145.714; 148.53; 214.06*

History: *12 SR 1564; 43 SR 5*

Published Electronically: *July 11, 2018*

6500.3000 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **Required hours and compliance period.** An optometrist licensed in Minnesota is 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.

Subp. 2. **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 noninteractive, independent 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 shall result in nonrenewal of the license pursuant to part 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. the number of hours in attendance; and
- E. the date of the program.

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. 3. **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 2. Failure to submit the required documentation shall be grounds for disciplinary action.

Subp. 4. **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 pursuant to subpart 6, or a licensee may request individual approval pursuant to subpart 7. 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 other presenters are recognized by the board as being highly qualified in their fields;

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, either live or remote via Webinar, teleconferencing, or videoconferencing.

Courses or programs deemed by the board to be a sales promotion for a product or service shall be denied approval of continuing education credit, and may be presented without continuing education credit when so noted by the sponsor.

Subp. 5. Retroactive revocation of CE approval. The board may, after due consideration, add or delete continuing education credit hours of previously approved continuing education programs due to a change in content or actual hours of presentation. The board shall 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. 6. 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. The board shall respond to the applications within 30 days. Nothing in this part shall permit the board to approve an educational program that has not satisfied the criteria in subpart 4. Courses not eligible for credit shall be identified by the program sponsor.

Subp. 7. 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 evaluate 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 4, the board or its designee shall deny approval. The board shall notify the licensee in writing of the reason for denying approval or an activity under this subpart.

Subp. 8. Sources of credit. Continuing education credit may be applied for the types of programs described in this subpart.

A. Programs approved by the board or its designee under subpart 4. A maximum of six credit hours per compliance period may be granted for programs related to practice management.

B. Participation in grand rounds, which consist of presenting medical conditions or treatment of a particular patient or type of condition to an audience consisting of licensed health care providers, residents, or medical students. One hour of continuing education credit may 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 may 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 may be granted for acceptance and publication of books.

E. Development and presentation of one or more lectures on optometry-related topics before an audience of optometric or other health care professionals. One hour of continuing education credit may be awarded for each hour of presentation. For one time only per lecture, two hours of continuing education credit may be awarded for development of each hour of presentation.

F. Participation in noninteractive, independent study activities, including self-instruction in vision care periodicals, Webcasts, audiotaped or videotaped 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 may be awarded for noninteractive, independent study activities.

Subp. 9. 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 as described in this subpart.

A. A licensee who has been granted emeritus status under part 6500.2700 is exempt from continuing education requirements.

B. A 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 is exempt from continuing education requirements.

C. A 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.

D. A 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.

Subp. 10. 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.

Statutory Authority: *MS s 145.714; 148.53; 214.06*

History: *43 SR 5*

Published Electronically: *July 11, 2018*

152.12 HEALTH CARE PROVIDERS MAY PRESCRIBE.

Subdivision 1. Prescribing, dispensing, administering controlled substances in Schedules II through V. A licensed doctor of medicine, a doctor of osteopathic medicine, duly licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a licensed doctor of podiatry, a licensed advanced practice registered nurse, a licensed certified midwife, a licensed physician assistant, or a licensed doctor of optometry limited to Schedules IV and V, and in the course of professional practice only, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, may cause the same to be administered by a nurse, an intern or an assistant under the direction and supervision of the doctor, and may cause a person who is an appropriately certified and licensed health care professional to prescribe and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

Subd. 2. Doctor of veterinary medicine. A licensed doctor of veterinary medicine, in good faith, and in the course of professional practice only, and not for use by a human being, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, and may cause the same to be administered by an assistant under the direction and supervision of the doctor.

Subd. 3. Research project use of controlled substances. Any qualified person may use controlled substances in the course of a bona fide research project but cannot administer or dispense such drugs to human beings unless such drugs are prescribed, dispensed and administered by a person lawfully authorized to do so. Every person who engages in research involving the use of such substances shall apply annually for registration by the state Board of Pharmacy and shall pay any applicable fee specified in section 151.065, provided that such registration shall not be required if the person is covered by and has complied with federal laws covering such research projects.

Subd. 4. Sale of controlled substances not prohibited for certain persons and entities. Nothing in this chapter shall prohibit the sale to, or the possession of, a controlled substance in Schedule II, III, IV or V by: Registered drug wholesalers, registered manufacturers, registered pharmacies, or any licensed hospital or other licensed institutions wherein sick and injured persons are cared for or treated, or bona fide hospitals wherein animals are treated; or by licensed pharmacists, licensed doctors of medicine, doctors of osteopathic medicine duly licensed to practice medicine, licensed doctors of dental surgery, licensed doctors of dental medicine, licensed doctors of podiatry, licensed doctors of optometry limited to Schedules IV and V, or licensed doctors of veterinary medicine when such practitioners use controlled substances within the course of their professional practice only.

Nothing in this chapter shall prohibit the possession of a controlled substance in Schedule II, III, IV or V by an employee or agent of a registered drug wholesaler, registered manufacturer, or registered pharmacy, while acting in the course of employment; by a patient of a licensed doctor of medicine, a doctor of osteopathic medicine duly licensed to practice medicine, a licensed doctor of dental surgery, a licensed doctor of dental medicine, or a licensed doctor of optometry limited to Schedules IV and V; or by the owner of an animal for which a controlled substance has been prescribed by a licensed doctor of veterinary medicine, when such controlled substances are dispensed according to law.

Subd. 5. Analytical laboratory not prohibited from providing anonymous analysis service. Nothing in this chapter shall prohibit an analytical laboratory from conducting an anonymous analysis service when such laboratory is registered by the Federal Drug Enforcement Administration, nor prohibit the possession

of a controlled substance by an employee or agent of such analytical laboratory while acting in the course of employment.

History: (3906-15) 1939 c 102 s 5; 1967 c 408 s 8; 1971 c 937 s 16; 1973 c 693 s 8,9; 1974 c 369 s 2; 1986 c 444; 1988 c 440 s 3; 2003 c 62 s 9,10; 1Sp2011 c 9 art 5 s 27; 2014 c 235 s 39; 2016 c 119 s 7; 2020 c 115 art 2 s 27; 1Sp2025 c 3 art 3 s 114

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