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MAY 16 2017

**BEFORE THE MINNESOTA  
BOARD OF OPTOMETRY**

MN BOARD OF  
OPTOMETRY

In the Matter of  
Jefferson Lin, OD  
License No. 3362

**AGREEMENT FOR  
CORRECTIVE ACTION**

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MAY 16 2017

This Agreement is entered into by and between Jefferson Lin, OD ("Licensee"), and the Minnesota Board of Optometry Complaint Resolution Committee ("Committee") based on Minnesota Statutes section 214.103, subdivision 6(a)(2). Licensee and the Committee agree to the following:

**FACTS**

1. On April 19, 2017, the Committee, composed of Board members Pat O'Neill, O.D., John Muellerleile, O.D., and Kari Slotten, convened to discuss allegations regarding Licensee's optometric license. Jennifer C. Middleton, Assistant Attorney General, represents the Committee. After review of the information provided, the Committee proposes this Agreement for Corrective Action to address the concerns identified below.

2. While Licensee was employed as an optometrist at Drs. North & Watson, Optometrists, P.A., in Burnsville, Minnesota, the following occurred:

a. For more than one patient between July 1, 2016 and December 1, 2016, Licensee wrote a prescription for contact lenses with a one-year expiration date. Licensee failed to document in the patient's chart the medical reason(s) to warrant the one-year expiration date.

## **CORRECTIVE ACTION**

3. The Committee determined that the conduct described in paragraph 2 above does not comply with Minnesota Statutes sections 145.712 and 148.603(7), (11), and (14) and necessitates the following corrective action as described below.

a. Jurisprudence Examination. Within three months of the effective date of this Agreement, Applicant shall successfully pass the state law examination on the Minnesota Statutes and Rules related to the practice of optometry. Successful passage requires a score of 65 percent or better. Licensee shall contact the National Board of Examiners in Optometry directly to complete the online jurisprudence examination. Licensee may retake the examination up to two times in order to obtain a passing score. Should Licensee not obtain a passing score after three attempts, Licensee shall wait three months from the date of the last attempt prior to taking the examination again. Licensee is responsible for all costs associated with this requirement.

b. Written Report for Coursework. Within six months of the effective date of this Agreement, Licensee shall submit to the Committee a report on the Minnesota law(s) pertaining to contact lenses expiration dates, examples of diagnoses that would warrant a one-year contact lenses prescription expiration date, how to adequately document said diagnoses, and how Licensee will comply with Minnesota law regarding contact lenses prescription expiration dates in the future. The report shall be in Licensee's own words, double-spaced, at least three pages in length but no more than four pages, and shall list references used to prepare the report. The report submitted by Licensee is subject to review and approval by the Committee.

c. Continuing Education. In lieu of the requirement set forth in 3.b., Licensee may attend three hours of continuing education related to medical reasons for one-year contact lenses prescriptions, associated medical record documentation, and required patient

education. The education must focus on contemporary medical record standards and compliance with current Minnesota Statutes 145.712 and will be in addition to the current forty (40) hours required for renewal of license by December 31, 2017. Licensee must obtain course preapproval by the Committee. To do so, Licensee shall submit course information, including presenter credentials to the Committee. The course must be completed within six months of this executed agreement.

#### **OTHER INFORMATION**

4. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 3 above, the Committee agrees to dismiss the complaint(s) concerning the matters referenced in paragraph 2. The Committee shall be the sole judge of satisfactory completion. The Committee may reopen this complaint if it receives newly discovered information that was not available to the Committee during the initial investigation, or if the Committee receives a new complaint that indicates a pattern of behavior or conduct.

5. If Licensee fails to complete the corrective action satisfactorily, the Committee may, at its discretion, reopen the investigation and proceed according to Minnesota Statutes sections 148.52-62 and Minnesota Statutes chapters 214 and 14. Licensee agrees that failure to complete the corrective action satisfactorily is failure to cooperate under Minnesota Statutes section 148.603(6) and may subject Licensee to disciplinary action by the Board.

6. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter. Licensee knowingly declined to be represented.

7. This agreement shall become effective upon execution by the Board's Executive Director and shall remain in effect until the Committee dismisses the complaint, unless the

Committee receives additional information that renders corrective action inappropriate. Upon receiving such information, the Committee may, at its discretion, proceed according to Minnesota Statutes sections 148.52-62 and Minnesota Statutes chapters 214 and 14.


8. This agreement is not disciplinary action. See Minnesota Statutes section 214.103, subdivision 6. However, this agreement is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. The intent of the Agreement for Corrective Action is focused education.

9. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.



Jefferson Lin, O.D.  
Licensee

Dated: May 9<sup>th</sup>, 2017



RANDY SNYDER  
Executive Director

Dated: May 24, 2017