

# MINNESOTA BOARD OF OPTOMETRY

2829 University Avenue SE, Suite 550, Minneapolis, MN 55414  
(651) 201-2762

## September 25, 2013 Board Meeting

The Minnesota Board of Optometry met on Wednesday, September 25, 2013 in Conference Room A, University Park Plaza Building, 2829 University Avenue SE, Minneapolis, MN for the purpose of conducting such business as would normally come before the Board.

Roger Pabst, O.D., President called the meeting to order at 10:06 AM.

Roll call of board members:

**Present were:**

Michelle Falk, O.D.  
Roger Pabst, O.D.  
Patricia Glasrud  
John Muellerlele, O.D.  
Don Sipola, O.D.  
Patrick O'Neill, O.D.

**Also present were:**

Sara Boeshans, Office of the Attorney General  
Anna Hartsel, Office & Administrative Specialist  
Beth Coleman, Larry Morrison, Jonathon Schorn; Minnesota Optometric Association  
Randy Snyder, Executive Director

**Members Absent:** Jeanette Taylor Jones

The roll call was completed and a quorum declared present. A motion to approve the agenda was made by Sipola, and seconded by Glasrud. Motion passed.

Minutes of the July 10, 2013 board meeting were reviewed, a motion by O'Neill, seconded by Falk and the minutes were approved. Motion carried.

The following listed applicants/new licensees requesting a Minnesota Optometry license was 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 has a delegation of authority for board staff to initially license candidates that provide an application with all requirements clearly met. The motion to approve the licenses as granted to practice optometry in the state of Minnesota as listed was made by Glasrud, with second by Falk. The motion passed with all voting aye.

Nathan Frank Shjerve  
David A. Spande  
Lindsay E. Denton

Jefferson Lin  
Amir M. Shama

Mr. Snyder reported on the July Financials. With only month recorded in FY 2014, salaries, rent and a few minor expenses have been recorded year to date. The close out of FY 13 has not yet occurred and will be presented to the board once completed. A motion to approve the budget/finance report was made by Sipola, seconded by Muellerleile. Motion carried.

The HPSP report was provided by Michelle Falk, OD who provided a summary of the 14 referrals to HPSP since the MBO's formal participation in 2001. Dr. Pabst asked that the program description be placed in this year's renewal packets as an additional educational tool. The 2013 HPSP annual report was provided to the board by Dr. Falk as well.

There have been no meetings of the Council of Health Boards.

Mr. Snyder summarized materials from the July board meeting including a survey of Minnesota Health Licensing boards and the internal/external definitions of 'certified'. Only one board has a complaint statute of limitation of seven years. The board informally discussed that the (CRC) complaint committee consider the date of the original event in their deliberations but a formal statute will not be proposed.

Sara Boeshans, AAG presented her findings of medical record ownership as no law exists in the Minnesota Optometric statutes but indicates that the OD as a private contractor would review Minn. Rules 6500.0700 as the OD is responsible for 'maintaining the patient record for at least five years'. The board will offer an advisory opinion for the website with the basis of the summary being that when severing employment/contracts that securing of the medical record would be addressed as to who maintains and protects those records for the five year required period.

A review of a potential public safety announcement related to cosmetic contact lenses was reviewed by the board. Ms. Coleman shared that the MOA/AOA will be working with a similar message and will be advancing this to public media outlets. The board approved the draft for inclusion in the MBO website.

A review of the OE Tracker system was completed. The board reviewed and edited the 'email blast' scheduled for delivery after the board meeting. It was suggested that a hard copy be mailed to all Minnesota licensees. The board delegated authority for Minn. Rule 6500.0950 A, B, C., when documentation is provided and when no optometric review is necessary. Motion to approve the report and direction; O'Neill, seconded by Muellerleile, motion carried.

Dr. Sipola reported for the proposed legislative revisions on behalf of the Statutory Review committee. Direction items include:

- Lines 2.23 to 2.24 should be deleted
- Line 2.30 should be deleted.
- Line 2.30 New paragraph start with an "A" to Verify that applicant...
- Line 3.14 should start with "B".
- Line 3.10 to 3.13 should be deleted.
- Fees were reviewed with a cap or not to exceed amounts agreed to as:
  - Line 6.16: \$160.00 (application)
  - Line 6.17: \$130.00 (renewal)
  - Line 6.18: \$ 75.00 (late fee)
  - Line 6.22: \$ 160.00 (endorsement)

- 6.24 License Wall Replacement –change language for clarity.
- Line 6.23: Surcharge: ask the Reviser if that should be included in the MBO statute as it's a number that is not controlled by the board and is taxed at 10% of the application or currently \$14.70.
- A lengthy discussion took place on late renewals and proposed an increase in the cap for license renewal to \$130.00.
- Board 'certification' definitions were discussed at length. A motion by O'Neill, seconded by Glasrud to strike out all references to board certification and 'clean up' the remaining parts of the statute. This should remove all references related to board certification and replace with clarifying of licensing activities provided by the board. Members O'Neill, Muellerleile, Glasrud, Falk voted aye with Sipola voted no.

Chair Pabst also appointed Dr. O'Neill to the Statutory Review Committee which will be scheduled shortly. Depending on the timing of the committee's final proposed work product, a board meeting will be called for a final board review.

A motion to approve Trennda Rittenbach as a COPE Reviewer was made by Sipola, seconded by O'Neill. Motion carried.

There were no volunteers for the FARB meeting in January, 2014.

Three scope of practice items were reviewed with the current advisory opinion shared. All of the items were deemed to be within the Optometric scope of practice. The advisory opinion is still appropriate as a guiding document.

The website will be reviewed at an upcoming meeting in greater detail. There was no President's or Executive Director's report due to the length of the meeting.

A letter received from the North Carolina Board of Optometry will be tabled for the next meeting.

The board received a letter from a licensee regarding a non-compliant patient. Typically, an OD offering three optional OD services when the course of treatment is completed will avoid any issue related to patient abandonment.

The DVS also has an option to report a poor vision candidate with the potential for hazardous driving for an 'over the road' driver's examination. Health Professionals may also report a driver with poor vision who desires to continue to drive to the DVS. The AAG will see if a link is available for a board advisory.

2014 meeting dates were approved. The quarterly board meeting dates would be:

Wednesday, January 15, 2014  
 Wednesday, March 26, 2014  
 Wednesday, July 9, 2014  
 Wednesday, September 24, 2014

Dr. Michelle Falk's term expires in January, 2014 and the open appointments process through the Secretary of State's office will be active for this position in January, 2014.

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

Motion was made by Dr. O'Neill, to adjourn the meeting. Motion was seconded by Dr. Muellerleile. Motion passed.

Respectfully submitted,

A handwritten signature in blue ink that reads "Randy D. Snyder". The signature is written in a cursive style.

Randy Snyder  
Executive Director

Approved by

A handwritten signature in black ink that reads "Don Sipola O.D.". The signature is written in a cursive style.

Don Sipola, O.D.  
Secretary