

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to the Practice of Optometry; Making Technical Changes

AGENCY: Board of Optometry

REVISOR ID: R-4441

MINNESOTA RULES: Chapter 6500



The attached rules are approved for
filing with the Secretary of State

Lauren C. Bethke

Lauren C. Bethke
Assistant Revisor

18311..

1.1 **Board of Optometry**

1.2 **Adopted Permanent Rules Relating to the Practice of Optometry; Making Technical**
1.3 **Changes**

1.4 **6500.0100 DEFINITIONS.**

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

1.7 Subp. 2. [See repealer.]

1.8 Subp. 2a. [See repealer.]

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

1.10 Subp. 4. [See repealer.]

1.11 Subp. 4a. [See repealer.]

1.12 Subp. 5. [See repealer.]

1.13 Subp. 6. [See repealer.]

1.14 **6500.0300 PURPOSE AND APPLICATION.**

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

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

1.19 **6500.0400 PROFESSIONAL CONDUCT.**

1.20 *[For text of subp 1, see M.R.]*

1.21 Subp. 2. [See repealer.]

1.22 Subp. 3. [See repealer.]

2.1 Subp. 4. **Transfer of practice.** In the event an optometric practice is transferred to a
2.2 licensed optometrist, the transferee may, through professional cards, stationery, signs, e-mail,
2.3 or other permissible forms of announcement, identify the transferee as having acquired the
2.4 practice, provided that no such announcement shall be used or displayed more than two
2.5 years after the date of transfer. During the two-year period, the name or names of the
2.6 transferor shall not appear in letters larger than the letters used in the name of the transferee.

2.7 **6500.0500 DISPLAY AND DISCLOSURE OF NAME.**

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

2.10 **6500.0600 PRESCRIPTION.**

2.11 Prescriptions furnished to the patient shall be signed by the examining optometrist. No
2.12 licensed optometrist shall sign or cause to be signed a refractive prescription without first
2.13 making a personal examination of the eyes of the person for whom the prescription is made.

2.14 **6500.0700 RECORDS.**

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

2.18 A. be legible to someone other than the author, and written in the English language;

2.19 B. contain only those terms and abbreviations that are or should be comprehensible
2.20 to other health care professionals in the same or similar specialties;

2.21 C. contain adequate identification of the patient and treating health care
2.22 professional;

2.23 D. specify the date the health care was provided;

3.1 E. contain information supporting the decision making, diagnosis, or recommended
3.2 treatment plan, which may include the chief complaint or reason for the encounter; history
3.3 of present illness; medical, social, or family history; examinations performed and tests
3.4 ordered and their findings or interpretations; counseling offered; concurrent care or transfers
3.5 of care; or consultations requested;

3.6 F. specify the prescriptions written or renewed; any medications prescribed,
3.7 dispensed, or administered; and the quantity and strength of each;

3.8 G. document the patient's progress during the course of treatment if applicable;
3.9 and

3.10 H. include all patient records received from other health care providers, if those
3.11 records formed the basis for a treatment decision by the optometrist.

3.12 Subp. 2. [See repealer.]

3.13 Subp. 3. **Storage.** Patient records required by subpart 1 shall be maintained for at least
3.14 five years. In the event of closure of a practice, all records from patient encounters during
3.15 the previous five years shall be offered to the individual patients or transferred to another
3.16 provider after notification of the new location is made to those individuals.

3.17 **6500.0800 INCORPORATING UNDER THE PROFESSIONAL CORPORATIONS**
3.18 **ACT.**

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

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

4.4 Subp. 3. [See repealer.]

4.5 Subp. 4. [See repealer.]

4.6 **6500.2000 TERMS AND RENEWAL OF INDIVIDUAL ANNUAL LICENSE.**

4.7 Subpart 1. **Renewal of application.** On or before January 1 of each year, a licensee
4.8 must submit to the board a license renewal application to continue to lawfully practice in
4.9 this state. A renewed license is valid from January 1 of the year of issue until December 31
4.10 of the year of issue.

4.11 Subp. 2. **Information required on renewal application.** An application for renewal
4.12 must be postmarked by, or if submitted online, received by the board, on or before December
4.13 31 of each year of renewal. The renewal application shall include the applicant's signature,
4.14 any application fees required by statute, the address or addresses where the applicant practices
4.15 optometry, any changes in the applicant's optometry practice locations in the previous
4.16 12-month period, the applicant's license number, and any other information reasonably
4.17 related to the application process as requested by the board.

4.18 Subp. 3. **Compliance with continuing education requirements.** As specified in part
4.19 6500.3000, an applicant must submit to the board proof of compliance with continuing
4.20 education requirements as part of the applicant's annual license renewal.

4.21 Subp. 4. [See repealer.]

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

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

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

5.11 C. If the application for renewal, including the required information about
5.12 continuing education compliance, the application fee, and any late fees, are not received by
5.13 the board within the 30-day deadline specified in the notice, the license shall be terminated
5.14 and the licensee will no longer be authorized to practice optometry in Minnesota. The
5.15 termination will be administrative and will not constitute disciplinary action on the license.
5.16 The board shall send to the licensee, at the last address on file, notice that the license has
5.17 been administratively terminated.

5.18 D. The notice sent after January 1 shall also include notice of the licensee's right
5.19 to request review of the board's determination that the licensee has failed to satisfy the
5.20 renewal requirements. The licensee's request for review must state all of the reasons the
5.21 licensee believes the board's determination is incorrect and include copies of any and all
5.22 relevant documents that were previously timely submitted, in addition to any documents
5.23 demonstrating proof of their submission. The licensee may submit the request for review
5.24 within the 30 days after the board sends the notice required by item B, or within 15 days
5.25 after a licensee receives a notice of termination pursuant to item C. The board shall issue a
5.26 decision on its review of the licensee's request within 30 days after it receives the request.

6.1 The licensee's license shall remain in "nonrenewed" or "lapsed" status pending the board's
6.2 review of the licensee's request for review under this item. The board's decision on a request
6.3 for review under this item is a final decision, not subject to review.

6.4 ~~D.~~ E. A license that has been administratively terminated under this part may be
6.5 reinstated pursuant to part 6500.2900.

6.6 Subp. 5. **Practicing optometry without a current license.** Practicing optometry
6.7 without a renewed or current license shall have the same force, effect, and potential legal
6.8 consequences as practicing optometry without a license.

6.9 Subp. 6. **Contested case proceeding.** The board, in lieu of the process in subpart 4a,
6.10 may initiate a contested case proceeding to take disciplinary action on the license for failure
6.11 to submit fees and continuing education compliance at the same time that it initiates
6.12 disciplinary action proceedings against the licensee for other grounds specified in part
6.13 6500.3000 or Minnesota Statutes, sections 148.52 to 148.62.

6.14 **6500.2200 FEE PAYMENT; NONREFUNDABLE.**

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

6.17 **6500.2400 JURISPRUDENCE EXAMINATION.**

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

6.23 Subp. 2. **Scheduling.** The Minnesota jurisprudence examination must be scheduled
6.24 either in conjunction with the national clinical examination or scheduled with the examining
6.25 body on a separate occasion from the national clinical examination.

7.1 **6500.2700 OPTOMETRIST EMERITUS REGISTRATION.**

7.2 Subpart 1. **Application.** Any optometrist duly licensed to practice optometry in
7.3 Minnesota pursuant to Minnesota Statutes, sections 148.52 to 148.62, who declares that he
7.4 or she is retired from active practice of optometry may apply to the board for emeritus
7.5 registration on the annual license renewal form. To qualify, the optometrist must be retired
7.6 and must not be subject to any disciplinary action or be subject to an order of the board
7.7 imposing a suspended, conditional, or restricted license to practice optometry.

7.8 Subp. 2. **Status of registrant.** The emeritus registration is not a license that permits
7.9 the registrant to practice optometry as defined in Minnesota Statutes, sections 148.52 to
7.10 148.62, and the rules of the board.

7.11 Subp. 3. **Continuing education.** The continuing education requirements of part
7.12 6500.3000 are not applicable to emeritus registration.

7.13 Subp. 4. **Change to active status.** The emeritus optometrist must:

7.14 A. apply to the board for reinstatement of his or her active license; and

7.15 B. comply with the continuing education requirements for the time period in which
7.16 the license was in emeritus status. The continuing education requirements must be fulfilled
7.17 prior to petitioning the board for reinstatement of license.

7.18 Subp. 5. **Renewal cycle.** Being registered as an emeritus optometrist will not subject
7.19 the person to the annual license renewal cycle or renewal fee.

7.20 Each applicant who meets all requirements for registration as emeritus optometrist shall
7.21 be issued a certificate. A replacement certificate may be issued by the board.

8.1 **6500.2900 REINSTATEMENT OF LICENSE.**

8.2 Subpart 1. **Requirements.** After a former licensee complies with the requirements in
8.3 this part, the license shall be reinstated. Any person desiring the reinstatement of a license
8.4 shall:

8.5 A. submit to the board a completed application on a form provided by the board;

8.6 B. submit with the application the fee of up to three prior renewal periods and the
8.7 applicable late fees, if the person has not held an active license in any state during the three
8.8 calendar years preceding the date of the application;

8.9 C. include with the application a letter stating the reasons for applying for
8.10 reinstatement;

8.11 D. retake and pass the Minnesota jurisprudence examination; and

8.12 E. demonstrate satisfaction of Minnesota continuing education requirements for
8.13 the three years prior to application, except that if the person holds an active license in any
8.14 state on the date the person applies for reinstatement, the person may demonstrate proof of
8.15 compliance with the continuing education requirements of the state or states in which the
8.16 person is licensed for the three calendar years preceding the date of the application in lieu
8.17 of demonstrating compliance with Minnesota continuing education requirements.

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

8.21 Subp. 2. [See repealer.]

8.22 Subp. 3. **Revoked or suspended license.** No license that has been suspended or
8.23 revoked by the board under its authority to take disciplinary action may be reinstated unless
8.24 the applicant for reinstatement satisfies the requirements of subpart 1, provides evidence
8.25 of full rehabilitation from the offense for which the license was suspended or revoked, and

9.1 complies with all other reasonable conditions imposed by the board for the purpose of
9.2 establishing the extent of rehabilitation. The board may require the licensee to pay all costs
9.3 of the proceedings resulting in the suspension or revocation of a license under part 6500.2000
9.4 or pursuant to its disciplinary authority and the reinstatement or issuance of a new license.
9.5 A licensee who has been disciplined by the board in a manner other than by suspension or
9.6 revocation may be required by the board to pay all costs of the proceedings resulting in the
9.7 disciplinary action.

9.8 Subp. 4. [See repealer.]

9.9 Subp. 5. [See repealer.]

9.10 Subp. 6. [See repealer.]

9.11 **6500.3000 CONTINUING EDUCATION REQUIREMENTS.**

9.12 Subpart 1. **Required hours and compliance period.** An optometrist licensed in
9.13 Minnesota is required as a condition of licensure and license renewal to complete 40 hours
9.14 of board-approved continuing optometric education every two years. The two-year cycle
9.15 begins on January 1 and ends on December 31 of the second year.

9.16 Subp. 2. **Continuing education reporting.** At the time of license renewal, each
9.17 licensee shall demonstrate, either through a board-approved electronic tracking system or
9.18 paper documentation, completion of the minimum of 40 approved continuing education
9.19 hours since the last renewal. A maximum of 15 hours per reporting period may be satisfied
9.20 by board-approved noninteractive, independent study. A maximum of six hours per reporting
9.21 period may be satisfied by continuing education in practice management.

9.22 It is the licensee's responsibility to maintain proof of continuing education compliance
9.23 in either paper or electronic format. Failure to demonstrate proof of the required continuing
9.24 education compliance shall result in nonrenewal of license pursuant to part 6500.2000.

9.25 Proof of attendance, in either electronic or paper form, must include:

- 10.1 A. the name of the sponsoring organization;
- 10.2 B. the name of the licensee;
- 10.3 C. the course title and instructor's name;
- 10.4 D. the number of hours in attendance; and
- 10.5 E. the date of the program; and.
- 10.6 ~~F. any other evidence the board requires.~~

10.7 For purposes of this subpart, a receipt for payment of the fee for the continuing education
10.8 program or activity is not sufficient evidence of completion.

10.9 Subp. 3. **Audits of continuing education.** The board may conduct random audits for
10.10 the purpose of verifying continuing education each reporting year. A licensee who is being
10.11 audited must provide verification of the required number of continuing education hours by
10.12 submitting the documentation described in subpart 2. Failure to submit the required
10.13 documentation shall be grounds for disciplinary action.

10.14 Subp. 4. **Courses; board approval required.** Continuing education activities must
10.15 be approved by the board or the board's designee. Activities must be approved for all
10.16 attendees when submitted by the sponsor pursuant to subpart 6, or a licensee may request
10.17 individual approval pursuant to subpart 7. Courses that meet approval criteria standards and
10.18 receive approval from the board's designee shall be accepted for credit by the board.

10.19 The board or the board's designee shall consider the following factors when determining
10.20 whether an activity should be approved:

- 10.21 A. whether the activity is structured on sound educational principles and has a
10.22 topic relevant to the practice of optometry;
- 10.23 B. whether the speakers, lecturers, or other presenters are recognized by the board
10.24 as being highly qualified in their fields;

11.1 C. whether the proposed course, if conducted within Minnesota, is open to all
11.2 optometrists licensed in Minnesota;

11.3 D. whether the tuition fee charged for courses conducted within Minnesota is the
11.4 same for nonmembers of the course's sponsoring organization as it is for members. Any
11.5 difference in tuition shall be reasonable and related to the sponsoring organization's expense
11.6 in operating the continuing education course; and

11.7 E. whether the course is interactive between audience and instructor, either live
11.8 or remote via Webinar, teleconferencing, or videoconferencing.

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

11.12 Subp. 5. **Retroactive revocation of CE approval.** The board may, after due
11.13 consideration, add or delete continuing education credit hours of previously approved
11.14 continuing education programs due to a change in content or actual hours of presentation.
11.15 The board shall notify the program sponsor via mail of the change in approval. The program
11.16 sponsor must then notify the program participants of the change in continuing education
11.17 hours awarded.

11.18 Subp. 6. **Sponsor's application for course approval.** A program sponsor requesting
11.19 approval by the board or the board's designee must submit a program, schedule, and course
11.20 description to the board. The board shall respond to the applications within 30 days. Nothing
11.21 in this part shall permit the board to approve an educational program that has not satisfied
11.22 the criteria in subpart 4. Courses not eligible for credit shall be identified by the program
11.23 sponsor.

11.24 Subp. 7. **Licensee's application for course approval.** A licensee may apply
11.25 individually to the board for approval of continuing education activities that have not been

12.1 approved by the board or its designee. A licensee shall complete and submit to the board
12.2 the following information, as well as any other information the board or its designee deems
12.3 necessary to evaluate the course for approval:

12.4 A. the name and address of the organization sponsoring the activity, if applicable;

12.5 B. a detailed description of the content of the activity;

12.6 C. the name and credentials of each instructor or presenter, if applicable; and

12.7 D. the location, including the name and address of the facility, at which the activity
12.8 will be conducted.

12.9 If the activity does not meet the standards in subpart 4, the board or its designee shall
12.10 deny approval. The board shall notify the licensee in writing of the reason for denying
12.11 approval or an activity under this subpart.

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

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

12.17 B. Participation in grand rounds, which consist of presenting medical conditions
12.18 or treatment of a particular patient or type of condition to an audience consisting of licensed
12.19 health care providers, residents, or medical students. One hour of continuing education
12.20 credit may be awarded for each hour of participation in grand rounds.

12.21 C. Preparation of articles accepted for publication in optometric journals or other
12.22 health-related journals. A maximum of three hours of continuing education per compliance
12.23 period may be granted for acceptance and publication of articles in optometric or
12.24 health-related journals.

13.1 D. Preparation of books or subparts of books on optometry-related subjects that
13.2 have been accepted for publication. A maximum of nine hours of continuing education
13.3 credits per compliance period may be granted for acceptance and publication of books.

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

13.9 F. Participation in noninteractive, independent study activities, including
13.10 self-instruction in vision care periodicals, Webcasts, audiotaped or videotaped programs,
13.11 podcasts, written correspondence courses, and Internet courses. All programs must include
13.12 a self-test to qualify for continuing education credit. A maximum of 15 hours of continuing
13.13 education credits per compliance period may be awarded for noninteractive, independent
13.14 study activities.

13.15 **Subp. 9. Exemption for continuing education requirements.** A licensee whose
13.16 license has not expired and who meets any of the following conditions is exempt from
13.17 continuing education requirements as described in this subpart.

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

13.20 B. A licensee serving in active military service, as defined in Minnesota Statutes,
13.21 section 190.05, subdivision 5, during any part of the 12 months immediately preceding the
13.22 annual license renewal date is exempt from continuing education requirements.

13.23 C. A licensee first licensed by examination or reciprocity in the first year of the
13.24 compliance period is exempt from continuing education requirements for that year but is

14.1 responsible for 20 hours of continuing education for the second year of the compliance
14.2 period.

14.3 D. A licensee first licensed by examination or reciprocity in the second year of
14.4 the compliance period is exempt from continuing education requirements for the entire
14.5 compliance period.

14.6 Subp. 10. **Requirements in specified subjects.** The board may, when compelled by
14.7 advancement in scope of practice or emerging public health issues, and by mailing written
14.8 notice to each licensed optometrist on or before January 1, require all optometrists to attend
14.9 continuing education programs in specified subjects.

14.10 **REPEALER.** Minnesota Rules, parts 6500.0100, subparts 2, 2a, 4, 4a, 5, and 6; 6500.0400,
14.11 subparts 2 and 3; 6500.0700, subpart 2; 6500.0800, subparts 3 and 4; 6500.0900; 6500.0950;
14.12 6500.1000; 6500.1100; 6500.1200; 6500.1300; 6500.1400; 6500.1500; 6500.1600;
14.13 6500.1700; 6500.1800; 6500.1900; 6500.2000, subpart 4; 6500.2300; 6500.2800; and
14.14 6500.2900, subparts 2, 4, 5, and 6, are repealed.

June 14, 2018

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

**Re: *In the Matter of the Proposed Amendments to and the Repeals of
Rules Relating to the Practice of Optometry*
OAH 80-9043-35023; Revisor R-4441**

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Randy Snyder
Executive Director
Minnesota Board of Optometry
2829 University Ave SE Ste 403
Minneapolis, MN 55414
randy.snyder@state.mn.us

If you have any questions regarding this matter, please contact Katie Lin at
(651) 361-7911 or katie.lin@state.mn.us.

Sincerely,



Katie Lin

Enclosures

cc: Randy Snyder (via email)