

MINNESOTA CODE OF AGENCY RULES

RULES OF THE BOARD OF OPTOMETRY

1982 Reprint



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Prepared by

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BOARD OF OPTOMETRY

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BOARD OF OPTOMETRY

§ 7.001 General provisions.

A. Purpose. These rules are intended to clarify and implement Minn. Stat. § 148.52 et seq. to the end that the provisions thereunder may be best effectuated and the public interest most effectively served.

B. Applicability. These rules shall be applicable to all persons licensed to practice optometry in the State of Minnesota pursuant to the provisions of Minn. Stat. § 148.52 et seq. and, in pertinent part, to those persons applying to the Minnesota Board of Optometry for a license to practice optometry in the State of Minnesota.

C. Pronouns. The use herein of masculine pronouns shall be deemed to include the feminine.

§ 7.002 Definitions. The following terms and expressions when used in these rules shall have the meanings hereinafter stated:

A. "Act" means the Minnesota optometric practice act, Minn. Stat. § 148.52 et seq.

B. "Board" means the Minnesota Board of Optometry.

§ 7.003 Professional conduct.

A. 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."

B. For an optometrist to use a hyphenated term connecting the practice of optometry with any business properly considered foreign to the subject of eyes and refraction is considered misleading and constitutes unprofessional conduct.

C. Any optometrist employing or engaging for a salary, fee or commission any person, firm or corporation to steer, solicit, lure or entice any person to come to his office or branch office for optometric service is considered as employing "cappers" or "steerers" to obtain business and this constitutes unprofessional conduct.

D. In the event an optometric practice is transferred to a duly licensed optometrist, said transferee may, through professional cards, stationery, signs, or other permissible forms of announcement, identify himself 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 said two year period the name or names of those from whom the practice was transferred

shall not appear in letters larger than the letters used in the name of the transferee.

§ 7.004 Records, minimum specifications.

A. In the absence of compelling reasons to the contrary, it shall be considered either grossly incompetent or unprofessional conduct, or both, for an optometrist licensed to practice optometry in this state to fail to keep a record of the following minimum procedures on all patients:

1. Case history.
2. Visual acuity without correction.
3. Ocular pathology.
4. Refractive findings, both far and near.
5. Binocular findings.
6. Prescription given, if any, with visual acuity attained.
7. Patient referral, if any.

B. Any and all patient records required at A., above, shall be maintained for at least five years.

§ 7.005 Required continuing education.

A. All optometrists now or hereafter licensed in this state are and shall be required, as a prerequisite to license renewal, to attend annually courses totaling at least 12 clock hours of study of educational optometric programs as may be approved by the board under the provisions of this rule. In the event an optometrist becomes ineligible for license renewal for failure to comply with continuing education requirements, he shall be suspended from further practice. The board shall reinstate any such suspended license upon receipt of satisfactory proof that such suspended licensee has made up the deficient hours of study.

B. Study compliance year. The optometric study compliance year shall extend from January 1 through December 31. Courses attended during that period will be credited to the current license renewal year. Credit for approved courses attended between January 1 and March 31 may be applied to either the current or subsequent license renewal year but not both. No credit for such attendance shall be given, however, unless the board determines that such educational program complied with the criteria as set forth in paragraph D. herein.

C. Approved programs. Educational programs which are approved as meeting the required standards are indicated below. This approval is and shall be

based on continued maintenance of high standards. Courses not eligible for credit shall be so identified by the program sponsor.

1. Courses on subjects relative to optometry at any board approved school or college of optometry.

2. Educational meetings of the North Central States Optometric Conference.

3. Educational meetings of the Minnesota Optometric Association.

4. Educational meetings of the American Optometric Association.

5. Educational meetings of the American Academy of Optometry.

6. Other educational programs approved by the board as meeting the criteria as set forth in paragraph D. herein, after submission of a program, schedule, and outline to the board executive secretary not less than 45 days prior to the date of the program. The board may, upon application of any licensee and for good cause shown, waive the requirement for the submission of advance information and request for prior approval. Nothing herein shall permit the board to approve of an educational program which has not complied with the criteria as set forth in paragraph D. herein.

7. The board reserves the right to determine the number of hours credit for any course or program under C. above.

D. Criteria for judging and approving educational programs. Board approval of continuing education programs will be determined on the following basis:

1. Whether or not the program is likely to contribute to the advancement and extension of professional skill and knowledge in the practice of optometry.

2. Whether or not the speakers, lecturers and others participating in the presentation of any such program are recognized by the board as being highly qualified in their field.

3. Whether or not the proposed course, if it is to be conducted within the State of Minnesota, is open to all optometrists licensed in this state.

4. Whether or not the tuition fee charged for courses conducted within the State of Minnesota is the same for non-members of the course sponsoring organization as it is for members. Any difference in tuition charged to non-members as opposed to members of the sponsoring organization shall be reasonably and directly related to the sponsoring organization's expense in operating the course.

5. As a condition of approval of an educational program hereunder, the

board may require that the program director furnish it with satisfactory evidence of attendance of all Minnesota licensees.

6. Programs and or courses deemed by the board to be a sales promotion of a product or service may be denied approval of continuing education credit. Such programs and or courses may be presented without continuing education credit by the sponsor when so noted on the program.

E. Notice of addition or deletion of approved programs. The board may, after due consideration and by mailing written notice thereof to each licensed optometrist on or before January 1 of each year, either add to or delete programs from the list of approved programs for the ensuing study compliance year.

F. Proof of attendance. Certificates of attendance of continuing education courses shall be submitted by the optometrist to the board executive secretary at the time he applies for renewal of his license and shall contain the following information:

1. The name of the sponsoring organization.
2. The name, signature, and address of the licensee.
3. The subject of the educational topic.
4. Number of hours in attendance.
5. The date of the educational program.
6. Such other evidence of attendance as the board may deem necessary.

The use of the board certificate form is recommended for all educational programs approved by the board pursuant to section D. herein. Such forms shall be made available by the board executive secretary upon request.

G. Limitation on credit to be given for certain courses. Credit shall not be given for more than two hours attendance in courses of office management or administration.

H. Exemptions from required attendance. The following licensees shall be exempt from the requirements of this section:

1. Any licensee serving in the regular armed forces of the United States during any part of the 12 months immediately preceding the annual license renewal date.
2. Those licensees as the board, in its discretion, determines were unable to attend sufficient hours of continuing education courses because of illness, incapacity, or other unavoidable circumstances.

3. Any licensee first licensed by examination or reciprocity within the 12 months immediately preceding the annual license renewal date.

I. Board may require attendance of specified subjects. The board may, by mailing written notice thereof to each licensed optometrist on or before January 1 of each year, require all optometrists to attend specified subjects of continuing education for credit toward the annual hourly requirement.

§ 7.006 Incorporating under the Professional Corporation Act. One or more licensed optometrists may form a corporation under the Professional Corporation Act as stated in Minn. Stat. § 319A.01 et seq. With reference to the formation and maintenance of such professional optometric corporations, the following rules shall apply:

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

B. Either the abbreviation "O.D." or the word "Optometry," "Optometric," or "Optometrist(s)" shall appear in the corporate name. Where the word "Doctor" or its abbreviation is used as a prefix with the name of the optometrist, the abbreviation "O.D." shall not be used as a suffix.

C. Where an optometrist is working as an employee of a professional optometric corporation, his name shall be displayed prominently at any establishment where such person is rendering professional services.

§ 7.007 Display and disclosure of name.

A. The name of the optometrist shall be displayed prominently at any office or establishment where such person examines eyes.

B. All receipts relating to payment for eye examinations shall indicate the name of the examining optometrist.

C. Prescriptions furnished to the patient shall be signed by the examining optometrist.

D. No licensed optometrist shall sign or cause to be signed a prescription without first making a personal examination of the eyes of the person for whom the prescription is made.

§ 7.008 Fees.

A. General.

1. All fees required herein shall be submitted only by check or money order, made payable to the board.

2. No such fee or any portion of a fee paid or payable to the board is refundable.

B. License examination.

1. All applications for licensure by examination in this state shall be accompanied by a \$50.00 fee.

2. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of \$35.00, he may re-take the examination at the time for which the board next schedules such examinations.

C. License certificate issuance.

1. Each applicant who meets all applicable requirements for licensure under the act and these rules shall be issued a license certificate by the board. The fee for this license certificate shall be \$12.00.

2. Upon proof of loss or damage of an original license certificate and payment of an additional \$12.00 fee, a replacement certificate may be issued by the board.

D. Individual annual license renewal.

1. On or before March 31 of each year, the board shall receive a license renewal fee from every licensed optometrist who desires to continue to be entitled to practice in this state. The amount of said fee to be received by the board not later than March 31, 1978, for licensure between April 1, 1978, and March 31, 1979, shall be \$65.00. Thereafter, subject to the approval of the State Commissioner of Finance under Minn. Stat. §§ 16A.128 and 214.06, subd. 1, the amount of said fee shall be as determined by the board at open meetings for which not less than 30 days advance notice is published in the state register and at which meetings any affected persons shall be given an opportunity to present pertinent oral or written statements. No renewal fee determined by the board pursuant to this subsection for licensure subsequent to March 31, 1979, shall exceed 115% of the renewal fee of the immediately preceding licensure year nor, in conjunction with all other authorized board fees, result in the collection of amounts not approximately equal to anticipated board expenditures. Such anticipated expenditures may include only reasonable or required costs associated with a. the board's necessary purchase of or payment for those services and staff required by Minn. Stat. § 214.04, b. authorized board member compensation, and c. the economical administration of the act.

2. At the time of paying the fee required herein, the optometrist shall inform the board of the address or addresses of the place or places where he conducts his practice. He shall also inform the board of any change in the address or addresses of his practice during the 12 month period within one month of the change.

3. As specified at 7 MCAR § 7.005 hereof, submission to the board of satisfactory proof of compliance with continuing education requirements is and shall be a condition precedent to annual license renewal.

4. When an optometrist defaults in payment of the annual renewal fee as set forth at D.1. above, the board, upon a hearing, may revoke his license; provided that the payment of such fee at or before the time of hearing, with such additional sum not exceeding \$25.00 as may be fixed by the board, shall excuse the default. In the event any such default remains unexcused at the time of hearing and a license is revoked for nonpayment of renewal fees, the board may, in its discretion, refuse to issue a new license to any person whose license has been so revoked until such time as that person repasses or, if he was previously licensed by reciprocity, passes the examinations and complies with all other requirements for initial licensure by examination in this state.

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

E. Reciprocity. A fee of \$100.00 shall accompany every application for licensure by reciprocity.