

CHAPTER 6500
BOARD OF OPTOMETRY
OPTOMETRISTS

6500.0100	DEFINITIONS.	6500.1400	PROOF OF ATTENDANCE.
6500.0300	PURPOSE AND APPLICATION.	6500.1500	CREDIT HOURS.
6500.0400	PROFESSIONAL CONDUCT.	6500.1600	EXEMPTIONS FROM REQUIRED ATTENDANCE.
6500.0500	DISPLAY AND DISCLOSURE OF NAME.	6500.1700	REQUIREMENTS IN SPECIFIED SUBJECTS.
6500.0600	PRESCRIPTION.	6500.1800	APPLICATION FEES.
6500.0700	RECORDS.	6500.1900	LICENSE CERTIFICATE ISSUANCE FEE.
6500.0800	INCORPORATING UNDER THE PROFESSIONAL CORPORATIONS ACT.	6500.2000	INDIVIDUAL ANNUAL LICENSE RENEWAL.
6500.0900	REQUIRED CONTINUING EDUCATION.	6500.2100	RECIPROCITY.
6500.0950	HOME STUDY AND OTHER PROGRAMS	6500.2200	FEE PAYMENT; NONREFUNDABLE.
6500.1000	STUDY COMPLIANCE PERIOD	6500.2300	CLINICAL PRACTICAL EXAMINATION
6500.1100	CONTINUING EDUCATION PROGRAMS.	6500.2400	JURISPRUDENCE EXAMINATION
6500.1200	CRITERIA FOR JUDGING AND APPROVING CONTINUING EDUCATION.	6500.2700	OPTOMETRIST EMERITUS REGISTRATION.
6500.1300	NOTICE OF ADDITION OR DELETION OF APPROVED PROGRAMS.	6500.2800	TERMS AND RENEWAL OF LICENSE.
		6500.2900	REINSTATEMENT OF LICENSE.

6500.0100 DEFINITIONS.

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

Subp. 2. **Act.** “Act” means the Minnesota Optometric Practice Act, Minnesota Statutes, sections 148.52 to 148.62.

Subp. 2a. **Board–recognized reviewer.** “Board–recognized reviewer” means an organization, approved by the board, that has and maintains current knowledge of the optometric profession to determine whether the program content meets the criteria in part 6500.1200.

Subp. 3. **Board.** “Board” means the Minnesota Board of Optometry.

Subp. 4. **Clinical rounds.** “Clinical rounds” means a group of people sponsored by a clinic or a hospital assembled for discussion of information.

Subp. 4a. **Contact hour.** “Contact hour” means an instructional session or clinical round, or both, of at least 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities. The minimum credit which may be approved for any continuing education credit course is one hour. Further increments must be in 30–minute minimums.

Subp. 5. **Contact hour equivalents.** “Contact hour equivalents” means the number of hours of home study equivalent to one hour of continuing education credit.

Subp. 6. **Home study.** “Home study” means the utilization of educational programs and materials outside the classroom setting, the preparation and presentation of a lecture, and preparation and publication of optometry–related subjects.

Statutory Authority: *MS s 148.53; 214.12*

History: *11 SR 1793; 23 SR 883*

6500.0150 [Renumbered 6500.0950]

6500.0200 [Repealed, 23 SR 883]

6500.0300 PURPOSE AND APPLICATION.

These rules are intended to clarify and implement Minnesota Statutes, section 148.52 et seq., to the end that the provisions thereunder may be best effectuated and the public interest most effectively served.

These rules shall be applicable to all persons licensed to practice optometry in the state of Minnesota pursuant to the provisions of Minnesota Statutes, section 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.

Statutory Authority: *MS s 148.53*

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. **Use of hyphenated title.** 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.

Subp. 3. **Employment of cappers or steerers.** 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 the optometrist’s office or branch office for optometric service is considered as employing “cappers” or “steerers” to obtain business and this constitutes unprofessional conduct.

Subp. 4. **Transfer of practice.** 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 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 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.

Statutory Authority: *MS s 148.53*

History: *17 SR 1279*

6500.0500 DISPLAY AND DISCLOSURE OF NAME.

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

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

Statutory Authority: *MS s 148.53*

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 prescription without first making a personal examination of the eyes of the person for whom the prescription is made.

Statutory Authority: *MS s 148.53*

6500.0700 RECORDS.

Subpart 1. **Content of records.** 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:

- A. case history;
- B. visual acuity without correction;
- C. ocular pathology;
- D. refractive findings, both far and near;
- E. binocular findings;
- F. prescription given, if any, with visual acuity attained; and
- G. patient referral, if any.

Subp. 2. **Storage.** Any and all patient records required at subpart 1 shall be maintained for at least five years.

Statutory Authority: *MS s 148.53*

6500.0800 INCORPORATING UNDER THE PROFESSIONAL CORPORATIONS ACT.

Subpart 1. **Incorporation.** One or more licensed optometrists may form a corporation under the Professional Corporations Act as stated in Minnesota Statutes, section 319A.01 et

seq. With reference to the formation and maintenance of such professional optometric corporations, the following rules shall apply.

Subp. 2. **Filing.** 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.

Subp. 3. **Corporate name.** 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.

Subp. 4. **Display of individual name.** Where an optometrist is working as an employee of a professional optometric corporation, the name of that optometrist shall be displayed prominently at any establishment where such person is rendering professional services.

Statutory Authority: *MS s 148.53*

History: *17 SR 1279*

6500.0900 REQUIRED CONTINUING EDUCATION.

All optometrists licensed in this state are required, as a prerequisite to license renewal, to attend within a two-year period courses totaling at least 40 clock hours of study of educational optometric programs approved by the board under parts 6500.1000 to 6500.1700. The first two-year period shall include the calendar years 2000 and 2001. On becoming ineligible for license renewal for failure to comply with continuing education requirements, an optometrist shall be suspended from further practice. The board shall reinstate any such suspended license upon receipt of satisfactory proof that the suspended licensee has made up the deficient hours of study.

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

History: *9 SR 1690; 17 SR 1279; 23 SR 883*

6500.0950 HOME STUDY AND OTHER PROGRAMS.

Subpart 1. **Home study and contact hours.** Licensees may acquire 15 hours of continuing education credits through home study in each two-year compliance period. Licensees may utilize self-instruction components presented in vision care periodicals, the Internet, audio and audiovisual taped programs, and other program materials specifically designed for self-instruction. All programs must include a self-test. One continuing education credit may be earned for each hour of self-instruction activity. Continuing education credits may include both instructional and testing activities. Licensees may also earn continuing education credits through contact hour equivalents. One contact hour is equivalent to one continuing education credit. Contact hour equivalents include the activities in items A to C.

A. The presentation of a lecture before an audience of optometric or other health professionals will result in one contact hour for each hour of presentation. For one time only, the lecturer can also acquire two contact hours for preparation of the lecture for each hour of presentation. A syllabus or lecture manuscript shall be furnished to the board to document the presented program.

B. Licensees may earn continuing education credits for the preparation of articles accepted for publication in optometric journals or other health-related journals and for the preparation of books accepted for publication. A maximum of three hours of continuing education credits will be granted for acceptance and publication of articles in optometric or health-related journals. A maximum of nine hours of continuing education credits will be granted for acceptance and publication of books on optometry-related subjects.

C. Licensees may earn continuing education credits for participation in organized volunteer programs helping underserved people throughout the world by providing medical eye care and eyeglasses. A maximum of seven continuing education credits may be granted for each volunteer program.

Subp. 2. **Approval of other education programs.** Upon written request, the board may approve the use of education methods not listed in subpart 1, and may determine the number of earned contact hours. Board approval will be determined on the following criteria:

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

B. Whether the sponsor or author of the program is recognized by the board as being qualified to design a program for education in the field of optometry.

C. As a condition of approval of a program of self-instruction, the board may require that the author, sponsor, or licensee furnish the board with copies of instructional materials and testing tools.

Statutory Authority: *MS s 148.53; 214.12*

History: *11 SR 1793; 23 SR 883*

6500.1000 STUDY COMPLIANCE PERIOD.

The optometric study compliance period must begin on January 1 and encompass two calendar years, concluding on December 31 of the second year. No credit for attendance shall be given unless the board determines that an educational program complied with the criteria in part 6500.1200.

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

History: *9 SR 1690; 23 SR 883*

6500.1100 CONTINUING EDUCATION PROGRAMS.

A program sponsor requesting approval by the board must submit a program, schedule, and course description to the board executive secretary not less than 21 days prior to the date of the program. The board shall respond to all applications within a reasonable time. The board may, upon application by a Minnesota licensee, waive the requirement for the submission of advance information and request for prior approval of courses not previously denied. Nothing in this part shall permit the board to approve of an educational program which has not complied with the criteria in part 6500.1200. Courses not eligible for credit shall be so identified by the program sponsor.

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

History: *9 SR 1690; 23 SR 883*

6500.1200 CRITERIA FOR JUDGING AND APPROVING CONTINUING EDUCATION.

Board approval of continuing education programs shall be determined as described in items A to G.

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

B. 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.

C. 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.

D. Whether or not the tuition fee charged for courses conducted within the state of Minnesota is the same for nonmembers of the course sponsoring organization as it is for members. Any difference in tuition charged to nonmembers as opposed to members of the sponsoring organization shall be reasonable and related to the sponsoring organization's expense in operating the continuing education.

E. 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.

F. 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.

G. Courses meeting approval criteria standards and receiving approval from a board-recognized reviewer of continuing education shall be accepted for credit by the board.

Statutory Authority: *MS s 148.53; 214.12*

History: *23 SR 883*

6500.1300 NOTICE OF ADDITION OR DELETION OF APPROVED PROGRAMS.

The board may, after due consideration, mail written notice stating the reason to a continuing education sponsor, within 30 days of program presentation, to add or delete continuing education credit hours of previously approved continuing education due to change in content or actual hours of presentation.

Statutory Authority: *MS s 148.53; 214.12*

History: *23 SR 883*

6500.1400 PROOF OF ATTENDANCE.

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

- A. the name of the sponsoring organization;
- B. the name, signature, and address of the licensee;
- C. the course title and instructor name;
- D. number of hours in attendance;
- E. the date of the educational program; and
- F. such other evidence of attendance as the board may deem necessary.

Statutory Authority: *MS s 148.53; 214.12*

History: *17 SR 1279; 23 SR 883*

6500.1500 CREDIT HOURS.

The board reserves the right to determine the number of hours credit for any continuing education under part 6500.1100.

Credit shall not be given for more than six hours' attendance of continuing education in practice management, or more than 15 hours of home study continuing education, in the two-year compliance period.

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

History: *9 SR 1690; 23 SR 883*

6500.1600 EXEMPTIONS FROM REQUIRED ATTENDANCE.

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 is exempt from continuing education requirements.

Any 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. Any 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.

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

History: *9 SR 1690; 23 SR 883*

6500.1700 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 thereof to each licensed optometrist on or before January 1, require all optometrists to attend specified subjects of continuing education.

Any specified subject credit hours shall be applied to the compliance period requirement.

Statutory Authority: *MS s 148.53; 214.12*

History: *23 SR 883*

6500.1800 APPLICATION FEES.

Subpart 1. **Board administered examination.** An application for examination in this state shall be accompanied by a \$75 fee. In the event the applicant fails to pass the examina-

6500.1800 OPTOMETRISTS

1050

tion, upon application and the payment of an additional fee of \$50, the applicant may retake the examination at a time which the board schedules an examination.

Subp. 2. **Nationally administered examination.** An applicant for licensure in this state who:

A. has applied for a national examination; or

B. has successfully completed a national examination shall submit an application to the board accompanied by a \$75 fee.

Statutory Authority: *MS s 16A.128; 148.53; 148.57; 148.59; 214.06*

History: *12 SR 1775; 18 SR 468*

6500.1900 LICENSE CERTIFICATE ISSUANCE FEE.

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. Upon proof of loss or damage of an original license certificate and payment of an additional \$12 fee, a replacement certificate may be issued by the board.

Each applicant who meets all applicable requirements for use of drugs in patient care shall be issued a certificate by the board. The fee for this certificate is \$10. A replacement certificate may be issued by the board.

Each applicant who meets all requirements for the use of topical legend drugs as set forth in Minnesota Statutes, section 148.575, shall be issued a certificate by the board. The fee for this certificate is \$50. Duplicate or replacement certificates shall be issued by the board for a fee of \$20 per certificate.

Statutory Authority: *MS s 16A.128; 148.53; 148.57; 148.59; 214.06*

History: *12 SR 1775; 18 SR 1340*

6500.2000 INDIVIDUAL ANNUAL LICENSE RENEWAL.

Subpart 1. **Fee.** On or before January 1 of each year, the board shall receive a license renewal fee of \$105 from every licensed optometrist who desires to continue to be entitled to practice in this state.

Subp. 2. **Address of practice.** At the time of paying the fee required by this part, the optometrist shall inform the board of the address or addresses of the place or places where the practice is conducted. The optometrist shall also inform the board of any change in the address or addresses of the practice during the 12-month period within one month of the change.

Subp. 3. **Compliance with continuing education requirements.** As specified in parts 6500.0900 to 6500.1700, submission to the board of satisfactory proof of compliance with continuing education requirements is and shall be a condition precedent to annual license renewal.

Subp. 4. **Default; revocation of license.** When an optometrist defaults in payment of the annual renewal fee under subpart 1, the board may invoke the procedures of part 6500.2800 for the revocation of the license; provided that the payment of the fee at or before the completion of the procedures of part 6500.2800, with such additional sum not exceeding \$35 as may be fixed by the board, shall excuse the default. In the event any default remains unexcused at the completion of the procedures of part 6500.2800 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 previously licensed by reciprocity, passes the examinations and complies with all other requirements for initial licensure by examination in this state.

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.

Statutory Authority: *MS s 148.53; 214.06*

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

6500.2100 RECIPROCITY.

Subpart 1. **Good cause defined.** To determine whether an applicant for licensure by reciprocity is required to take a practical examination, the term "good cause" under Minnesota Statutes, section 148.57, subdivision 2, means that the applicant:

A. has not regularly practiced for the three-year period immediately preceding the application;

B. has not attended at least 45 hours of continuing education during the same period;

C. suffers from a physical or mental condition which could affect the applicant's fitness to practice;

D. has previously been denied or has failed to maintain licensure in Minnesota;

E. is not in good standing in any state in which the applicant is licensed; or

F. has been convicted of a crime reasonably related to the practice of optometry during the three-year period immediately preceding the application.

The applicant must show by sworn statement that none of the circumstances listed exists.

Subp. 2. **Equivalency of state requirements.** In accordance with Minnesota Statutes, section 148.57, subdivision 2, another state's licensure requirements shall be deemed to be equivalent to Minnesota's if the state requires that each applicant:

A. be of good moral character;

B. be a graduate of an optometry school which requires at least two academic years of preprofessional training for admittance and which is approved by the board;

C. pass a practical clinical demonstration which thoroughly tests the applicant's fitness to practice; and

D. pass the written competence examination required of new licensees under Minnesota Statutes, section 148.57, subdivision 1. This item applies only to licensure granted in the other state after July 31, 1973.

Applicants granted licensure by reciprocity are not authorized to purchase, possess, or administer topical ocular drugs in this state. Requirements for these practices are set forth in Minnesota Statutes, section 148.573.

A fee of \$75 shall accompany every application for licensure by reciprocity.

Statutory Authority: *MS s 16A.128; 148.53; 148.57; 148.59; 214.06; 214.12*

History: *9 SR 1690; 12 SR 1775*

6500.2200 FEE PAYMENT; NONREFUNDABLE.

All fees required in this chapter shall be submitted only by check or money order, made payable to the board. No such fee or any portion of a fee paid or payable to the board is refundable.

Statutory Authority: *MS s 148.57 subds 1,2; 148.59; 214.06*

6500.2300 CLINICAL PRACTICAL EXAMINATION.

Subpart 1. **Requirements.** A clinical practical examination must be given in sections covering pathology, contact lenses, refraction, and any other sections the board deems necessary. The examination administrators shall give written notice of the sections on which the applicant will be examined. No applicant will be required to be examined on a subject on which other applicants are not examined.

Subp. 2. **Pass-fail scoring.** The following grade requirements apply to all applicants:

A. In a board constructed examination, a score of less than 75 percent of the total number of section points constitutes failure of the entire examination. A single score of less than 65 percent of any single section constitutes failure of the entire examination.

B. In a nationally constructed examination, a passing score shall be set by the National Board of Examiners in Optometry and accepted by the board of optometry of this state.

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

History: *9 SR 1690; 18 SR 468*

6500.2400 JURISPRUDENCE EXAMINATION.

Subpart 1. **Requirements.** An examination on Minnesota optometric jurisprudence shall be given and must be passed with a score of 65 percent or better. An applicant who fails the Minnesota jurisprudence examination and passes a board constructed or nationally constructed clinical examination may repeat the jurisprudence examination only. If the clinical examination is failed, the entire examination must be retaken, including the Minnesota jurisprudence examination.

Subp. 2. **Scheduling.** An applicant for licensure in this state may:

A. take the jurisprudence examination in conjunction with a nationally presented examination according to the procedures set by the examining organization; or

B. schedule an appointment to take the jurisprudence examination with the executive director of the board.

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

History: *9 SR 1690; 18 SR 468*

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 which 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 6500.0900 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. This requirement must be fulfilled prior to petitioning the board for reinstatement of license.

Subp. 5. **Renewal cycle or fees.** 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. The fee for this certificate is \$10. A replacement certificate may be issued by the board.

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

History: *11 SR 1793; 12 SR 1775*

6500.2800 TERMS AND RENEWAL OF LICENSE.

Subpart 1. **Terms.** An initial license issued by the board is valid from the date issued until renewed or terminated according to this part. An annually renewed license issued by the board is valid from January 1 of the year for which it is issued until renewed or terminated according to this part.

Subp. 2. **Renewal of application including information regarding continuing education and fees.** An optometrist shall submit an application for renewal of license together with the necessary fee no later than December 31 of the year preceding that for which the license renewal is requested. Application for renewal will be considered timely if received by the board no later than December 31 or postmarked on December 31. If the postmark is illegible, the application will be considered timely if received in the board office by United States first class mail on the first workday after December 31. The application form must provide a place for the renewal applicant's signature and must solicit information to

include but not be limited to the applicant's office address or addresses, the number of the applicant's license, and any other information that may be reasonably requested by the board.

For those licensees who have not submitted evidence of compliance with their three-year continuing education requirement or special course requirement in parts 6500.0900 and 6500.1700, the board will include in its written notice relating to annual renewal that the licensee shall submit verified evidence of having taken the required number of continuing education credit hours listed in part 6500.0900 or specified under part 6500.1700 in order to have the license renewed.

Subp. 3. Failure to submit renewal application. The following procedures will be followed by the board for all licensees who have failed to submit the annual application under subpart 2, including information about continuing education and applicable fees as provided in subpart 5.

A. Any time after January 1, the board will send to the last address on file with the board, a notice to all licensees who have not made application for renewal of their license. The notice will state that the licensee has failed to make application for renewal; the amount of renewal and late fees and the information required about continuing education as specified in subpart 2 which must be submitted in order for the license to be renewed; that the licensee may voluntarily terminate the license by notifying the board; and that failure to respond to notice by the date specified, which date must be at least 30 days after the notice is sent by the board, either by submitting the renewal application and applicable fees and information required about continuing education or by notifying the board that the licensee has voluntarily terminated the license, will result in expiration of the license and terminating the right to practice.

B. If the application for renewal, including required information about continuing education and the applicable annual and late fees or notice of voluntarily termination is not received by the board by the dates specified in the notice, the license will expire and the licensee's right to practice will terminate as of the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee.

C. Notwithstanding items A and B, the expiration date shall be extended six months when a licensee fails to meet the continuing education requirements in parts 6500.0900 and 6500.1700. The license will expire at the end of the six-month extension if the licensee does not submit within that time evidence of having complied with the required continuing education. In those cases where a licensee was physically incapable at the end of the three-year reporting cycle of taking continuing education courses, the expiration date shall be extended for six months for the purpose of giving the person the opportunity to take the necessary number of continuing education course hours. The licensee must submit clear and convincing evidence of physical incapability. The license expires at the end of the six-month extension if the licensee does not submit within that time evidence of taking a number continuing education course hours necessary to comply with parts 6500.0900 and 6500.1700.

In either instance referenced above, a licensee may submit a request for extension of the six-month period. The board will grant the extension only in cases of extreme hardship or compelling reasons. Financial hardship caused by loss of license shall not meet the standards. The burden rests on the licensee to prove that the extension should be granted which in no case shall exceed an additional six months.

Subp. 4. Reinstatement. A license that has expired under this part may be reinstated under part 6500.2900.

Subp. 5. Contested case proceeding. The board, in lieu of the process in subpart 3, may initiate a contested case hearing to revoke or suspend a license for failure to submit fees and continuing education information requested on the renewal application, at the same time it initiates disciplinary proceedings against the licensee for other grounds specified in Minnesota Statutes, sections 148.52 to 148.62, and parts 6500.0400 to 6500.1700.

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

History: *12 SR 1564*

6500.2900 REINSTATEMENT OF LICENSE.

Subpart 1. **Requirements.** Upon complying with the requirements in this part, the applicant's 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 specified in part 6500.2000, subpart 1;
- C. include with the application a letter stating the reasons for applying for reinstatement; and
- D. comply with the application provisions of part 6500.2000, subpart 3. Upon reinstatement, the person shall be assigned to the continuing education cycle to which the licensee was assigned before termination of the license.

Subp. 2. **Expiration or voluntary termination of license.** Applicants whose license has expired under part 6500.2800, subpart 3, or who voluntarily terminate their license must:

A. Submit evidence of having successfully completed the continuing education requirements that would have applied to them had their license not expired. If the license had expired because of failure to meet the continuing education requirements or if the applicant's continuing education cycle concluded during the time that the license was in expired status and all the requirements had not been complied with, the applicant must successfully complete this cycle of continuing education.

B. On filing a reinstatement application, pay the annual renewal fees and applicable penalty fees for the years between expiration or termination of the license and the year in which the application is filed.

Subp. 3. **Revoked or suspended license.** No license that has been suspended or revoked by the board may be reinstated unless the applicant for reinstatement 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. In addition, if the disciplinary action was based in part on failure to meet continuing education requirements, the license may not be reinstated until the applicant has successfully completed the requirements in subpart 2. The board may require the licensee to pay all costs of the proceedings resulting in the suspension or revocation of a license under part 6500.2800 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. **Licensure application not precluded.** Nothing in this part prohibits an optometrist from applying for licensure under Minnesota Statutes, section 148.57, subdivisions 1 and 2.

Subp. 5. **Exemptions.** A licensee who pays an annual license renewal fee and meets any of the following conditions is exempt from complying with the continuing education requirements if the licensee files an affidavit with the board specifying the condition applicable to the licensee:

- A. resides permanently outside the state and does not practice within the state;
- B. is retired from practice and does not perform any optometric services on a voluntary or free basis; or
- C. is permanently disabled and unable to practice optometry.

Subp. 6. **Expiration of exemption.** A licensee claiming exemption under subpart 5 who subsequently decides to resume practice shall submit to the board, before resuming practice, a written notice of the intended change and evidence of having completed the continuing education requirements equivalent to what requirements would have been without the exemption immediately preceding the date of receipt of the notice of the intent to resume practice. If the licensee has not complied with the continuing education requirements, the licensee must comply with part 6500.2900, subpart 2; if the licensee has been exempt from complying with the continuing education requirements, the licensee may not resume practice until notified by the board that the evidence submitted is acceptable. The licensee will be

MINNESOTA RULES 2007

1055

OPTOMETRISTS 6500.2900

placed in the continuing education cycle that would have applied if the exemption had not been claimed.

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

History: *12 SR 1564*