

CHAPTER 6500
BOARD OF OPTOMETRY
OPTOMETRISTS' CONDUCT AND LICENSURE

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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. 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. 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.

Statutory Authority: *MS s 148.53*

History: *11 SR 1793*

6500.0150 CONTINUING EDUCATION.

Subpart 1. **Home study and contact hours.** Licensees may acquire nine hours of continuing education credits through home study in each three-year compliance period. Licensees may earn continuing education credits through contact hour equivalents. One contact hour is equivalent to one continuing education credit. Contact hour equivalents include:

A. Licensees may utilize self-instruction components presented in vision care periodicals, audio, and audio-visual taped programs, and other program materials specifically designed for self-instruction. All programs must include a self-test. One contact hour may be earned for each hour of self-instruction activity. Contact hours may include both the instructional and testing activity.

B. 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.

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C. 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.

D. Each hour spent in clinical rounds will be granted one contact hour equivalent.

Subp. 2. **Approval of other home study programs.** Upon written request, the board may approve the use of home study 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 of home study 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*

History: *11 SR 1793*

6500.0200 PRONOUNS.

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

Statutory Authority: *MS s 148.53*

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 his 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 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.

Statutory Authority: *MS s 148.53*

500.0500 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*

500.0600 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*

500.0700 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*

500.0800 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.

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Subp. 4. **Display of individual name.** 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.

Statutory Authority: *MS s 148.53*

6500.0900 REQUIRED CONTINUING EDUCATION.

All optometrists now or hereafter licensed in this state are and shall be required, as a prerequisite to license renewal, to attend within a three-year period courses totaling at least 45 clock hours of study of educational optometric programs approved by the board under parts 6500.0900 to 6500.1700. If 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 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*

6500.1000 STUDY COMPLIANCE PERIOD.

The optometric study compliance period must begin on January 1 and encompass three calendar years, concluding on December 31 of the third 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*

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 45 days prior to the date of the program. The board shall respond to all applications within a reasonable time. 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 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*

6500.1200 CRITERIA FOR JUDGING AND APPROVING EDUCATIONAL PROGRAMS.

Board approval of continuing education programs will be determined on the following basis:

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 reasonably

and directly related to the sponsoring organization's expense in operating the course.

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.

Statutory Authority: *MS s 148.53; 214.12*

6500.1300 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.

Statutory Authority: *MS s 148.53; 214.12*

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 he applies for renewal of his license and shall contain the following information:

- A. the name of the sponsoring organization;
- B. the name, signature, and address of the licensee;
- C. the subject of the educational topic;
- 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.

The use of the board certificate form is recommended for all educational programs approved by the board pursuant to part 6500.1200 herein. Such forms shall be made available by the board executive secretary upon request.

Statutory Authority: *MS s 148.53; 214.12*

6500.1500 CREDIT HOURS.

The board reserves the right to determine the number of hours credit for any course or program under part 6500.1100.

Credit shall not be given for more than six hours' attendance in courses of office management or administration, or more than nine hours of home study courses, in the three-year compliance period.

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

History: *9 SR 1690*

6500.1600 EXEMPTIONS FROM REQUIRED ATTENDANCE.

The following licensees shall be exempt from the requirements of this part:

A. 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; and

B. 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.

Any licensee first licensed by examination or reciprocity is exempt for the calendar year in which the license is issued, but is responsible proportionately for the remainder of the compliance period as follows: one year, 15 hours; two years, 30 hours.

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

History: *9 SR 1690*

6500.1700 REQUIREMENTS IN 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.

Statutory Authority: *MS s 148.53; 214.12*

6500.1800 LICENSE EXAMINATION FEE.

All applications for licensure by examination in this state shall be accompanied by a \$50 fee. In the event the applicant fails to pass a part of the examination, upon application and the payment of an additional fee of \$35, he may retake the examination at the time for which the board next schedules such examinations.

Statutory Authority: *MS s 148.53; 148.57 subds 1,2; 148.59; 214.06*

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.

Statutory Authority: *MS s 148.53; 148.57 subds 1,2; 148.59; 214.06*

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 \$65 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 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.

Subp. 3. Compliance with continuing education requirements. As specified at parts 6500.0900 to 6500.1700 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.

Subp. 4. Default; revocation of license. When an optometrist defaults in payment of the annual renewal fee as set forth at part 6500.2000, subpart 1, 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 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.

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; 148.57; 148.59; 214.06; 214.12*

History: *9 SR 1690*

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 \$50 shall accompany every application for licensure by reciprocity.

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

History: *9 SR 1690*

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 DEMONSTRATION.

A clinical practical demonstration must be given in sections covering pathology, contact lenses, refraction, and any other sections the board deems necessary. The board shall give written notice to the applicant of the sections on which he or she will be examined. No applicant will be required to be examined on a subject on which other applicants are not examined. All sections must be equally weighted in value. A score of less than 75 percent of the total number of section points constitutes failure of the entire clinical demonstration. A single score of

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less than 65 percent of any single section constitutes failure of the entire demonstration.

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

History: *9 SR 1690*

6500.2400 JURISPRUDENCE TEST.

A test on Minnesota optometric jurisprudence shall be given and must be passed with a grade of 65 percent or better. An applicant who fails the Minnesota jurisprudence test and passes the clinical practical demonstration sections may repeat the jurisprudence test only. If the clinical practical demonstration portion is failed, the entire demonstration must be retaken, including the Minnesota jurisprudence test.

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

History: *9 SR 1690*

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.

Statutory Authority: *MS s 148.53*

History: *11 SR 1793*