



1 Board of Optometry

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3 Adopted Permanent Rules Relating to Terms and Renewal of License

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5 Rules as Adopted

6 6500.2800 TERMS AND RENEWAL OF LICENSE.

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

12 Subp. 2. Renewal of application including information  
13 regarding continuing education and fees. An optometrist shall  
14 submit an application for renewal of license together with the  
15 necessary fee no later than December 31 of the year preceding  
16 that for which the license renewal is requested. Application  
17 for renewal will be considered timely if received by the board  
18 no later than December 31 or postmarked on December 31. If the  
19 postmark is illegible, the application will be considered timely  
20 if received in the board office by United States first class  
21 mail on the first workday after December 31. The application  
22 form must provide a place for the renewal applicant's signature  
23 and must solicit information to include but not be limited to  
24 the applicant's office address or addresses, the number of the  
25 applicant's license, and any other information that may be  
26 reasonably requested by the board.

27 For those licensees who have not submitted evidence of  
28 compliance with their three-year continuing education  
29 requirement or special course requirement in parts 6500.0900 and  
30 6500.1700, the board will include in its written notice relating  
31 to annual renewal that the licensee shall submit verified  
32 evidence of having taken the required number of continuing  
33 education credit hours listed in part 6500.0900 or specified  
34 under part 6500.1700 in order to have the license renewed.

35 Subp. 3. Failure to submit renewal application. The

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

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

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

29           C. Notwithstanding items A and B, the expiration date  
30 shall be extended six months when a licensee fails to meet the  
31 continuing education requirements in parts 6500.0900 and  
32 6500.1700. The license will expire at the end of the six-month  
33 extension if the licensee does not submit within that time  
34 evidence of having complied with the required continuing  
35 education. In those cases where a licensee was physically  
36 incapable at the end of the three-year reporting cycle of taking

1 continuing education courses, the expiration date shall be  
2 extended for six months for the purpose of giving the person the  
3 opportunity to take the necessary number of continuing education  
4 course hours. The licensee must submit clear and convincing  
5 evidence of physical incapability. The license expires at the  
6 end of the six-month extension if the licensee does not submit  
7 within that time evidence of taking a number continuing  
8 education course hours necessary to comply with parts 6500.0900  
9 and 6500.1700.

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

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

19 Subp. 5. Contested case proceeding. The board, in lieu of  
20 the process in subpart 3, may initiate a contested case hearing  
21 to revoke or suspend a license for failure to submit fees and  
22 continuing education information requested on the renewal  
23 application, at the same time it initiates disciplinary  
24 proceedings against the licensee for other grounds specified in  
25 Minnesota Statutes, sections 148.52 to 148.62 and parts  
26 6500.0400 to 6500.1700.

27 6500.2900 REINSTATEMENT OF LICENSE.

28 Subpart 1. Requirements. Upon complying with the  
29 requirements in this part, the applicant's license shall be  
30 reinstated. Any person desiring the reinstatement of a license  
31 shall:

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

34 B. submit with the application the fee specified in  
35 part 6500.2000, subpart 1;

1 C. include with the application a letter stating the  
2 reasons for applying for reinstatement; and

3 D. comply with the application provisions of part  
4 6500.2000, subpart 3. Upon reinstatement, the person shall be  
5 assigned to the continuing education cycle to which the licensee  
6 was assigned before termination of the license.

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

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

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

22 Subp. 3. Revoked or suspended license. No license that  
23 has been suspended or revoked by the board may be reinstated  
24 unless the applicant for reinstatement provides evidence of full  
25 rehabilitation from the offense for which the license was  
26 suspended or revoked and complies with all other reasonable  
27 conditions imposed by the board for the purpose of establishing  
28 the extent of rehabilitation. In addition, if the disciplinary  
29 action was based in part on failure to meet continuing education  
30 requirements, the license may not be reinstated until the  
31 applicant has successfully completed the requirements in subpart  
32 2. The board may require the licensee to pay all costs of the  
33 proceedings resulting in the suspension or revocation of a  
34 license under part 6500.2800 or pursuant to its disciplinary  
35 authority and the reinstatement or issuance of a new license. A  
36 licensee who has been disciplined by the board in a manner other

1 than by suspension or revocation may be required by the board to  
2 pay all costs of the proceedings resulting in the disciplinary  
3 action.

4 Subp. 4. Licensure application not precluded. Nothing in  
5 this part prohibits an optometrist from applying for licensure  
6 under Minnesota Statutes, section 148.57, subdivisions 1 and 2.

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

12 A. resides permanently outside the state and does not  
13 practice within the state;

14 B. is retired from practice and does not perform any  
15 optometric services on a voluntary or free basis; or

16 C. is permanently disabled and unable to practice  
17 optometry.

18 Subp. 6. Expiration of exemption. A licensee claiming  
19 exemption under subpart 5 who subsequently decides to resume  
20 practice shall submit to the board, before resuming practice, a  
21 written notice of the intended change and evidence of having  
22 completed the continuing education requirements equivalent to  
23 what requirements would have been without the exemption  
24 immediately preceding the date of receipt of the notice of the  
25 intent to resume practice. If the licensee has not complied  
26 with the continuing education requirements, the licensee must  
27 comply with part 6500.2900, subpart 2; if the licensee has been  
28 exempt from complying with the continuing education  
29 requirements, the licensee may not resume practice until  
30 notified by the board that the evidence submitted is  
31 acceptable. The licensee will be placed in the continuing  
32 education cycle that would have applied if the exemption had not  
33 been claimed.