

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1433
DATE RECEIVED 12/21/87
REVIEW DATE 12/30/87
DUE DATE 1/4/88

APPROVED 12/30/87 JAR
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0483
ADOPTED W/O HEARING X
EMERGENCY RULE [redacted]

REVISOR APPROVED yes
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

X Rule as adopted (4 copies)
X Notice to Solicit Outside Information/Opinion
6/17/85 Date published in State Register
— ~~Comments~~
— ~~Petition for Adoption of a Rule~~
X Board's Authorizing Resolution
X Proposed rule
1/25 Revisor's Certificate
X Notice of Intent to Adopt Rule Check Contents
148.53; 214.06, 16A.128 Statutory Authority OK
NO Small Business Statement
NO Expenditure of public money statement
YES Signature
X Statement of Need and Reasonableness
NO Small Business Statement
NO Fees - § 16A.128
X Affidavit of Mailing Notice of Intent to Adopt Rule
9/24/87 Date 30/25 days before adoption
X Publication in State Register
10/12/87 Date 30/25 days before adoption
X Resolution Adopting
X Findings of Fact, Conclusions & Order Adopting
12/2/87 Date
— ~~Written requests, submissions or comments~~
X Declaration of attorney
Catherine Quinn Name of SAAG representing agency
— ~~Notice of Submission to Attorney General~~
— ~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : January 4, 1988

TO : CATHERINE E. AVINA
Special Assistant
Attorney General

FROM : JULIE A. LEPPINK
Special Assistant
Attorney General

PHONE : 7-3493

SUBJECT : In the Matter of the Adopted Rules Relating to Terms and Renewal of License

The above-referenced rule has been approved as to its legality by the Attorney General on December 30, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JAL:nah

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Adminsitrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

A6 Copy

OCT 16 87 BD. OPT.

Board of Optometry

Adopted Permanent Rules Relating to Terms and Renewal of License

Rules as Adopted

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.

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN – 4 1988
Joan Anderson Growe
Secretary of State
12:50 PM

APPROVED AS TO FORM AND LEGALITY
December 30 19 87
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Julie A. Fogarty
SPECIAL ASSISTANT ATTORNEY GENERAL

Hennepin County Library—Southdale Branch
7001 York Avenue South
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520 - 80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Board of Optometry

Outside Opinion Sought Concerning Proposed Rules Governing Home Study Methods of Continuing Education, Recovery of Costs for Disciplinary Proceedings, Licensure Status for Retired Optometrists, Defining "Prescription" and "Lenses," and Delegation of Authority

Notice is hereby given that the State Board of Optometry is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing Home Study Methods of Continuing Education, Recovery of Costs for Disciplinary Proceedings, Licensure Status for Retired Optometrists, Defining "Prescription" and "Lenses," and Delegation of Authority. The adoption of these rules is authorized by Minnesota Statutes, section 148.53, which permits the agency to make any rules and regulations necessary for the effective enforcement of the Optometric Practice Act, Minnesota Statutes, sections 148.52 to 148.62.

The State Board of Optometry requests information and comments concerning the subject matter of the rules. Interested or affected persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to Burton H. Skuza, OD, Executive Secretary, Room 342, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440.

Oral statements will be received during regular business hours over the telephone at (612) 623-5544 and in person at the above address.

All statements of information and comment will be accepted until 60 days from the date of this notice. Any written material received by the Board of Optometry will become part of the rulemaking record in the event that a rule is adopted.

In addition to considering information and opinions from sources outside the Board concerning the subject matter of the proposed rules, the Board is seeking to establish a task force to assist the Board in developing the proposed rules defining "prescription," "lenses," and concerning delegation of authority. Interested or affected persons or groups who wish to participate on the task force should contact Burton H. Skuza, OD, at the above address or telephone number.

May 30, 1985

Board of Optometry,
Burton H. Skuza, O.D.,
Executive Secretary

Pollution Control Agency
Solid and Hazardous Waste Division

Outside Opinion Sought Regarding Rules for Solid Waste Management

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA for the purpose of revising the State's solid waste rules pursuant to Minnesota Statutes, Section 116.07 as amended by the 1984 legislative session.

Board of Optometry

Proposed Permanent Rules Relating to Terms and Renewal of License.

Rules as Proposed (all new material)

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.

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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.

Approved by Revisor

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

Approved
by Revisor _____

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.

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

B. submit with the application the fee specified in

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by Revisor _____

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

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by Revisor _____

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.

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

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Terms and Renewal of License

AGENCY: Board of Optometry

MINNESOTA RULES: Chapter 6500

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

NOTICE OF INTENT
TO ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes, sections 148.53, 214.06, and 16A.128.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

4 Comments or written requests for a public hearing must be submitted to:

Burton H. Skuza, OD
Executive Director
Suite 103
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0594

6 The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. Skuza upon request.

7 If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: August 28, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of the
Proposed Permanent Rules
Relating to the Term and
Renewal of Licenses and
Recovery of the Costs of
Disciplinary Proceedings

STATEMENT OF NEED
AND REASONABLENESS

Pursuant to Minn. Stat. § 14.23 (1986) the Minnesota Board of Optometry hereby presents the need and reasonableness of proposed permanent rules relating to the term and renewal of licenses and the recovery of the costs of disciplinary proceedings. In order to adopt the proposed rule, the Board of Optometry must demonstrate that it has complied with all procedural and substantive requirements of rulemaking. Those requirements are: 1) there is statutory authority to adopt the rule; 2) the rule is needed; 3) the rule is reasonable. This demonstrates that the Board has met the necessary requirements.

STATUTORY AUTHORITY

Minnesota Statute section 148.53 authorizes the Board to make any rules and regulations and to do any and all things not inconsistent with the law which it may deem expedient for the full and efficient performance of their duties.

NEED AND REASONABLENESS OF RULE ALLOWING THE RECOVERY OF COSTS OF DISCIPLINARY PROCEEDINGS

The Board has reviewed the proceedings necessary to suspend or revoke a license or impose other disciplinary action when a licensee violates statutes or rules that the Board is empowered to enforce. Under the present disciplinary system, the Board is required to refer complaints to the Office of the Attorney General for investigation and either attempt to informally resolve complaints or proceed to contested case hearings when warranted. See Minn. Stat. § 214.10 (1986). Using this

system of suspension and revocation, substantial costs and legal fees are incurred by the Board.

The Board has reviewed its anticipated expenditures for the next biennium. With increases in costs, the suspension and revocation process under the present system could adversely affect the budget of this Board. Adoption of this part would substantially recover the cost of disciplinary proceedings. Therefore, there is need to adopt proposed part 6500.2900, subpart 3, to recover those costs.

The adoption of part 6500.2900, subpart 3, is also reasonable. The Board's expenses for all its functions are supported entirely by licensure fees. The disciplinary costs are thus borne by all licensees although only a very small number of licensees are the subject of disciplinary proceedings. Recovering the disciplinary costs from those licensees who are actually disciplined for violations of statutes and rules relieves ethical and competent licensees from bearing these extraordinary expenses. Such relief is reasonable.

NEED AND REASONABLENESS OF RULES RELATING TO TERMS AND RENEWALS OF LICENSES

The Board requires that each holder of a Minnesota license to practice optometry in the State of Minnesota annually renew their license by December 31. Each year an application for relicensure is sent to each licensee with an enclosed letter stating the requirements for relicensure. This information is sent at least 90 days prior to the annual renewal date of December 31. This 90 day notice provides the licensee time to submit all required information and fees. Therefore, it is reasonable to assume that all licensees would apply for relicensure no later than December 31. Should a licensee not meet the deadline, a penalty fee is imposed by the Board for late compliance.

For the last several years more than 100 licensees have failed to meet all requirements for relicensure prior to December 31 of each year. However, most licensees meet all requirements for renewal within 90 days after the date license renewal is due. Each year there are several licensees, usually all living outside the State of Minnesota, who fail to submit the necessary requirements for relicensure. The Board's director makes concerted effort by correspondence and telephone calls to the licensee requesting compliance with the requirements for relicensure. In some cases this effort fails and the Board is required to initiate a contested case hearing to suspend or revoke the optometrist's license and to incur substantial costs. Under the proposed rules, the licenses of licensees who fail to timely renew would automatically expire after notice and opportunity to respond to the notice.

Minnesota Rules pts. 6500.0900-6500.1700 require that within a three year period each Minnesota licensed optometrist take 45 hours of Board approved continuing education. The Board may require each licensee to attend a specific course of continuing education within the licensure year. This special course becomes a requirement for licensure for the following year. Since a minimum of 200 hours of continuing education is presented by various organizations within a calendar year, it is reasonable to assume that the licensee can meet the annual continuing education for relicensure as well as the 45 hours required within the three compliance period.

Proposed part 6500.2800 requires that the Board notify, after January 1, those licensees who have not met the continuing education requirement for relicensure. The licensee may notify the Board that he voluntarily wishes to terminate the license. If the licensee, after 30 days of receiving first notice, fails to pay the renewal fee plus penalty and supply the information applying to continuing education, it is only reasonable that the license shall expire and the right to practice optometry in the State of Minnesota shall terminate.

The Board recognizes that there may be a need occasionally to extend the license expiration date. Therefore, the licensee who has met all requirements other than the required continuing education may be granted an extension of six months beyond the date noticed by the Board. Should the licensee fail to meet the continuing education requirement due to illness or disability, the license expiration could be extended a second six-month period. This licensee must, by medical report, show evidence of illness or disability and request an extension of time to meet the required continuing education requirement for licensure.

When a license expires for noncompliance to Board requirements or is voluntarily terminated, the applicant may apply to the Board for reinstatement, pay all annual renewal fees and penalty fees, and complete the required continuing education within the educational cycle during the time the license was expired or terminated.

Should a license be suspended or revoked for a violation of Minn. Stat. §§ 148.52-148.62 or Minn. Rules pts. 6500.0400 to 6500.1700, it is reasonable to require that the applicant meet all requirements set forth in 6500.2900, subps. 2 and 3 before reinstatement. In addition, all reasonable stipulations must be met by the applicant before a license will be reissued by the Board.

Proposed part 6500.2900, subparts 5 and 6 allow for certain exemptions from the continuing education requirements. Currently there are approximately 200 licensees residing outside the State of Minnesota and not providing optometric services to the public of this state. These licensees pay their annual license renewal fees. However, due to the difference of continuing education requirements between respective states, it is often difficult for this licensee to meet the continuing education requirements set forth by the Board. Since the licensee is not practicing in Minnesota, exemption from continuing education requirements poses no threat to the

public's safety. This licensee would be required to file an affidavit with the Board attesting to the fact that the licensee is not practicing optometry in the State of Minnesota and not providing services to the residents of this state. Other licensees are either retired or permanently disabled and not providing optometric services to the citizens of the State of Minnesota. These licensees can also apply for exemption from the continuing education requirement. However, should the exemption status change, and any licensee begin to practice in Minnesota, the Board must be notified and the licensee must comply with the continuing education requirements as set forth in 6500.2900, subpart 2.

The proposed rules are thus needed and reasonable. The provisions set forth in the rules assure the public that the skill and knowledge of the practitioner will be maintained.

Dated: May 31, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

MISCELLANEOUS FORMS

2820.9000 FORM 88-M. RELEASE OF LAND FROM JUDGMENT LIEN.

Subpart 1. **Scope.** The recommended form for a release of land from a judgment lien is contained in subpart 2.

Subp. 2. **Form.**

RELEASE OF LAND FROM JUDGMENT LIEN Form No. 88-M Minnesota Uniform Conveyancing Blanks

Release of Land
from Judgment Lien

(reserved for recording data)

Date: _____, 19__

FOR VALUABLE CONSIDERATION, the real property in _____ County, Minnesota, legally described as follows:

(If more space is needed, continue on back)

is hereby released from the lien of the Judgment owned by the undersigned and docketed _____, 19__, in _____ Court in _____ County, Minnesota, Case No. _____, in favor of _____ and against _____. (If registered land, filed as Document Number _____, files of the Registrar of Titles.)

STATE OF MINNESOTA
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 19__, by _____

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

Board of Optometry

Proposed Permanent Rules Relating to Terms and Renewal of License

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of

licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 148.53, 214.06, and 16A.128.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Burton H. Skuza, OD
Executive Director
Suite 103
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0594

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. Skuza upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: 28 August 1987

Burton H. Skuza, OD
Executive Director
Board of Optometry

Rules as Proposed (all new material)

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.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

AFFIDAVIT OF MAILING
THE NOTICE OF INTENT
TO ADOPT RULES WITHOUT
A PUBLIC HEARING AND
CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Burton H. Skuza, OD, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Board of Optometry rulemaking mailing list is accurate, complete, and current as of this 24 day of September, 1987.

That on the 24 day of September, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Burton H. Skuza OD

BURTON H. SKUZA, OD
Executive Director

Subscribed and sworn to before me
this 24th day of Sept., 1987.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA

DEPARTMENT BOARD OF OPTOMETRY

Office Memorandum

TO: Catherina Avina, S.A.A.G. DATE: September 16, 1986

FROM: Burton H. Skuza, O.D. BHS
Executive Director PHONE: 642-0594

SUBJECT: Interested Parties

As per your request, listed below are the organizations that have requested copies of minutes and other documents from the Board of Optometry.

Marvin Lundin, A.D.
Minnesota Optometric Association
207 S. Griggs Midway Building
St. Paul, MN 55104

Sue Ladwig
Minnesota Association of Optometrists & Opticians
114 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Brad Hoven
Midwest Vision Centers
Box 456
East Highway 23
St. Cloud, MN 56302

Joseph Zweber
Pearle Vision Center Divisional Office
10925 Valley View Road
Suite 204
Eden Prairie, MN 55344

Emery Barrette
Minnesota Opticians Society
815 McKusick Road Circle North
Stillwater, MN 55082

Sue Peterson
Vision World
2375 Fairview North
Roseville, MN 55113

Zona DeWitt (Minutes only - no agenda)
State Documents
Legislative Reference Library
645 State Office Building
St. Paul, MN 55155

5120000-03

STATE OF MINNESOTA

DEPARTMENT

Office Memorandum

TO: DATE:

FROM: PHONE:

SUBJECT:

Don Knudsen
Minnesota Contact Lens Society
Northwest Eye Clinic Suite 402
3366 Oakdale North
Minneapolis, MN 55422

Joe Sokierka
Minnesota Opticians Society
2500 W. 95th Street
Bloomington, MN 55431

Duane J. Broe
Park Nicollet Clinic
5000 W. 39th Street
Minneapolis, MN 55416

Vickie McCormick (no agenda)
Physicians Health Plan
300 Opus Center
9000 Bren Road East
Minnetonka, MN 55343

William Brooks, Jr.
Chestnut & Brooks
900 Norwest Midland Building
Minneapolis, MN 55401

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

NOTICE OF INTENT
TO ADOPT RULES WITHOUT
A PUBLIC HEARING

Notice is hereby given that the State Board of Optometry intends to adopt permanent rules relating to the term and renewal of licenses, the recovery of the costs of disciplinary proceedings and fees. The Board intends to adopt these rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes, sections 148.53, 214.06, and 16A.128.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Burton H. Skuza, OD
Executive Director
Suite 103
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0594

The proposed rules may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rules as noticed.

A copy of the proposed rules is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Dr. Skuza upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Dr. Skuza at the above address.

Dated: August 28, 1987

STATE OF MINNESOTA

BOARD OF OPTOMETRY

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

Board of Optometry

Proposed Permanent Rules Relating to Terms and Renewal of License

Rules as Proposed (all new material)

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.

Approved by Revisor

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

Approved
by Revisor _____

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.

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

Approved
by Revisor _____

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

Approved
by Revisor _____

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

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Terms and Renewal of License

AGENCY: Board of Optometry

MINNESOTA RULES: Chapter 6500

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

Board of Optometry



Proposed Permanent Rules Relating to Fees

Rules as Proposed

6500.1800 LICENSE EXAMINATION FEE.

All applications for licensure by examination in this state shall be accompanied by a ~~$50~~ $75 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~~ $50, ~~he~~ the applicant may retake the examination at the time for which the board next schedules ~~such~~ examinations.

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.

6500.2100 RECIPROCITY.

Subpart 1. [Unchanged.]

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. to D. [Unchanged.]

A fee of ~~$50~~ $75 shall accompany every application for licensure by reciprocity.

6500.2700 OPTOMETRIST EMERITUS REGISTRATION.

Subpart 1. to 4. [Unchanged.]

Approved by Revisor DSN/

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.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Optometry

MINNESOTA RULES: Chapter 6500

The attached rules are approved for publication
in the State Register

DSN

David S. Niss
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING A RULE
WITHOUT A PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on September 28, 1987, and on October 12, 1987, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on September 24, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, the Board finds the following:

The above-captioned rule regarding term and renewal of licenses and recovery of the costs of disciplinary proceedings is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as permanent rules relating to term and renewal of license and recovery of the costs of disciplinary proceedings is adopted this 2 day of December, 1987, pursuant to authority vested in the Board by Minnesota Statutes, section 148.53.

Burton H. Skuza, OD

BURTON H. SKUZA, OD
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

CERTIFICATE OF
AUTHORIZING RESOLUTION

I, Mary K. Laconic, OD, do hereby certify that I am a member and the President of the Minnesota Board of Optometry, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 19th day of August, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

RESOLVED, that Burton H. Skuza, OD, the executive director of the Board, is hereby granted the authority and directed to sign and to give the notice of the Board's intent to adopt rules without a public hearing governing the term of licenses, their renewal or expiration, the recovery of the costs of disciplinary proceedings, and various licensure fees to all persons who have registered their names with the Board for that purpose and publish the notice and rules in the State Register, and to peform any and all acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15 day of September, 1987.

Mary K. Laconic O.D.
MARY K. LACONIC, OD
President

Attest by

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

DECLARATION OF COUNSEL

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 50.X624.0483.

Dated: December 13, 1987

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of
Proposed Permanent
Rules Relating to
the Term and Renewal
of Licenses, Recovery
of the Costs of Disciplinary
Proceedings and Fees

CERTIFICATE OF THE
BOARD'S RESOLUTION
ADOPTING THE RULE

I, Mary K. Laconic, OD, do hereby certify that I am a member and the President of the Minnesota Board of Optometry, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board, duly and properly called and held on the 18th day of November, 1987, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rules relating to terms and renewal of license and recovery of the costs of disciplinary proceedings are approved and adopted, pursuant to authority vested in the Board of Optometry by Minnesota Statutues, section 148.53. Burton H. Skuza, OD, the Executive Director of the Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2 day of December, 1987.

Mary K. Laconic O.D.
MARY K. LACONIC, OD
President

Patricia Kluis
Attest

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL - Health

STATE OF MINNESOTA

Office Memorandum

DATE : December 17, 1987

TO : Christine Eller
Assistant Attorney General
Administration/Finance Division

RECEIVED
ATTORNEY GENERAL'S OFFICE

DEC 21 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

FROM : Catherine E. Avina
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : In the Matter of Proposed Amendments to a Board of Optometry Rule Relating to Terms and Renewal of License, Minn. Rules pt. 3100.2000.

Pursuant to Minn. Stat. § 14.26, the attached documents in support of the above-referenced rule is submitted to your office for approval as to legality. You will note that the Board originally intended to adopt rules relating to the terms and renewal of licenses and fees. Only those relating to the terms and renewal of licenses have been adopted. The fee rules have been delayed to comply with Minn. Stat. § 16A.128, subd. 2a.

1. A photocopy of the notice of intent to solicit outside information or opinions, appearing in the June 17, 1985, State Register, at 9 S.R. 2706.

2. Certificate of Authorizing Resolution, executed September 15, 1987.

3. Notice of Intent to Adopt Rules Without a Public Hearing, executed August 28, 1987, with attached copy of the proposed amendments approved by the Revisor's office.

4. A photocopy of the relevant pages of the October 12, 1987, State Register, at 12 S.R. 744, in which the notice and proposed rule were published.

5. Statement of Need and Reasonableness.

6. Affidavit of mailing and certificate of agency's mailing list, executed September 24, 1987.

7. Certificate of the Board's Resolution Adopting the Rule, executed December 2, 1987.

8. Findings of Fact, Conclusions, and Order Adopting a Rule Without a Public Hearing, executed December 2, 1987.

9. The original and three copies of the rule as adopted.

10. Declaration of Counsel.

Please call me if you have any questions concerning the attached documents or the procedures followed by the Board.

CEA:tmr

Attachments