

CHAPTER 412—S.F.No. 3387

VETOED

CHAPTER 413—S.F.No. 1231

An act relating to professions; modifying provisions relating to optometrist licensing; amending Minnesota Statutes 1998, sections 148.57, subdivision 1; and 148.61, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 148.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 148.57, subdivision 1, is amended to read:

Subdivision 1. **EXAMINATION.** (a) A person not authorized to practice optometry in the state and desiring to do so shall apply to the director of the state board of optometry and pay to the board a fee in an amount set by the board. The candidate desiring to apply to the board shall complete a form furnished by the board. With the submission of the application form, the candidate shall prove that the candidate (a):

(1) is of good moral character, and (b) is a graduate of;

(2) has obtained a clinical doctorate from an optometry school requiring at least two academic years of preprofessional training for admittance to such the school and which has been approved by the board, or is currently enrolled in the final year of study at such a school; and

(3) pass passed all parts of an examination.

(b) The examination shall include both a written portion and a clinical practical portion and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written and clinical practical examinations, the board (a) may:

(1) prepare, administer, and grade the examination itself or (b) may;

(2) recognize and approve in whole or in part an examination prepared, administered and graded by a national board of examiners in optometry; or (e) may

(3) administer a recognized and approved examination prepared and graded by or under the direction of a national board of examiners in optometry.

(c) The board shall issue a license to each applicant who satisfactorily passes the examinations and fulfills the other requirements stated in this section. The applicant shall pay to the board a fee as set by the board upon issuance of the license. In the event the candidate fails to pass a part of the examination, upon the payment of an additional fee as set by the board, the candidate may reapply to the board of optometry. The fees mentioned in this section are for the use of the board and in no case shall be refunded.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. [148.603] FORMS OF DISCIPLINARY ACTIONS.

When grounds exist under section 148.57, subdivision 3, or other statute or rule which the board is authorized to enforce, the board may take one or more of the following disciplinary actions, provided that disciplinary or corrective action may not be imposed by the board on any regulated person except after a contested case hearing conducted pursuant to chapter 14 or by consent of the parties:

- (1) deny an application for a credential;
- (2) revoke the regulated person's credential;
- (3) suspend the regulated person's credential;
- (4) impose limitations on the regulated person's credential;
- (5) impose conditions on the regulated person's credential;
- (6) censure or reprimand the regulated person;

(7) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the person of any economic advantage gained by reason of the violation or to discourage repeated violations or to reimburse the board for the cost of investigation and proceeding; or

(8) when grounds exist under section 148.57, subdivision 3, or a board rule, enter into an agreement with the regulated person for corrective action which may include requiring the regulated person:

- (i) to complete an educational course or activity;
- (ii) to submit to the executive director or designated board member a written protocol or reports designed to prevent future violations of the same kind;
- (iii) to meet with a board member or board designee to discuss prevention of future violations of the same kind;
- (iv) to reimburse the board for its legal and investigative costs; or
- (v) to perform other action justified by the facts.

Listing the measures in clause (8) does not preclude the board from including them in an order for disciplinary action.

Sec. 3. Minnesota Statutes 1998, section 148.61, subdivision 5, is amended to read:

Subd. 5. Every person ~~who shall violate any of the provisions of sections 148.52 to 148.62 not licensed by the board pursuant to section 148.57 who practices optometry in this state shall be guilty of a gross misdemeanor.~~

Presented to the governor April 12, 2000

Signed by the governor April 14, 2000, 2:54 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.