

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 981  
**Version:** Second engrossment

**DATE:** March 18, 2015

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### Overview

This bill updates the Optometry Practice Act.

#### Section

- 1** **Board of optometry.** Amends § 148.52. Clarifies that optometrists who are appointed to the board must be licensed in Minnesota.
- 2** **Board; seal.** Amends § 148.54. Adds the offices of vice president and secretary to the board.
- 3** **License.** Amends § 148.57. Strikes the application and endorsement fees. Strikes cross-references to sections repealed in this bill. Strikes subdivisions 3 (revocation, suspension) and 4 (peddling or canvassing forbidden).

Adds subdivision 5. Requires a regulated person to maintain a current name and address with the board and notify the board in writing within 30 days of any change. Requires a regulated person to request revised credentials from the board when the person has a name change. Establishes requirements for reissuance of lost, stolen, or destroyed credentials.

- 4** **Prohibitions relating to legend drugs.** Amends § 148.574. Strikes references to sections repealed in this bill.
- 5** **Requirement for use of legend drugs.** Amends § 148.575. Strikes subdivisions 1 (certificate required for use of legend drugs), 3 (display of certificate required), 5 (notice to Board of Pharmacy), and 6 (board certification required).

Strikes obsolete language related to board certification for use of legend drugs since the use of legend drugs is now part of the curriculum in optometric training.

## Section

- 6**        **Standard of care.** Amends § 148.577. Strikes reference to a section repealed in this bill.
- 7**        **License and registration fees.** Amends § 148.59. Establishes fees. Provides that fees may not exceed the listed amounts, but may be adjusted lower by the board.
- 8**        **Grounds for disciplinary action.** Amends § 148.603. Establishes the conduct that may be the basis for disciplinary action.
- 9**        **Reporting obligations.** Creates § 148.604.

**Subd. 1. Permission to report.** Allows any person to report conduct constituting grounds for discipline to the board.

**Subd. 2. Institutions.** Requires health care institutions and organizations to notify the board if the entity has taken action to revoke, suspend, restrict, or condition the optometrists practice privileges. Requires the institutions or organizations to notify the board if an optometrist has resigned prior to the conclusion of disciplinary proceedings.

**Subd. 3. Licensed professionals.** Requires licensed optometrists to report conduct constituting grounds for disciplinary action to the board.

**Subd. 4. Self-reporting.** Requires an optometrist to report to the board any personal conduct that constitutes grounds for disciplinary action.

**Subd. 5. Deadlines; forms; rulemaking.** Requires reports to be made to the board within 30 days after occurrence of the reportable event. Allows the board to provide forms for submission of reports and to adopt rules.

**Subd. 6. Subpoenas.** Allows the board to issue subpoenas for production of reports required by subdivisions 2 to 4.

- 10**       **Immunity.** Creates § 148.605.

**Subd. 1. Reporting.** Provides that any individual or entity making a report under section 148.604 in good faith and in exercise of reasonable care is immune from criminal and civil liability.

**Subd. 2. Investigation; indemnification.** Paragraph (a) provides that members and employees of the board, and consultants retained by the board, are immune from criminal and civil liability related to their duties in investigating complaints and imposing disciplinary action when acting in good faith and in exercise of reasonable care.

Paragraph (b) provides that members and employees of the board engaged in maintaining records and making reports regarding adverse health care events are immune from civil and criminal liability when acting in good faith and in exercise of reasonable care.

Paragraph (c) states that for purposes of this section, a member of the board or a consultant is considered a state employee.

**Section**

- 11**      **Optometrist cooperation.** Creates § 148.606. Requires an optometrist who is the subject of an investigation to cooperate fully with the investigation.
- 12**      **Disciplinary action.** Creates § 148.607. Lists the types of disciplinary action that can be taken by the board: revocation or suspension of the license, limitations or conditions placed on the license, civil penalties, and censure or reprimand.
- 13**      **Repealer.** Repeals §§ 148.57, subds. 3 (revocation, suspension) and 4 (peddling and canvassing prohibited); 148.571 (use of topical ocular drugs); 148.572 (advice to seek diagnosis and treatment); 148.573, subd. 1 (certificate required for use or possession of topical ocular drug); 148.575, subds. 1 (certificate required for use of legend drugs), 3 (display of certificate required), 5 (notice to Board of Pharmacy), and 6 (board certification required); and 148.576, subds. 1 (authority to prescribe or administer legend drugs) and 2 (adverse reaction reports).