

MINNESOTA BOARD OF OPTOMETRY

STATEMENT OF NEED AND REASONABLENESS

April 10, 1986

Proposed Rules Relating to Home Study Programs

Pursuant to Minn. Stat. §14.23 (1984) the Minnesota Board of Optometry hereby affirmatively presents the needs and the facts establishing reasonableness of the proposed ammendment to Minnesota Board of Optometry Rules 6500.1500 relating to credit hours of continuing education.

In order to adopt the proposed ammendment, the Board must demonstrate that it has complied with all procedural and substantive requirements of rule making. The requirements are as follows: 1) there is statutory authority to adopt the rule; 2) the rules are needed; 3) the rules are reasonable; 4) all necessary procedural steps have been taken.

1. Statutory Authority

The statutory authority is as follows: Minn. Stat. §148.53 authorizes the Board of Optometry to promulgate rules and regulations necessary to carry out the provisions and purposes of the Minnesota Optometric Practice Act Minn. Stat. §148.52 - 148.62.

2. Statement of Need

In 1985, the Minnesota Board of Optometry promulgated rules changing the continuing education compliance period from a one year period, requiring 12 hours of continuing education credit, to a three year compliance period, requiring 45 hours of continuing education credit. The Board reviewed the past continuing education requirement and determined the

need for additional hours of continuing education for Minnesota licensees. To assist the licensee in obtaining the necessary continuing education credits, the Board provided the option of acquiring 9 hours of continuing education credit by home study.

3. Statement of Reasonableness

The Board realized that additional hours of continuing education could impose substantial cost to the licensee. Therefore, to minimize costs to the licensee, the Board concurred it would be reasonable to allow the licensee to acquire the additional 9 hours through home study, or contact hour equivalents as so described in the proposed rules.

The Board's adoption of proposed rule regarding Home Study or contact hour equivalent is need to implement 6500.0900 - 6500.1700. The adoption of this particular provision is considered necessary to update existing mandatory continuing education requirements. The adoption of this rule would help to insure the competence of the optometrists in this State and would be an entity of mandated continuing education.

Supporting Rationale

In considering the requirements of this rule, the Board was concerned with the following points:

1. to protect the health and welfare of the citizens of the State of Minnesota by insuring that optometrists practicing in this State are qualified not only by licensure, but that they also maintain their competence by continuing education.

2. to insure that Home Study and contact hour equivalent programs of continuing education are of satisfactory quality and do provide a significant learning experience.
3. Home Study programs are cost effective to the providers of optometric services. This rule would not be counter-productive because its requirements are too demanding.

Specifically, the Board's justification for the promulgation of this rule change is as follows:

1. There now exists a Board rule relative to required continuing education. At present, the requirement is 45 hours of continuing education over a three year compliance period. The Board feels that Home Study and contact hour equivalents should be a portion of the required 45 hours of continuing education study hours. Home Study and contact hours of continuing education are a meaningful learning experience to the professional and cost effective to the provider, as well as the consumer of his services. Home Study and contact hour equivalent are compatible, necessary and consistent with the changing concepts of continuing education in the profession today.
2. It is proposed that the Home Study and contact hours of continuing education be incorporated into the three year compliance period which began on January 1, 1985 and will terminate on December 31, 1987.

There is sufficient flexibility of time to incorporate Home Study and contact hours into this compliance period. It is reasonable to assume that the practitioner would utilize Home Study and contact hour equivalent to meet the required 45 hours of continuing education requirement over the three year period.

The 9 hours of Home Study and contact hour equivalent over the three year compliance period was determined on the following factors: examination of Home Study programs of continuing education presented by accredited institutions; Home Study credits of continuing education accepted by other health care licensing boards. It is the view of the Board that Home Study and contact hour equivalent of continuing education would enhance the practitioner's knowledge and improve his professional skills.

The proposed rule on Home Study and contact hours equivalent is consistent with the requirements allowed by other State health related licensing boards.

Various optometric educational institutions are presenting high quality programs which are relevant to the optometric practitioner. Most programs of home study have a testing mechanism which helps assess the benefits and helps determine the competence of the licensee. The Board would utilize the same program approval criteria as set forth in 6500.1100.

It is the view of the Board that the proposed rule on Home Study and contact hour equivalent is justified and equitable and would not remove the essential purpose of continuing education; namely, the provision of reasonable assurance to the public that the skill and knowledge of the practitioner are at least being maintained.