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4-14-74*



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STATE OF MINNESOTA
BOARD OF OPTOMETRY

September 5, 1974

The Honorable Wendell R. Anderson
Governor of Minnesota
State Capitol Building
St. Paul, Minnesota 55155

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Dear Governor Anderson:

In accordance with Minnesota Statutes 148.60, the Minnesota Board of Optometry is pleased to make this biennial report to the Governor of its proceedings, receipts, and disbursements for the two preceding fiscal years, July 1, 1972 to June 30, 1974.

Membership of the Board July 1, 1972.

<u>Member</u>	<u>Exp. Expiration Date</u>
Dr. Robert Sheridan	January 1, 1973
Dr. Leo A. Meyer	January 1, 1973
Dr. Jacob Burke	January 1, 1974
Dr. B. J. Davison	January 1, 1975
Dr. John R. Kennedy	January 1, 1975

<u>Appointments</u>	<u>Term Expires</u>
Dr. Leo A. Meyer	January 4, 1976
Dr. Cora Ruhr	January 4, 1976
*Mrs Barbara Street	December 17, 1975
*Mr. Robert Moran	December 17, 1976
Dr. Jacob Burke	January 1, 1977

* Public member appointments made under ~~148.60~~ of the Minnesota Statutes.

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Officers of the Board

	<u>1972</u>	<u>1974</u>
President	Dr. J. Purzer	Dr. John R. Kennedy
Vice President	Dr. Robert Sheridan	Dr. B. J. Davison
Secretary	Dr. Leo A. Meyer	Dr. Leo A. Meyer

Mr. Howard Marker, special assistant to the Governor, served as legal counsel for the Board during the period...

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Meetings

January 28, 1973
April 8, 1973
June 3, 1973
July 5, 6, 7, 1973
August 12, 1973
October 29, 1973
November 21, 1973
January 27, 1974
April 21, 1974
June 10, 1974

Place

Bloomington
St. Louis Park
Roseville
St. Paul
Roseville
St. Paul
St. Paul
Minneapolis
Roseville
Roseville

Hearings

The Board held seven public hearings during the period covered by this report. On January 28, 1973 the Board cited an optometrist upon a complaint of a patient for his refusal to respond to patients and the Board Secretary's letters of inquiry. (see revocations and suspensions below). On April 8, 1973 an informal hearing was held on a patient complaint regarding a contact lens case. (see revocations and suspensions below). On July 5, 1973 a hearing was conducted concerning those who had not paid the annual license renewal fees. (see revocations and suspensions below). On October 29, 1973 a public hearing was held regarding proposed new rules and regulations. On November 21, 1973 the board met to approve and submit the proposed rules and regulations as amended to the Attorney General. On January 27, 1974 the Board reviewed the changes recommended by the Attorney General of the proposed rules and regulations. After due deliberation the Board approved the recommended changes. On April 21, 1974 an informal hearing was conducted regarding a patient complaint and the non response by the optometrist involved. (see revocations and suspensions below). On June 10, 1974 a hearing was conducted concerning those who had not paid the annual license renewal fees. (see revocations and suspensions below).

Revocations and Suspensions

On July 5, 1973 the Board revoked 7 licenses and on June 10, 1974 the Board revoked 25 licenses for non payment of the annual license renewal fee for the year the license was revoked and the penalty which had previously been assessed against them. Each had been given notice



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of hearing by registered mail at least 20 days previous to the hearing. On January 17, 1973 the Board suspended the license of an optometrist for failure to comply with the Board Rules and other related matters for a period of 30 days. The last 15 days being stayed for one year conditioned upon compliance with Board Rules and Regulations. Such suspension to begin February 26, 1973. Said optometrist was given notice at least 20 days previous to the hearing.

On April 4, 1973 an optometrist was requested to appear before the Board for an informal hearing regarding a complaint by a patient regarding contact lenses. It was determined that no violation of the Optometry Act had occurred and no action was taken.

On April 21, 1974 an optometrist was requested to appear before the Board for an informal hearing regarding a complaint by a patient to the consumer affairs division and lack of response by the optometrist involved. No action taken, however the Board cautioned the optometrist that stern measures would be taken for future errors of omission as had occurred in this instance.

On other occasions the Board revoked the license certificates of the holders request as follows:

April 4, 1973	One
January 27, 1974	Two
April 21, 1974	Six
June 18, 1974	Seven

During the period of this report it is recorded that eight optometrists were reported as deceased.

Examinations

On July 5, 6, 7, 1973 examinations were held for eleven candidates by examination and one candidate by re examination. Eleven of the candidates were successful and were issued licenses.

Reciprocity

M.S.A. 144.52 to 144.62 makes certain provisions for persons licensed in other states to apply for registration in Minnesota. Each applicant

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for licensure by reciprocity is required to have practiced three years in the state from which they have applied from and that that state's requirements for registration for licensure are deemed by the board to be equivalent to those of sections 148.52 to 148.62; provided that the other state grants like privileges to holders of certificates from the Minnesota Board. To verify that the applicant possesses the knowledge and ability essential to practice optometry in this state, the board may require the applicant to perform a practical demonstration to its satisfaction.

During the period of this report two applicants were considered. Both failed the practical examinations and were denied licensure by reciprocity.

Licensure Renewal Fee Waived

M.S.A. 148.63 provided for exemption from payment of renewal fees for persons on active duty in the armed forces during the time he is on active duty and for a period of 6 months from his discharge from service. Accordingly, the following exceptions were made:

1977 - Nine
1978 - Nine

Professional Corporations

The 1968 legislature enacted legislation permitting the formation of professional corporations. During the period of this report twelve professional corporations are registered as optometric professional corporations. The Board investigates the articles of incorporation and by-laws for conformity to the Optometry Statute and rules and Regulations adopted by this Board. Such professional optometry corporations must comply with, and are subject to the laws governing optometry in this State.

International Association of Boards

The Optometry Board of Minnesota is a member of the International Association of Boards of Optometry, Inc. Each year the board sends a delegate or delegates to the meeting of the I.A.B.O. There is an exchange of ideas and discussion of problems and affairs which are common to all such Boards. Much useful information is gained and brought back to this

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Board which is helpful in conducting its affairs. Delegates to meetings include the people covered by this report were:

Dr. J. Buree San Francisco, California June 1973
 Mr. Howard Marker San Francisco, California June 1973
 Dr. John Kennedy Washington, D. C. June 1974

Board Secretary

The Secretary of the Board is the administrative officer of the Board. He maintains the files of the Board, keeps all records, collects the monies due the Board, handles the general correspondence, and arranges all meetings and hearings.

Legal matters

The Board is represented legally by Mr. Howard Marker, Special Assistant Attorney General. Mr. Marker has been present at all meetings and has counseled the Board in all matters of legal interpretation. Numerous public complaints have been referred to legal counsel for investigation.

Financial report

The following statement is presented covering all financial transactions for the two year period.

Balance on Deposit July 1, 1971 \$ 1,341.75

Receipts

Examinations	7 at 35.00	245.00	4 at 35.00	140.00
			18 at 35.00	630.00
Re-Examination	1 at 25.00	25.00		
Registration fee	2 at 50.00	100.00	1 at 100.00	100.00
Registration fee	13 at 10.00	130.00	12 at 10.00	120.00
Renewals	543 at 25.00	13,575.00	507 at 25.00	12,675.00
Penalties	8 at 25.00	200.00	7 at 25.00	175.00
Prof. Cont. fee	6 at 100.00	600.00	12 at 100.00	1,200.00
Prof. Cont. fee	6 at 25.00	150.00	12 at 25.00	300.00
Administrative fees				
		15,025.00		13,499.00

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Financial report continued

Balance on Deposit July 1, 1972	8,041.39
Receipts 1972 thru 1974	45,934.00
	<u>53,975.39</u>

Disbursements

	1972-73	1973-74	
Permanent Salary	4,500.00	5,629.08	
Per Diem	2,415.00	3,575.00	
Special Salary	4,243.75	7,210.00	
Legal Costs	158.63	650.82	
Temporary Salary	35.00	35.00	
Travel & Subsistence	661.37	2,283.21	
Printing & Binding	35.50	1,106.74	
Stationery & Off. Supp.	407.13	374.57	
Telephone	431.73	462.94	
Repairs	30.50	40.00	
Office Equipment	825.00	165.00	
Rents & leases	67.55	224.49	
Postage	240.00	540.00	
Social Security	246.84	329.25	
State Retirement	180.00	408.98	
Auditor's Transfer	663.25	1,215.20	
Refunds	-----	825.00	
Miscellaneous	105.65	3,182.34*	
	<u>15,246.90</u>	<u>28,257.62</u>	43,504.52
		Balance on Deposit 7/1/74	<u>10,470.87</u>
			<u>53,975.39</u>

*Includes \$3,000.00 Administrative transfer refunded.

The Books of the Board of Optometry were audited by the Legislative Audit Commission in January of 1974.

General Comments

The Board has been proceeding with its responsibilities to protect the public by investigating, citing optometrists to appear before it for various causes, and instigating court actions where indicated.

The Board was thwarted in its rule making authority regarding a proposed

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rule and regulation on contact lens prescriptions. The Attorney Generals office rejected this proposed Rule which was felt by the members of the Board to be in the Public Interest. The Board President and the Special Assistant Attorney General for the Board met with the Attorney General and his staff on this issue.

With the implementation of Chapter 709 (The Allied Health Credentialing Committee) the Board of Optometry has appointed its president to serve for a three year term on this innovative and very active committee.

The addition of the Public Members to this Board is welcomed by the professional members. The Public Members have assumed their duties diligently since their appointments. They serve, as have the professional members of the Board the public interest first and foremost. The occasional unfounded charge that the professional members protect the profession is alleviated by the presence of the public members. They serve to assure fair representation of all segments of the profession and the general public as well.

Conclusion

The Board wishes to thank the Governor, Department of Administration and other governmental departments and agencies and personnel for their assistance and cooperation with this Board. The Board again dedicates itself to the continued faithful service to the people.

Respectfully submitted,

Leo A. Meyer, O. D.,
Secretary

