

**CERTIFICATE**

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Alfred J. Hall, Jr., Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Optometry Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Optometry Examining Board on the 15th day of March, 1996.*

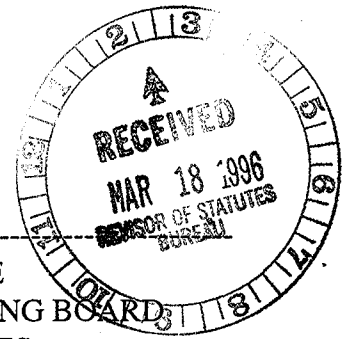
*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*



**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 15th day of March, 1996.**

*Alfred J. Hall, Jr.*  
\_\_\_\_\_  
**Alfred J. Hall, Jr., Director, Bureau of Health Service Professions, Department of Regulation and Licensing**

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD



-----  
IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : OPTOMETRY EXAMINING BOARD  
OPTOMETRY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 95-142)  
-----

ORDER

An order of the Optometry Examining Board to amend Opt 3.01 (title), 3.02 (title) and (1) (a), 3.03 (title), (1) (title), (1) and (2), 3.07 (2) (title) and (a), 3.12, 4.01, 4.02 (1) (c), 4.03 (1), 6.04 (1) (a), 6.05 (2) (a), (b), (c) and (4) and 7.05 (1) and (2) (intro.); and to repeal and recreate Opt 5.08 relating to examinations, continuing education and late renewal.

Analysis prepared by the Department of Regulation and Licensing.

-----  
ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 449.18, Stats.

Statutes interpreted: ss. 449.04, 449.05, 449.06, 449.08 and 449.18, Stats.

In this proposed rule-making order the Optometry Examining Board repeals and recreates s. Opt 5.08. The proposed rule clarifies that an optometrist is not required to perform a minimum visual examination at an examination for the diagnosis and management of eye disease or for the removal of superficial foreign bodies from an eye or from an appendage to the eye. The board has determined that an optometrist could reasonably conclude, based upon his or her professional judgment, that it would be appropriate to perform a minimum visual examination under such circumstances.

Several provisions in ch. Opt 6, relating to the continuing education requirements for optometrists certified under s. 449.18, Stats., are being amended to clarify that coursework approved by the board relating to the removal of superficial foreign bodies from an eye or from an appendage to the eye constitutes acceptable coursework for purposes of satisfying the continuing education requirements.

Also, several technical changes are being made to the rules. Chapter Opt 3 contains several references to the terms "clinical" and "practical" examinations. These terms refer to the same examination. Since the term "practical" is used in ch. 449, Stats., references to the term "clinical" are being omitted. Section Opt 7.05 (1) and (2) are being revised to reflect that licensees who renew their credentials after the renewal date are required to pay a late renewal fee in addition to the biennial registration renewal fee. Finally, several subunits are being amended, deleting the semicolon and adding a period, and deleting the word "and" to comply with drafting format and style of administrative rules.

TEXT OF RULE

SECTION 1. Opt 3.01 (title) is amended to read:

Opt 3.01 (title) SCHEDULING OF STATE BOARD EXAMINATION.

SECTION 2. Opt 3.02 (title) and (1) (a) are amended to read:

Opt 3.02 (title) APPLICATION FOR STATE BOARD EXAMINATION.

Opt 3.02 (1) (a) The fee ~~specified~~ authorized in s. 440.05 (1), Stats., and

SECTION 3. Opt 3.03 (title), (1) (title), (1) and (2) are amended to read:

Opt 3.03 (title) STATE BOARD EXAMINATIONS. (1) (title) PRACTICAL EXAMINATION. An applicant shall pass a comprehensive ~~clinical~~ practical examination on subject parts as determined by the board.

(2) STATE LAW EXAMINATION. An applicant shall pass ~~an~~ a written examination on state law relating to optometry including, but not limited to, ch. 449, Stats., and chs. Opt 1 to 5.

SECTION 4. Opt 3.07 (2) (title) and (a) are amended to read:

Opt 3.07 (2) (title) EXAMINATIONS. (a) To pass the ~~clinical~~ practical examination, an applicant shall receive an average grade of 75 or above with no grade lower than 70 on any part of the examination.

SECTION 5. Opt 3.12 is amended to read:

Opt 3.12 REEXAMINATION. (1) (title) PRACTICAL EXAMINATION. An applicant who fails to achieve a grade of 75 shall be required to retake the ~~clinical~~ practical examination. The fee for reexamination shall be as specified in s. 440.05 (1), Stats.

(2) STATE LAW EXAMINATION. An applicant who fails the state law examination shall be required to retake that section of the ~~practical~~ examination.

(3) LIMITATION ON REEXAMINATION. If an applicant does not pass ~~all~~ both parts of the examination under sub. (1) or (2) within 3 years of the first attempt, the applicant shall retake ~~and pass the entire clinical and state law examination~~ both parts, and pass both parts within 3 years of the retake of both parts in order to be licensed.

SECTION 6. Opt 4.01 is amended to read:

Opt 4.01 QUALIFICATIONS. (intro.) An optometrist holding a license to practice optometry in another state may become licensed in Wisconsin if the applicant does all of the following:

(1) Has graduated from an accredited school or college of optometry approved by the board;

(2) Has passed the examination of the national board of examiners in optometry or a licensing examination in another state;

(3) Has practiced optometry for at least 5 years;

(4) Has passed the required state board examination administered by the board as set forth in s. Opt 4.03; ~~and,~~

(5) Has never been disciplined by the licensing authority in any other state, territory or country for any misconduct or violations which evidence lack of competence to practice optometry in Wisconsin as determined by the board;

(6) Is not aware of any current investigation against the applicant's license to practice optometry in any state or jurisdiction; ~~and,~~

(7) Does not have ~~an arrest~~ a pending criminal charge or a conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats.

SECTION 7. Opt 4.02 (1) (c) is amended to read:

Opt 4.02 (1) (c) The fee ~~specified~~ authorized in s. 440.05 (1), Stats.

SECTION 8. Opt 4.03 (1) is amended to read:

Opt 4.03 EXAMINATIONS. (1) An applicant for a license by reciprocity under this chapter shall take and pass the ~~practical examination~~ state board examinations as set forth in s. Opt 3.03.

SECTION 9. Opt 5.08 is repealed and recreated to read:

Opt 5.08 (title) PERFORMING MINIMUM VISUAL EXAMINATION. (1) Except as provided in sub. (2), it shall be unprofessional conduct for an optometrist to fail to perform the minimum visual examination at any of the following:

(a) The patient's initial examination with the optometrist.

(b) Any examination conducted more than one year after a minimum visual examination.

(c) An examination for the fitting of contact lenses.

(2) It shall not be unprofessional conduct to fail to perform the minimum visual examination in the following instances:

(a) Where the patient refuses or is unable to participate in any procedure of the minimum visual examination.

(b) At an examination for the diagnosis and management of eye disease or for the removal of superficial foreign bodies from an eye or from an appendage to the eye.

SECTION 10. Opt 6.04 (1) (a) is amended to read:

Opt 6.04 (1) (a) Except as provided in par. (b), a certificate holder shall complete 30 hours of approved continuing education relating to diagnosis and management of eye disease or removal of superficial foreign bodies from the eye or from an appendage to the eye in each biennial registration period. Seven of the 30 hours must be in the diagnosis and management of glaucoma, and 2 of the 30 hours must relate to the responsible use of controlled substances and substance abuse concerns, new drugs used for ophthalmic therapeutic purposes which have been approved by the federal food and drug administration or other topics as designated by the board.

SECTION 11. Opt 6.05 (2) (a), (b) and (c) and (4) are amended to read:

Opt 6.05 (2) (a) The subject matter of the course pertains to therapeutic pharmaceuticals ~~and, removal of superficial foreign bodies from the eye or from an appendage to the eye, or to diagnosis and management of eye disease;~~ responsible use of controlled substances and substance abuse concerns, new drugs used for ophthalmic therapeutic purposes which have been approved by the federal food and drug administration, or other topics as designated by the board.

(b) The provider of the continuing education course agrees to monitor the attendance and furnish ~~to each participant~~ a certificate of attendance; to each participant.

(c) The provider of the course is approved by the board; ~~and.~~

(4) If a continuing education course includes subject matter other than ~~that related to diagnosis and management of eye disease and removal of superficial foreign bodies from the eye or from an appendage to the eye,~~ the subject matter areas identified under sub. (2) (a), only the board-approved portions of the course which relate to ~~diagnosis and management of eye disease and removal of superficial foreign bodies from the eye or from an appendage to the eye~~ the areas identified under sub. (2) (a), qualify as continuing education required under this chapter.

SECTION 12. Opt 7.05 (1) and (2) (intro.) are amended to read:

Opt 7.05 (1) If applying less than 5 years after the renewal date, submit an application on a form provided by the department and pay the renewal fee fees specified in s. 440.08 (2) (a); and (3), Stats.

(2) (intro.) If applying 5 years or more after the renewal date, submit an application on a form provided by the department, pay the renewal fee fees specified in s. 440.08 (2) (a); and (3), Stats., and submit proof of:

---

(END OF TEXT OF RULE)

---

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated 3/15/96

Lynda Jarrar, OD  
Chairperson  
Optometry Examining Board

g:\rules\opt  
2/26/96

**CORRESPONDENCE/MEMORANDUM**

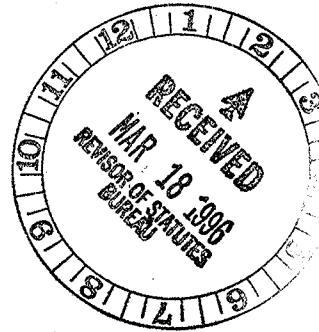
**STATE OF WISCONSIN**

**DATE:** March 18, 1996

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Rules Center Coordinator  
Department of Regulation and Licensing  
Office of Administrative Rules

**SUBJECT:** Final Order Adopting Rules



**Agency: OPTOMETRY EXAMINING BOARD**  
**Clearinghouse Rule 95-142**

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.