

**Clearinghouse Rule 15-079**

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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

An order of the Optometry Examining Board to repeal ch. Opt 2 relating to organization of the board.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** s. 15.08(5)(b), Stats.

**Statutory authority:** s. 15.08(5)(b), Stats.

**Explanation of agency authority:**

Under 15.08(5)(b), Stats, each examining board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

**Related statute or rule:** N/A

**Plain language analysis:**

Section 1 repeals chapter Opt 2. Chapter Opt 2 was repealed and recreated in 1971. These rules for governing the board are now duplicative or obsolete. The statutes provide for frequency of meetings. The Board does not follow the latest copyright of Robert's Rules while conducting business. The board, specifically the secretary of the board, does not receive the voucher for membership in the international association of boards. The Board may send a delegate to a meeting without specifying in rule and the statute.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** Conduct of business or parliamentary procedure is not addressed in statutes or rules. Membership in associations is not addressed in statutes or rules.

**Iowa:** Conduct of business or parliamentary procedure is not addressed in statutes or rules. Iowa statutes allow each board to maintain a membership in the national organization of the regulatory boards of its profession to be paid from board funds.

**Michigan:** Conduct of business or parliamentary procedure is not addressed in statutes or rules. Membership in associations is not addressed in statutes or rules.

**Minnesota:** Conduct of business or parliamentary procedure is not addressed in statutes or rules. Membership in associations is not addressed in statutes or rules.

**Summary of factual data and analytical methodologies:**

In reviewing the rules, the Board determined this chapter is obsolete or duplicative. The chapter was created in 1971.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The rule was posted for economic comments and none were received. This rule only impacts the operation of the Board and does not have any economic effect.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis is attached.

**Effect on small business:**

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Eric.Esser@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8366, or by email to

Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held on October 29, 2015 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Chapter Opt 2 is repealed.

SECTION 2. EFFECTIVE DATE. 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.

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(END OF TEXT OF RULE)

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