

**Report From Agency**

**STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
OPTOMETRY EXAMINING BOARD : CR 18-021**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The objective of the rule is to update the continuing education chapter to reflect the current practice of optometry and current continuing education program offerings, including technological methods of delivery. Additionally, this rule provides a transparent and consistent approval process for programs, which should provide licensees greater assurance that the time and money spent on continuing education programs satisfy the requirements of the administrative code.

The rule requires that licensees obtain two hours of continuing education related to responsible prescribing of controlled substances for the 2019/2021 biennium.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Optometry Examining Board held a public hearing on May 31, 2018. Following the May 31, 2018 public hearing, the Board moved unanimously to further amend Opt 8 to require all licensees to obtain two hours of continuing education on responsible prescribing of controlled substances for the 2019/2021 biennium and to sunset the requirement after the end of the 2019/2021 biennium. The Optometry Examining Board held a second public hearing on January 24, 2019.

The following people either testified at the hearing, or submitted written comments, and the comments are summarized as follows:

May 31, 2018

Peter Theo, Wisconsin Optometric Association

In support

The Optometry Examining Board explains modifications to its rule-making proposal prompted by public comments as follows:

The Board amended the provisions affecting those with and without authorization to use diagnostic and therapeutic pharmaceutical agents to provide maximum flexibility to licensees while remaining compliant with statutory requirements in ss. 449.06 (2m), Stats.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

**Comment:** 5.b.

**Response:** Not Accept.

To prevent any potential hardship, the rule changes take effect at the start of a new biennium. Additionally, the new rules provide more flexibility in the subject matter by expanding the topics from “glaucoma education” to “ocular health, conditions, or disease management.” “Glaucoma education” continuing education would be a topic under the broader category of “ocular health, conditions, or disease management.” This revision should provide more flexibility to licensees in fulfilling their continuing education requirements.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

This rule will not have an impact on small business.