

**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 19-027  
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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

N/A

**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 Department of Safety and Professional Services has the authority to promulgate rules specifying the topical ocular diagnostic pharmaceutical agents which an optometrist may utilize and therapeutic pharmaceutical agents which may be administered or prescribed. 2005 Act 297 transferred all other authority relating to the use of pharmaceutical agents to the Optometry Examining Board. The Department of Safety and Professional Services is updating chapter SPS 10 to remove obsolete provisions relating to the application, examination, continuing education and reporting requirements. The Optometry Examining Board promulgated rules in 2007 to implement 2005 Act 297, however, there are references to portions of SPS 10 which will be repealed as part of the Department of Safety and Professional Services' rule-making project.

Chapters Opt 6 and SPS 10 have been opened concurrently to accurately and consistently implement this legislative shift. Revisions were reviewed by the Optometry Examining Board and DSPS staff to ensure accuracy. The revised chapter Opt 6 codifies the application requirements used by the Optometry Examining Board in certifying optometrists for DPA and TPA certificates and minimum expectations for those certified.

**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 30, 2019. The following people either testified at the hearing, or submitted written comments:

- In favor: Peter Theo, Executive Vice President, Wisconsin Optometric Association

The Board made no modifications to its rule-making proposal prompted by public comments.

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

No comments.

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

N/A