

**Clearinghouse Rule 21-004**

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING : 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 create Opt 3.025, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 440.09 (5), Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 440.09 (5), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., states that the examining board, “[s]hall 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.”

Section 440.09 (5), Stats., provides “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Plain language analysis:**

The proposed rule creates a provision to implement s. 440.09, Stats., as amended by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.

### **Comparison with rules in adjacent states:**

#### **Illinois:**

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

#### **Iowa:**

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

#### **Michigan:**

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

#### **Minnesota:**

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

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

The proposed rule was developed by reviewing the provisions of s. 440.09, Stats., as amended by 2019 Wisconsin Act 143, and obtaining input and feedback from the Optometry Examining Board.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

### **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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

**Agency contact person:**

Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Kevyn Radcliffe, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on March 25, 2021, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Opt 3.025 is created to read:

**Opt 3.025 Reciprocal credentials for service members, former service members, and their spouses.**

(1) DEFINITIONS. In this section:

- (a) “Former service member” has the meaning given in s. 440.09 (1) (a), Stats.
- (b) “Service member” has the meaning given in s. 440.09 (1) (b), Stats.
- (c) “Spouse” has the meaning given in s. 440.09 (1) (c), Stats.

(2) REQUIREMENTS. An applicant who holds an active license in another state, territory, foreign country or province shall be granted a license to practice optometry upon a determination by the board that the applicant meets the requirements set forth in s. 440.09 (2), Stats.

(3) AFFIDAVIT. If an applicant is unable to provide documentation that the applicant is a service member, former service member, or the spouse of a service member or former service member, the individual may submit an affidavit under s. 440.09 (2m), Stats.

(4) RENEWAL. (a) A license granted under this section expires on the applicable renewal date specified in s. 440.08 (2) (a), Stats., except that if the first renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted is within 180 days of the date on which the license is granted, the license expires on the 2nd renewal date specified in s. 440.08 (2) (a), Stats., after the date on which the license is granted.

(b) The department or board shall grant a renewed reciprocal credential to an applicant who satisfies the requirements under ch. Opt 7.

(5) EXPEDITED ISSUANCE. The department or board shall expedite the issuance of a reciprocal credential granted under this section.

SECTION 2. EFFECTIVE DATE. The rule 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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