

**CERTIFICATE**

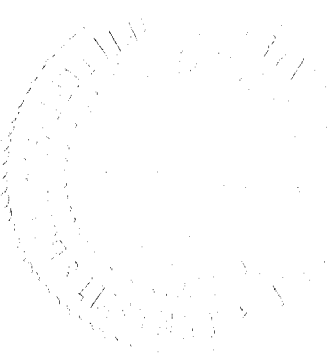

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

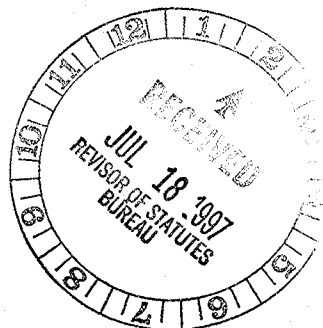
**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*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 18th day of July, 1997.*

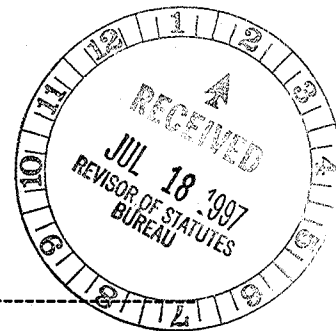
*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

**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 18th day of July, 1997.**

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



STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD



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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : OPTOMETRY EXAMINING BOARD  
OPTOMETRY EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 97-022)  
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ORDER

An order of the Optometry Examining Board to repeal Opt 1.02 (1) and Note, 3.02 (2), 5.01 (1), 6.02 (3), 6.04 (1) (b) and 7.01; to renumber Opt 3.02 (4) and (5) and 4.02 (4); to renumber and amend Opt 3.02 (3) and Note, 3.10 (intro.), 4.02 (2), Note and (3), 5.01 (2), 5.02 (1) and 6.04 (1) (a); to amend ch. Opt 1 (title), Opt 1.01, 1.02 (intro.), (2) (a), (b), (c), (d), (e), (f) and (g), (4) (intro.), (a), (b), (c) and (d), (5) (intro.), (a), (b), (c), (d), (e), (f), (g), (h) and (i), (6) (a), (b), (c), (d) and (e), 3.01 (title), 3.02 (title), (1) (intro.), (a) and Note, 3.04 (title) and 3.04, 3.07 (2) (title), (a) and (b), 3.10 (2) and (6), 3.11 (1) (a), (b), (c) and (3), 3.12 (1), 4.01 (intro.), (4) and (6), 4.02 (1) (intro.), (a), (b), (c) and Note, 4.02 Note, 5.01 (title), 5.04, 5.06, 5.07, 5.08 (title), (1) (intro.), (1) (b), (2) (intro.) and (2) (a), 5.10 (1) (intro.), (a), (b), (c) and (d), 5.11 (2) and Note, 5.13 (1) (a) and (b), 5.14 (4), 6.03 (1) (a) and (b), (2) Note, 6.04 (2), (3), (4) and (5), 6.06, 6.07, 6.08 (intro.), (1), (2) (intro.) and (a), 7.04, 7.05 (intro.), (2) (intro.) and (a); to repeal and recreate Opt 3.02 (1) (b); and to create Opt 1.02 (1), (1m), 4.01 Note, 5.02 (intro.) and (1), 5.08 (2) (c), 5.15 and 6.03 (1) (c) Note, relating to applications, examinations and continuing education requirements, and to standards of professional conduct of optometrists.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 449.18 (7), Stats.

Statutes interpreted: ss. 449.01, 449.04, 449.05 (2), 449.06, 449.07 (1), 449.08 and 449.18 (4), Stats.

In this proposed rule-making order the Optometry Examining Board amends s. Opt 4.01 to include a note to clarify the examination requirements for reciprocal applicants.

Section Opt 6.04 (3) is amended to clarify that in lieu of submitting certificates of attendance directly to the board, optometrists who hold TPA certificates issued under s. 449.18, Stats., will be required to sign a statement at the time of renewal certifying that the continuing educational coursework has been completed.

Section Opt 5.08 (2) (c) is created to permit optometrists to accept written verification of examination findings from a licensed optometrist or ophthalmologist obtained within the 90 day period immediately preceding the date of a patient's visit, in lieu of conducting a minimum eye examination. Section Opt 5.15 is created to further define that it is unprofessional conduct for an

optometrist to engage in any practice or conduct which constitutes a substantial danger to the health, welfare, or safety of a patient or the public or to engage in conduct in the practice of optometry which evidences a lack of knowledge or ability to apply professional principles or skills.

The board amends various sections throughout the rules relating to clarity, streamlining application and renewal procedures, proper placement in the rules, and punctuation. Several provisions are amended in ch. Opt 6 to reflect that a signed statement certifying that the continuing education coursework has been completed is sufficient for purposes of renewing a credential, and that licensees will be required to retain certificates of attendance for a specific period of time and to provide them to the board upon request. And, finally, changes are made to several notes.

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TEXT OF RULE

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

CHAPTER OPT 1 (title)

PRACTICE OF OPTOMETRY AUTHORITY AND DEFINITIONS

SECTION 2. Opt 1.01 is amended to read:

Opt 1.01 AUTHORITY. The rules in ~~this chapter~~ chs. Opt 1 to 7 are adopted under authority in ss. 15.08 (5) (b), 227.11 (2), 449.01 and 449.07, Stats., to define the scope of practice of optometry in Wisconsin.

SECTION 3. Opt 1.02 (intro.) is amended to read:

Opt 1.02 (intro.) ~~In this chapter~~ As used in chs. Opt 1 to 7:

SECTION 4. Opt 1.02 (1) and Note are repealed.

SECTION 5. Opt 1.02 (1) and (1m) are created to read:

Opt 1.02 (1) "Board" means the optometry examining board.

(1m) "Department" means the department of regulation and licensing.

SECTION 6. Opt 1.02 (2) (a), (b), (c), (d),(e), (f) and (g) are amended to read:

Opt 1.02 (2) (a) Determining whether a patient may safely and comfortably wear contact lenses;

(b) Measuring and evaluating the curvature of the cornea through any means including photographic, mechanical or reflected light methods;

(c) Using a spectacle prescription or a prescription determined through the use of a vertometer or its equivalent on a pair of spectacles, as a basis for designing, manufacturing or duplicating a contact lens;

(d) Prescribing a schedule of wearing contact lenses;

(e) Placing a contact lens upon the eye of a patient for diagnostic purposes;

(f) Evaluating the physical fit of the contact lens;

(g) Using a phoropter, hand-held lens or any automated instrument for the purposes of determining the prescription or change in prescription of a contact lens; and

SECTION 7. Opt 1.02 (4) (intro.), (a), (b), (c) and (d) are amended to read:

Opt 1.02 (4) (intro.) "Minimum examination for the fitting of contact lenses" means the performance of all of the following procedures:

(a) Performing a minimum ~~visual eye~~ examination;

(b) Determining lens specifications;

(c) Evaluating the physical fit of diagnostic and prescribed lenses by means of a slit lamp;

(d) Prescribing a time schedule for a patient's wearing the contact lenses; and

SECTION 8. Opt 1.02 (5) (intro.), (a), (b), (c), (d), (e), (f), (g), (h) and (i) are amended to read:

Opt 1.02 (5) (intro.) "Minimum ~~visual eye~~ examination" means the performance of all of the following procedures:

(a) Recording a complete case history of the patient;

(b) Measuring far and near visual acuity;

(c) Conducting an ophthalmoscopic and external examination;

(d) Measuring corneal curvature;

- (e) Performing retinoscopy;
- (f) Evaluating convergence and accommodation;
- (g) Obtaining far and near subjective findings;
- (h) Evaluating muscle balance;
- (i) Measuring intraocular pressure; ~~and;~~

SECTION 9. Opt 1.02 (6) (a), (b), (c), (d) and (e) are amended to read:

Opt 1.02 (6) (a) Obtaining and recording a case history;

- (b) Measuring far and near visual acuities;
- (c) Measuring stereopsis;
- (d) Testing color vision;
- (e) Testing visual fields; ~~and;~~

SECTION 10. Opt 3.01 (title) is amended to read:

Opt 3.01 (title) SCHEDULING OF EXAMINATION.

SECTION 11. Opt 3.02 (title), (1) (intro.), (a) and Note are amended to read:

Opt 3.02 (title) APPLICATION FOR EXAMINATION. (1) (intro.) An applicant for examination for licensure as an optometrist shall file with the board at least 30 days prior to the date of the scheduled examination under s. Opt 3.03, a completed, ~~sworn~~ application on a form provided by the board. The application shall include:

- (a) The fee authorized in s. 440.05 (1), Stats.; ~~and~~

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations. Application forms for examination may be obtained from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

SECTION 12. Opt 3.02 (1) (b) is repealed and recreated to read:

Opt 3.02 (1) (b) Verification of the applicant's successful completion of the national board examination submitted directly to the board by the national board of examiners in optometry.

Note: It is the responsibility of the applicant to contact the National Board of Examiners in Optometry to request that it forward verification of the applicant's successful completion of the requisite examination to the board. An application will not be considered complete until after the board receives the examination verification and other essential information.

SECTION 13. Opt 3.02 (2) is repealed.

SECTION 14. Opt 3.02 (3) and Note are renumbered Opt 3.02 (1) (c) and Note and amended to read:

Opt 3.02 (1) (c) An A certified transcript of the coursework completed by the applicant submitted directly to the board by an accredited college of optometry approved and recognized by the board shall forward to the board a certified transcript of the applicant.

Note: The board annually reviews for approval the colleges of optometry accredited by the council on optometry education of the American Optometric Association or other accrediting bodies. A list of board approved colleges of optometry is available from the board upon request. It is the responsibility of the applicant to contact the appropriate college to request that the college forward a certified transcript to the board office. An application will not be considered complete until after the board receives a copy of the transcript and other essential information.

SECTION 15. Opt 3.02 (4) and (5) are renumbered Opt 3.02 (2) and (3).

SECTION 16. Opt 3.04 (title) and 3.04 are amended to read:

Opt 3.04 (title) RULES OF CONDUCT. An applicant who gives or receives unauthorized assistance, violates rules of conduct of the examination or otherwise acts dishonestly during the written or clinical practical examination may be denied licensure by the board. Future consideration of the applicant shall be at the discretion of the board.

Note: The rules of conduct of an examination are provided to candidates prior to the administration of an examination.

SECTION 17. Opt 3.07 (2) (title), (a) and (b) are amended to read:

Opt 3.07 (2) (title) STATE BOARD EXAMINATIONS. (a) To pass the 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 a grade determined by the board to represent minimum competence to practice optometry.

(b) To pass the state law examination, each applicant must receive a grade ~~of 75 or above~~ determined by the board to represent minimum competence to practice optometry.

Note: The passing grades for the state board examinations will be determined by the board after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

SECTION 18. Opt 3.10 (intro.) is renumbered Opt 3.10 (1) and amended to read:

Opt 3.10 (1) ~~In case of failure of an applicant on the practical examination, all~~ All failing grades below 75 received on the practical examination shall be reviewed by the board or by 2 members designated by the chairperson.

SECTION 19. Opt 3.10 (2) and (6) are amended to read:

Opt 3.10 (2) An applicant who fails ~~the~~ a state board examination may request a review of that examination. The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed.

(6) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing on the provided form. These comments shall be retained and made available to the applicant for use at a any subsequent hearing.

SECTION 20. Opt 3.11 (1) (a), (b), (c) and (3) are amended to read:

Opt 3.11 (1) (a) The applicant's name and address;

(b) The type of license applied for;

(c) A description of the perceived error, including specific questions or procedures claimed to be in error; ~~and;~~

(3) If the board's decision does not result in the applicant passing the examination, the applicant may ~~request a hearing under s. RL 1-05~~ retake the examination as provided under s. Opt 3.12.

SECTION 21. Opt 3.12 (1) is amended to read:

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

SECTION 22. Opt 4.01 (intro.), (4) and (6) are 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~~ submits evidence satisfactory to the board that he or she satisfies all of the following criteria:

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

(6) Is not aware of any ~~current investigation against the applicant's license to practice optometry in any state or jurisdiction pending complaints against the applicant or investigations of the applicant that relate to the practice of optometry.~~

SECTION 23. A Note after Opt 4.01 (7) is created to read:

Note: Applicants who engaged in the practice of optometry for at least 5 years prior to 1996 are required to take and pass Parts I and II of the national board examination. Applicants who engaged in the practice of optometry for less than 5 years prior to 1996 and applicants who graduated from an approved college of optometry after December 31, 1995 are required to take and pass Parts I, II and III of the national board examination. It is the responsibility of the applicant to contact the national board to request that verification of the applicant's successful completion of the requisite examination be forwarded to the board. An application will not be considered complete until after the board receives the examination verification and other essential information.

SECTION 24. Opt 4.02 (1) (intro.), (a), (b), (c) and Note are amended to read:

Opt 4.02 (1) (intro.) An applicant for licensure under this chapter shall file with the board, no later than ~~60~~ 30 days prior to the examination, a completed, ~~sworn~~ application on a form provided by the board. The application shall include:

- (a) The signature of the applicant;
- (b) Notice as to whether the applicant has been disciplined in any state in which he or she has held a license; ~~and.~~
- (c) The ~~fee~~ fees authorized in s. 440.05 (1) and (2), Stats.

Note: A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.



Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations. Application forms for licensure may be obtained from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

SECTION 25. Opt 4.02 (2), Note and (3) are renumbered Opt 4.02 (1) (d), Note and (1) (e) and amended to read:

Opt 4.02 (1) (d) An A certified transcript of the coursework completed by the applicant submitted directly to the board by an accredited school or college of optometry approved and recognized by the board shall forward to the board a certified transcript of the applicant.

Note: The board annually reviews for approval the colleges of optometry accredited by the council on optometry education of the American optometric association or other accrediting bodies. A list of board approved colleges of optometry is available from the board upon request. It is the responsibility of the applicant to contact the appropriate college to request that the college forward a certified transcript to the board office. An application will not be considered complete until after the board receives a copy of the transcript and other essential information.

(e) All Verification of the applicant's licensure submitted directly to the board by all states in which the applicant has ever held a license shall forward to the board verification of the applicant's licensure in those states.

Note: It is the responsibility of the applicant to contact the appropriate state licensing agencies to request that verification of the applicant's licensure be forwarded to the board. An application will not be considered to be complete until after the board receives verification of licensure from all state licensing agencies and other essential information.

SECTION 26. Opt 4.02 (4) is renumbered Opt 4.02 (2).

SECTION 27. Opt 4.02 Note is amended to read:

Note: For DPA certification the to use diagnostic pharmaceutical agents, an applicant for licensure must also meet requirements in ch. RL 10. For certification to use therapeutic pharmaceutical agents, an applicant must satisfy the requirements set forth in chs. Opt 6 and RL 10.

SECTION 28. Opt 5.01 (title) is amended to read:

Opt 5.01 (title) INTENT.

SECTION 29. Opt 5.01 (1) is repealed.

SECTION 30. Opt 5.01 (2) is renumbered Opt 5.01 and amended to read:

Opt 5.01 The intent of the ~~optometry examining~~ board in adopting the rules in this chapter is to establish minimum standards of conduct for optometrists and to specify reasons for taking disciplinary action against a licensee.

SECTION 31. Opt 5.02 (intro.) is created to read:

Opt 5.02 As used in this chapter:

SECTION 32. Opt 5.02 (1) is renumbered Opt 5.02 (1m) and amended to read:

Opt 5.02 (1m) ~~“Gross incompetence”~~ “Grossly incompetent” as that term is used in s. 449.07 (1) (b), Stats., means the failure of a licensee or certificate holder to exercise that degree of care and skill which is exercised by the average practitioner ~~in the class to which the optometrist belongs~~ who holds the same type of license or certificate, acting in the same or similar circumstances. ~~Gross incompetence~~ “Grossly incompetent” specifically includes the inability to proficiently operate equipment and instruments described in s. Opt 5.07.

SECTION 33. Opt 5.02 (1) is created to read:

Opt 5.02 (1) “Extended-wear contact lenses” means contact lenses which have received federal food and drug administration approval for marketing for extended wear and are prescribed for use on an extended wear or overnight schedule.

Note: Extended-wear contact lenses require premarket approval under section 515 of the Federal Food, Drug and Cosmetic Act, 21 USC 360e (1985). A copy of this provision is available at the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

SECTION 34 Opt 5.04 is amended to read:

Opt 5.04 IMPROPER USE OF TITLE. It shall be unprofessional conduct for an optometrist to use the title “Doctor”, or the initials “Dr.”, in printed form unless the optometrist has been granted the title of doctor of optometry by an optometric college and unless the optometrist indicates in print in the same communication that he or she is an optometrist.

SECTION 35. Opt 5.06 and 5.07 are amended to read:

Opt 5.06 INSPECTION. It shall be unprofessional conduct for an optometrist to fail to furnish to the board upon request information concerning the mode and location of practice. Every optometrist shall permit the ~~inspection by a board member~~ or a board representative ~~of to inspect~~ his or her office, equipment and records during regular office hours.

Opt 5.07 ADEQUATE EQUIPMENT. It shall be unprofessional conduct for an optometrist to fail to have in good working order adequate equipment and instruments as are necessary to perform the minimum ~~visual~~ eye examination specified in s. Opt 1.02(5).

SECTION 36. Opt 5.08 (title), (1) (intro.), (1) (b), (2) (intro.) and (2) (a) are amended to read:

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

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

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

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

SECTION 37. Opt 5.08 (2) (c) is created to read:

Opt 5.08 (2) (c) Where written verification of all examination findings has been received from a licensed optometrist or an ophthalmologist stating that he or she has performed a minimum eye examination, as defined in s. Opt 1.02 (5), for the patient within the 90 day period immediately preceding the date of the patient's visit.

SECTION 38. Opt 5.10 (1) (intro.), (a), (b), (c) and (d) are amended to read:

Opt 5.10 (1) (intro.) It shall be unprofessional conduct for an optometrist to fail to record and include in each patient's record the following information:

(a) Name and date of birth of the patient;.

(b) Date of examination and examination findings, including a clear and legible record of the tests performed, the results obtained, the prescription ordered and the patient's far and near visual acuity obtained with the prescription ordered;.

(c) Date of the prescription;.

(d) Lens verification of lenses dispensed, including the date of verification and identification of the person verifying the lenses; and;.

SECTION 39. Opt 5.11 (2) and Note are amended to read:

Opt 5.11 (2) It shall be unprofessional conduct for an optometrist to deliver ophthalmic lenses if the lenses do not meet requirements set forth in Table 1, ANSI Z80.1-~~1972~~1995, requirements for first-quality prescription ophthalmic lenses, approved ~~November 1, 1971~~ January 3, 1995, by the American national standards institute, inc.

Note: The standard incorporated above as reference may be obtained from the Standards Institute located at ~~1430 Broadway~~ 11 West 42nd Street, New York, NY ~~10018~~ 10036. A copy of the Standard is on file at the board office.

SECTION 40. Opt 5.13 (1) (a) and (b) are amended to read:

Opt 5.13 (1) (a) Create false, fraudulent or unjustified expectations of favorable results;

(b) Make comparisons with other optometrists which are false, fraudulent, misleading or deceptive;

SECTION 41. Opt 5.14 (4) is amended to read:

Opt 5.14 (4) The disclosure shall be signed by the patient prior to the patient's receipt of the lenses. If the patient is a minor or incompetent, the patient's parent or legal guardian shall sign the disclosure. The patient or the patient's parent or legal guardian, if the patient is a minor or incompetent, shall be given a copy of the disclosure, and a signed copy of the disclosure shall be placed in the patient record of the individual for whom the lenses are dispensed.

SECTION 42. Opt 5.15 is created to read:

Opt 5.15 CONDUCT. (1) It shall be unprofessional conduct for an optometrist to engage in any practice or conduct which constitutes a substantial danger to the health, welfare, or safety of a patient or the public.

(2) It shall be unprofessional conduct for an optometrist to engage in conduct in the practice of optometry which evidences a lack of knowledge or ability to apply professional principles or skills.

SECTION 43. Opt 6.02 (3) is repealed.

SECTION 44. Opt 6.03 (1) (a) and (b) are amended to read:

Opt 6.03 (1) (a) Has obtained certification under s. 449.17, Stats., to use DPA's;  
diagnostic pharmaceutical agents.

(b) Has successfully completed 100 hours of approved study in the use of ~~TPA's~~ TPAs and removal of superficial foreign bodies from an eye or from an appendage to the eye; ~~and.~~

SECTION 45. A Note after Opt 6.03 (1) (c) is created to read:

Note: Applications for certification may be obtained from the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 46. The Note after Opt 6.03 (2) is amended to read:

Note: 100 hours ~~postgraduate courses~~ of board approved study and qualifying examinations required for approval for TPA certification are approved annually by the board. A list of ~~approved 100 hours postgraduate courses of board approved study~~ and examinations may be obtained from the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

SECTION 47. Opt 6.04 (1) (a) is renumbered Opt 6.04 (1) and amended to read:

Opt 6.04 (1) ~~Except as provided in par. (b), a~~ 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 48. Opt 6.04 (1) (b) is repealed.

SECTION 49. Opt 6.04 (2), (3), (4) and (5) are amended to read:

Opt 6.04 (2) Continuing education hours may be applied only to the biennial registration period in which the continuing education hours are acquired, except as provided under s. Opt 6.08, to apply credits to the previous biennium to satisfy requirements for ~~reinstatement~~ renewal of a certificate which has lapsed.

(3) To obtain credit for completion of continuing education hours, an optometrist shall ~~submit to the board certificates of attendance from the provider of the board approved course, at the time of each renewal of registration, sign a statement certifying that the coursework has been completed. If audited, an optometrist shall submit certificates of attendance issued by each provider or other evidence of attendance satisfactory to the board.~~

(4) A TPA certificate holder who fails to meet the continuing education requirements by the renewal ~~deadline~~ date may not use therapeutic pharmaceuticals or remove

superficial foreign bodies from the eye or from an appendage to the eye after the renewal ~~deadline date~~ until the certificate is ~~reinstated~~ renewed under s. Opt 6.08.

(5) Optometrists initially certified under s. 449.18, Stats., within a biennium shall ~~submit to the board proof of completion of~~ complete one hour of board approved continuing education per month or partial month of certification reported on or before January 1 of the biennium. A minimum of one-quarter of the continuing education hours must be in the diagnosis and management of glaucoma.

SECTION 50. Opt 6.06 and 6.07 are amended to read:

Opt 6.06 RENEWAL OF CERTIFICATE. TPA certificates expire on January 1 of each even-numbered year. Renewal applications shall be submitted on a form provided by the department on or before the renewal date specified in s. 440.08 (2) (a) 54., Stats., along with ~~proof~~ certification of the continuing education requirements specified in s. Opt 6.04.

Opt 6.07 FAILURE TO RENEW. An optometrist who fails to renew a TPA certificate by the renewal date may not use therapeutic pharmaceutical agents or remove foreign bodies from an eye or from an appendage to the eye until the certificate is ~~restored~~ renewed under s. Opt 6.08

SECTION 51. Opt 6.08 (intro.), (1), (2) (intro.) and (a) are amended to read:

Opt 6.08 LATE RENEWAL OF CERTIFICATE. (intro.) An optometrist who fails to renew a TPA certificate by the renewal date may ~~restore~~ renew the TPA certificate by submitting an application on a form provided by the department, and satisfying the following requirements:

(1) If applying less than 5 years after the renewal date, submit ~~proof~~ certification of completion of 30 hours of continuing education coursework as required under s. Opt 6.04.

(2) (intro.) If applying 5 years or more after the renewal date, submit ~~proof~~ certification of 30 hours of continuing education coursework as required under s. Opt 6.04, and proof of the following as ordered by the board:

(a) Successful completion of educational coursework required by the board to ensure protection of the public health, safety and welfare; ~~and.~~

SECTION 52. Opt 7.01 is repealed.

SECTION 53. Opt 7.04 is amended to read:

Opt 7.04 FAILURE TO RENEW. An optometrist who fails to renew a certificate of registration by the renewal date may not practice optometry; until the certificate is ~~restored~~ renewed under s. Opt 7.05.

SECTION 54. Opt 7.05 (intro.), (2) (intro.) and (a) are amended to read:

Opt 7.05 LATE RENEWAL. (intro.) An optometrist who fails to renew a certificate of registration by the renewal date may ~~rester~~ renew the certificate by satisfying the following requirements:

(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 fees specified in s. 440.08 (2) (a) and (3), Stats., and submit proof of the following, as ordered by the board:

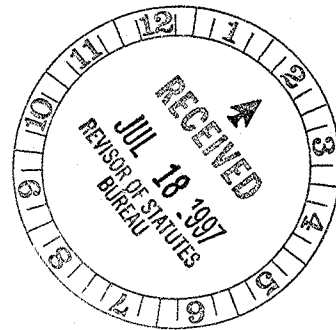
(a) Successful completion of educational coursework required by the board to ensure protection of the public health, safety and welfare, ~~and~~.

(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 18 July 1997 Agency John Smith-Veal, OD.  
Chairperson  
Optometry Examining Board

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7/18/97





State of Wisconsin

DEPARTMENT OF REGULATION AND LICENSING

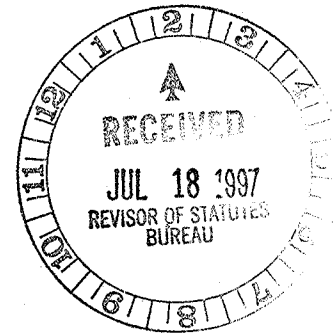
CORRESPONDENCE/MEMORANDUM

**DATE:** July 18, 1997

**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 97-022**

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.