

STATEMENT OF SCOPE

OPTOMETRY EXAMINING BOARD

Rule No.: Opt 6

Relating to: Diagnostic and Therapeutic Pharmaceutical Agents

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to update Opt 6 to create conformity to statutes and amend sections to address the references to SPS 10 which will be removed as part of another rule project.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Department of Safety and Professional Services has 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 SPS 10 chapter to remove obsolete provisions relating to the application, examination, continuing education and reporting requirements. The Optometry Examining Board promulgated rules to implement 2005 Act 297, however, there are references to portions of SPS 10 which will be repealed as part of the Department of Safety and Professional Services' rule-making project.

The Optometry Examining Board will update Opt 6 to ensure conformity with statutes and ensure there are no gaps created by the changes to SPS 10.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b) Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the profession.

Section 227.11 (2) (a), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may promulgate rules interpreting provisions of any statute enforced or

administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

75 hours

6. List with description of all entities that may be affected by the proposed rule:

Optometrists

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

None to Minimal. It is not likely to have a significant economic impact on small businesses.

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