

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 10

Relating to: Use of Pharmaceutical Agents by Licensed Optometrists

Rule Type: Permanent

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

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

2005 Wisconsin Act 297 limited the Department of Safety and Professional Services authority relating to pharmaceutical use by optometrists to promulgation of rules specifying the topical ocular diagnostic pharmaceutical agents which an optometrist may use and therapeutic pharmaceutical agents which may be administered or prescribed. The 2005 Act 297 transferred all other authority relating to the use of pharmaceutical agents to the Optometry Examining Board.

This rule will update the SPS 10 chapter to remove obsolete provisions relating to the change in statutory authority.

The objective of the proposed rule is to bring SPS 10 in conformity with the revised statutes per 2005 Wisconsin Act 297.

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:

Currently SPS 10 includes application, examination, continuing education, and reporting requirements to use diagnostic and therapeutic pharmaceutical agents, in addition to, specifying the topical ocular diagnostic pharmaceutical agents and therapeutic pharmaceutical agents which optometrists may use, administer or prescribe.

The proposed rule would maintain only the provisions specifying the topical ocular diagnostic and therapeutic pharmaceutical agents which optometrists may use, administer, or prescribe and repeal the remaining provisions.

The purpose of this proposed rule is only to repeal provisions which are now under the authority of the Optometry Examining Board per 2005 Wisconsin Act 297. The rule will not modify the pharmaceutical agents in the current rule nor create new policy.

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

Section 449.17(5), Wis. Stats., states “the secretary shall, after consultation with the [optometry] examining board, the medical examining board and the pharmacy examining board, promulgate rules specifying the topical ocular diagnostic pharmaceutical agents which optometrist may utilize in this state.”

Section 449.18(6)(cm), Wis. Stats., “the secretary shall, after consultation with the [optometry] examining board, the medical examining board and the pharmacy examining board, promulgate rules specifying those therapeutic pharmaceutical agents that may or may not be prescribed or administered.”

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

60 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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