

STATEMENT OF SCOPE

Optometry Examining Board

Rule No.: Opt 4

Relating to: Licensure by Endorsement

Rule Type: Permanent

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

N/A

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

The Optometry Examining Board has determined that a comprehensive review of Opt 4, relating to licensure by endorsement, is required in order to examine the practice of the Board's annual review of accredited optometry schools and colleges, update the chapter to ensure compliance with 2017 Act 278, and to make other updates as necessary for consistency and clarity.

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:

2017 Act 278 updated the Fair Employment Law for applicants, and this chapter needs to be updated to include cross-references to the relevant statutes in the application procedures. Additionally, the chapter establishes a procedure for the Board to annually review the list of accredited schools and colleges of optometry. The Board would like to review this procedure and remove unnecessary steps in the process. The Board will further review the chapter for consistency and clarity to ensure the rules are up to date with other rule projects and reflective of the current practice of optometry.

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

Section 15.08 (5) (b), Stats., states that the examining board, "shall 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 227.11 (2) (b), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may prescribe forms and procedures in connection with any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but this paragraph does not authorize the imposition of a substantive requirement in connection with a form or procedure."

Sections 449.04 (1) (b) and 449.055 (5), Stats., require that the applicant, "has graduated from an accredited college of optometry approved and recognized by the examining board."

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

The Department estimates approximately 80 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Applicants for licensure by endorsement.

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):

The rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

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