

STATEMENT OF SCOPE

Optometry Examining Board

Rule No.: Chapters OPT 1 and 5

Relating to: Definitions

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 review the definitions for optometry in chapters OPT 1 and 5, to consider removing definitions that are no longer needed or no longer have any references in code or statute, and to consider updating or clarifying the definition of a minimum eye examination.

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:

In chapter OPT 5, the quality standards for ophthalmic lenses in OPT 5.11 and the disclosure requirements on extended-wear contact lenses in OPT 5.14 were removed by a previous rule. However, the definition of extended-wear contact lenses was left in OPT 5. The board will consider rulemaking to remove this obsolete definition. In chapter OPT 1, the definition of a minimum eye examination for the fitting of contact lenses includes a requirement to inform the patient of the risks if contact lenses are prescribed for extended wear. The board will consider rulemaking to update or clarify this definition.

If the rules are not updated, the requirements around extended-wear contact lenses could remain unclear to regulators and those in the profession.

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

Section 15.08 (5) (b), Stats. states that “[each 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 227.11 (2) (a), Stats. states that an agency, “may promulgate rules interpreting the 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:

70 hours

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

Licensed optometrists and their patients.

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 proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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