



**STATE OF WISCONSIN**  
Department of Safety and Professional Services  
1400 E Washington Ave.  
Madison WI 53703

Mail to:  
PO Box 8935  
Madison WI 53708-8935

Email: [dsps@wisconsin.gov](mailto:dsps@wisconsin.gov)  
Web: <http://dsps.wi.gov>  
Phone: 608-266-2112

**Governor Scott Walker      Secretary Dave Ross**

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**OPTOMETRY EXAMINING BOARD  
VIA VIRTUAL MEETING  
Room 121C, 1400 E. Washington Avenue, Madison  
Contact: Mojgan Hall, 608-261-4486  
November 15, 2012**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions and deliberations of the Board.*

**FULL BOARD MEETING  
9:00 A.M.**

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. **Adoption of Agenda (1-3)**
- B. **Approval of Minutes of March 29, 2012 (5-6)**
- C. Executive Director Matters
- D. Secretary Matters
- E. Review of 2013 Meeting Dates (7-8)
- F. **9:15 a.m. APPEARANCE - Chad Zadrazil and Russell King, Safety and Professional Services Staff: Prescription Drug Monitoring Program (PDMP) Update (9-10)**
- G. Presentation of Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance
- H. **Division of Legal Services and Compliance Matters:**
  - 1) Administrative Complaint Closure Policy (11-14)
  - 2) Discussion of Correspondence from State of Arkansas, Regarding Illegal Purchases of Tinted Contact Lenses (15-17)
- I. **Education and Examination Issues Matters:**
  - 3) Discussion of American Optometric Association plans to make the Accreditation Council on Optometric Education (ACOE) an Accreditation Agency for Continuing Education (19-21)
- J. **Practice Questions/Issues:**
  - 4) Discussion of Length of Time Paper Records Need to be Retained after Converting to Electronic Records (23)

**K. Legislation/Administrative Rule Matters:**

- 5) Review and Consideration of Proposed Rulemaking Order Amending Opt. 5.02 (4), Relating to Lens Prescriptions (25-27)

**L. Speaking Engagement(s), Travel, or Public Relation Request(s):**

- 1) Update on ARBO 2012 Annual Meeting-Mark Jenkins (29)

**M. Liaison Reports**

**N. Items Received After Printing of the Agenda:**

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Proposed Final Decision and Order(s)
- 5) Informational Item(s)
- 6) Division of Legal Services and Compliance (DLSC) Matters
- 7) Legislation/Administrative Rule Matters
- 8) Education and Examination Matters
- 9) Credentialing Matters
- 10) Practice Questions/Issues
- 11) Legislation/Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Speaking Engagement(s), Travel, or Public Relation Request(s)

**O. New Business**

**P. Public Comments**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.)**

**Q. Division of Legal Services and Compliance:**

- 1) Case Status Reports
- 2) Case Closings

**R. Deliberation of Items Received After Printing of the Agenda:**

- 1) Application Matters and/or Reviews
- 2) Professional Assistance Procedure (PAP)
- 3) Monitoring Matters
- 4) Complaints
- 5) Proposed Stipulations, Final Decisions and Orders
- 6) Administrative Warnings
- 7) Review of Administrative Warning
- 8) Orders Fixing Costs/Matters Related to Costs
- 9) Proposed Final Decisions and Orders
- 10) Petitions for Summary Suspension
- 11) Petitions for Re-hearings
- 12) Examination Matters
- 13) Credential Matters
- 14) Appearances from Requests Received or Renewed
- 15) Motions

S. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

T. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

U. Other Board Business

**NEXT MEETING: March 28, 2013**

**ADJOURNMENT**

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**OPTOMETRY EXAMINING BOARD  
LIVE MEETING MINUTES  
March 29, 2012**

**PRESENT:** Swaminat Balachandran, Ann Meier Carli, Gregory Foster, Kathi Leach, Richard Foss  
**STAFF:** Berni Mattsson, Executive Director; Lydia Thompson, Legal Counsel; David Carlson, Bureau Assistant  
**GUESTS:** Peter Theo, WI Optometry Association (WOA)

**CALL TO ORDER**

Gregory Foster, Chair, called the meeting to order at 9:10 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Jinkins moved, seconded by Balachandran, to adopt the agenda, adding the item “Board Member Guidebook” as an informational item under “Executive Director Matters”. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 17, 2011**

**MOTION:** Balachandran moved, seconded by Carli to approve the minutes of the November 17, 2011 as submitted. Motion carried unanimously.

**EXECUTIVE DIRECTOR MATTERS**

Berni Mattsson reviewed the new Board Member Guidebook and asked Board members to please sign and return the acknowledgement form to her.

**BOARD DISCUSSION ITEMS INCLUDING ANY RECEIVED AFTER PRINTING OF AGENDA**

- 1) Division of Enforcement Matters
- 2) Education and Examination Issues Matters
- 3) Credentialing Matters
- 4) Practice Questions/Issues
- 5) Legislation/Administrative Rule Matters.
- 6) Liaison Reports
- 7) Speaking Engagement, Travel, Public Relation Requests

**INFORMATIONAL ITEMS**

Berni reviewed 2011 WI Act 146 with the Board. She mentioned that it gives the Department greater ability to regulate unlicensed practice.

**NEW BUSINESS**

The Board discussed designating a representative to attend the ARBO 2012 Annual Meeting. Dr. Foster reviewed the purpose of ARBO. Dr. Foster said it is a great opportunity to share ideas and information with other states.

**MOTION:** Foster moved, seconded by Carli, to authorize Mark Jinkins to attend the 2012 ARBO Annual meeting on behalf of the Optometry Board, seconded by Carli. Motion carried. Balachandran abstained.

**PUBLIC COMMENTS**

Peter Theo, WOA, welcomed Mark Jinkins as new Public Member.

**ADJOURNMENT**

**MOTION:** Balachandran moved, seconded by Jinkins seconded, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:29 a.m.

**THE NEXT MEETING IS July 26, 2012**

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Kimberly Wood, Program Assistant Supervisor</b>		2) Date When Request Submitted: <b>10/15/2012</b>  Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Optometry Examining Board</b>			
4) Meeting Date:  <b>11/15/2012</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>2013 Meeting Dates</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  <b>N/A</b>	
10) Describe the issue and action that should be addressed:  <p>The Board should review and note its meeting dates scheduled for 2013. Please advise your Executive Director of any existing conflicts.</p>			
11) <b>Authorization</b>			
<i>Kimberly Wood</i>		<b>10/15/2012</b>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			



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Web: <http://dps.wi.gov>  
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**Governor Scott Walker      Secretary Dave Ross**

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**MEMO**

**TO:** Optometry Examining Board  
**FROM:** Kimberly Wood, Program Assistant Supervisor  
**DATE:** October 18, 2012  
**RE:** 2013 Meeting & Screening Dates

Board meeting and screening panel sessions have been scheduled as follows. If a Board meeting is not held and there are cases to be screened, the Division of Legal Services and Compliance will conduct the screening panel session via telephone.

March 28	Screening and Meeting	8:30/9:00	Room 121C
July 18	Screening and Meeting	8:30/9:00	Room 121A
November 14	Screening and Meeting	8:30/9:00	Room 121C

**Keep an eye out for additional information regarding screening meetings for those months where no board meeting is scheduled.**

**For any complaint intake or screening panel matters, please contact Patara Horn at 608-261-0134 or at [patara.horn@wisconsin.gov](mailto:patara.horn@wisconsin.gov).**





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Web: <http://dsps.wi.gov>

Voice: 608-266-2112 • FAX: 608-267-0644 • TTY: 608-267-2416

### Overview of the Prescription Drug Monitoring Program

October 2012

- A prescription drug monitoring program (PDMP) is a statewide program that collects and stores information regarding the prescribing and dispensing of monitored prescription drugs to assist in reducing the illicit use and diversion of monitored prescription drugs
- A PDMP is an important tool that helps reduce the healthcare, social and enforcement costs that stem from prescription drug addiction and play a key role in the fight to curb the prescription drug abuse epidemic<sup>1</sup>:
  - o PDMPs enable healthcare practitioners and pharmacists to access the information about patients prior to prescribing and/or dispensing a monitored prescription drug
  - o PDMPs enable law enforcement authorities to request the information to aid in investigating crimes associated with prescription drug diversion
- As of April 2012, 43 states have operational PDMPs

#### Development of the PDMP in Wisconsin

- 2009 Wis. Act 362 directs the Department of Safety and Professional Services (Department) to seek federal grant funding and the Pharmacy Examining Board (Board) to create a PDMP through rule
- The U.S. Department of Justice awarded a grant to fund the development and deployment of PDMP to the Department in October 2011
- The PDMP is currently under development
- Development of the PDMP involves two processes:
  - o Vendor Procurement:
    - The Department worked with staff at the Department of Administration, Bureau of Procurement to develop a request for proposal (RFP)
    - The RFP was posted in May and proposals from vendors were due in June 2012
    - Contract negotiations are ongoing
  - o Administrative Rule Promulgation:
    - The Board drafted rules, CR 12-009, to create Ch. Phar 18 of the Administrative Code to create and regulate the PDMP
    - The Board submitted the rule to the Legislature in March
    - The Legislature ended its review in July
    - The Board approved the rule for publication in September
    - The rules will be published on October 31 and become effective on January 1, 2013

<sup>1</sup> See Controlled Substances Workgroup of the Wisconsin State Council on Alcohol and other Drug Abuse, "Reducing Wisconsin's Prescription Drug Abuse: A Call to Action," Jan. 2012 and Christine Durkin, et al., "Cost-Benefit Analysis of a Prescription Drug Monitoring Program in Wisconsin," La Follette School of Public Affairs, Dec. 20, 2010.



**STATE OF WISCONSIN**  
**DEPARTMENT OF SAFETY and PROFESSIONAL SERVICES**  
**DIVISION OF ENFORCEMENT**

**POLICY/PROCEDURE**

**Subject: Administrative Complaint Closures by Division of Enforcement Prior to  
Submission to Screening Panel**

**Section: 15.0 (Version 2) Effective Date: April 10, 2012**

Authorized by the Division Administrator:  
**Chad Koplien**

**Intent of Policy:** The intent of this policy/procedure is to identify complaints that can be closed by Division of Enforcement staff and attorney supervisors to eliminate the opening of unnecessary complaints, complaints without legal basis or where the complaint can be, or has been addressed by another court, agency, or organization with more direct financial resources, common authority, or jurisdiction.

**Procedure:** Intake staff shall seek the input of the applicable business/health team attorney supervisor regarding any case of the types listed below. The attorney supervisor will make the decision on whether any of these types of complaints shall be administratively closed on the basis of legal discretion at the intake stage prior to referral to the screening panel. In the event intake staff allows a case which falls into one of the categories below to be referred to screening without consideration for closure, prior to the screening panel date, the prosecuting attorney shall discuss the case with his or her attorney supervisor, and the supervisor shall determine whether the case should be administratively closed and withdrawn from panel consideration.

The following types of complaints shall be vigorously identified by Division staff for potential closure after legal review:

1. Anonymous complaints that are not serious as determined from an objective legal perspective; or lack sufficient evidence to support the allegations (e.g., no information on who, what, where, or when); or present no actual violation; or do not present a clear danger to the public;
2. Complaints of Healthcare fraud, including but not limited to Medicaid and Medicare fraud, shall be referred to agencies dedicated to investigating these issues (e.g., Department of Justice, Department of Health Services, or Private Insurer Internal Fraud Department), with a request that the agency or private insurer notify DOE of any adjudication of fraud. The Division shall prosecute a fraud complaint, only upon obtaining a certified copy of a judgment of conviction; an administrative adjudication finding fraud; or civil judgment adjudicating a finding of fraud;
3. Complaints where the incident alleged is older than two years unless the complaint alleges serious physical or financial harm or there is other substantial legal or public interest justification for opening for investigation;
4. Barber or Cosmetology complaints where the incident is older than one year and there is no evidence of bodily harm or serious financial harm as determined from an objective legal perspective;

5. Complaints or notifications of an OWI conviction unless the complaint contains evidence of a substantial relationship between the offense and the practice of the profession;
6. Commission and earnest money disputes or contract disputes between employee and employer;
7. Rudeness on the part of the licensee, with the exception of complaints against funeral directors;
8. Billing disputes or money issues unless there is an adjudication of fraud. The Division shall prosecute a fraud complaint, only upon obtaining a certified copy of a judgment of conviction; an administrative adjudication finding fraud, or civil judgment adjudicating a finding of fraud;
9. Advertising complaints in particular complaints by competitors, where there is no serious harm as determined by an objective legal perspective;
10. Disputes between professionals unless there is evidence of harm to a third party consumer;
11. Any complaint where there is adequate alternative redress through other regulatory agencies, authorities, or the courts, unless a certified copy of a judgment of conviction, administrative adjudication or civil judgment all which fully evidence the facts necessary to establish a professional regulatory violation; and
12. Any complaint where there is no actual physical or financial harm unless there is other substantial legal or public interest justification for opening for investigation as determined from an objective legal perspective.

Any complaint closed administratively, prior to submission to the screening panel, shall contain a statement drafted by the attorney supervisor, stating the basis for the closure. Also, the attorney supervisor should note if the complaint is appropriate for a "letter of education". In such case, the attorney supervisor shall assist intake staff in preparing an appropriate letter of instruction notifying the credential holder of the rule and/or violation at issue, and suggesting professional education to redress the allegation or deficiency. The intake supervisor working with the attorney supervisors shall monitor the number of cases closed under this policy and report these closures quarterly at Division of Enforcement management meetings.

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION and LICENSING  
DIVISION OF ENFORCEMENT**

**POLICY/PROCEDURE**

Subject: **Complaint Closures by Intake Staff**  
Section: **15.0 (Version 1)** Effective Date: **July 1, 2009**

Authorized by Division Administrator or Designee:  
**18 Month Committee**

**Intent of Policy/Procedure:** The intent of this policy/procedure is to identify complaints that can be closed by intake staff to eliminate unnecessary opening of complaints.

Intake staff will make the decision on whether a complaint will be closed at the intake stage for the following types of complaints:

- Anonymous complaints that are not serious/no evidence to support allegation/no clear danger to the public/no information on who, what, when, where (Business and Health Teams)
- Unproven allegations of Medicaid/Medicare fraud would be referred to the agency dedicated to investigating those issues and request notification of any findings of fraud that we should act upon (Health Teams)
- Business complaints where the incident is older than two years and no serious harm; exception will be real estate appraisers (Business Team)
- Barber and Cosmetology complaints where the incident is older than one year and no bodily harm (Business Team)
- DWI convictions unless a relationship to the profession
- Commission disputes (Business Team)
- Earnest money disputes (Business Team)
- Contract disputes between employee and employer (Business and Health Teams)
- Rudeness on the part of the licensee; (Business and Health Teams) exception will be funeral directors and cemeteries
- Billing disputes or money issues unless fraud is expected (Business and Health Teams)

**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b>  Mojgan Hall		<b>Date When Request Submitted:</b>  10/31/2012	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before meeting for all other boards</li> </ul>	
<b>Name of Board, Committee, Council:</b> Optometry Examining Board			
<b>Board Meeting Date:</b> 11/15/2012	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b>  Division of Enforcement Matters	
<b>Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b>  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>	
<b>Describe the issue and action the Board should address:</b>  <p>The Arkansas State Board of Optometry has discovered people are buying tinted contact lenses illegally from unlicensed outlets. ASBO would like other states to report such incidents to FDA and FTC and to Sen. Boozman in Washington, D.C. In particular, the number of patients that have been treated with eye injuries or infections related to illegal purchase of contact lenses. Please see the attached letter.</p>			
<b>If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:</b>			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Late Adds must be authorized by a Supervisor, DOE Division Administrator, and Bureau Director. 3. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
<b>Authorization:</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Division Administrator (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	



# Arkansas State Board of Optometry

## MEMBERS

**DALE L. MORRIS, O.D., Pres.**  
330 DILLARD AVENUE  
FORREST CITY, AR 72335  
(870) 883-1174 FAX (870) 633-3436  
2018

**WILLIAM COFFEE, O.D., Vice Pres.**  
405 WEST 15TH STREET  
HOPE, AR 71801  
(870) 777-3443 FAX (870) 777-3266  
2012

**KENNETH HUBBARD, JR., O.D., SEC'Y-TREAS.**  
P.O. BOX 2417  
HARRISON, AR 72601  
(870) 741-2787 FAX (870) 741-8714  
2014

**ROBERT S. SMALLING, O.D.**  
118 NORTH MAIN STREET  
WARREN AR 71671  
(870) 228-8731 FAX (870) 228-7864  
2015

## AFFILIATED WITH ASSOCIATION OF REGULATORY BOARDS



WWW.AROPTOMETRY.ORG

## MEMBERS

**MR. EDWARD SPEARS**  
108 North Pine Street  
Webbster, AR 72175  
(870) 786-4813  
2012

**MR. HERMAN SHIRLEY**  
2417 OZARK DRIVE  
NORTH LITTLE ROCK, AR 72116  
(501) 836-4771  
2013

**GEORGE A. HAAS, O.D.**  
3004 EAST KIEHL AVENUE  
SHERWOOD, AR 72120  
(501) 836-7900 FAX (501) 836-5066  
2013

**HOWARD F. FLIPPIN, O.D.**  
EXECUTIVE DIRECTOR

Dear Fellow State Boards of Optometry:

We are writing to inform you of a crisis we have in Arkansas and one we are sure is occurring all over the country. People are buying tinted contact lenses illegally from every conceivable outlet. They are being injured and acquiring sight threatening infections. Our state board in Arkansas is spending a major portion of our budget to investigate these businesses that are selling the contacts illegally. The contact lenses are being sold in beauty supply houses, nail and manicure shops, gas stations, quick shops, etc. We promise you that it is occurring where you are.

The only way to stop this is to get the FDA and FTC to put force behind the national law passed by congress to enforce the fact that a person must have a contact lens RX to purchase these contacts. Senator John Boozman of Arkansas, and an optometrist, needs statistics to be able to talk to the FTC to help in this area.

We as a board are asking all of our optometrists in Arkansas to give us the number of patients they have treated with eye injuries or infections secondary to illegally purchased contact lenses. We are asking you to do the same and send that information to Senator John Boozman's office in Washington, D.C. You can email it to a gentleman in his office who will organize this information for Sen. Boozman to use in approaching the FTC. First, send the information to the FTC at [www.ftccomplaintassistant.gov/FTC](http://www.ftccomplaintassistant.gov/FTC) Then send it to [jack\\_sisson@boozman.senate.gov](mailto:jack_sisson@boozman.senate.gov).

We would suggest the optometrist give the diagnosis, injury, infection, etc. in order to help explain the problem to the FTC. You do not need any names or information at all about the individual patients. We just need the type and number of incidents that are occurring. We are also contacting the ophthalmological society for the same information, as they are treating the same problems.

Because so many gas stations are selling contact lenses, we are contacting the petroleum industry to get information out to their vendors as to the illegality of selling contact lenses and dangers that exist. We are also informing the AOA of what is going on to get any public relations out concerning this problem.

Thank you in advance for any help you can give Senator Boozman in this area to try to protect the public, as we are required as board members to do.

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**State of Wisconsin  
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**AGENDA REQUEST FORM**

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<b>Name of Board, Committee, Council:</b> Optometry Examining Board			
<b>Board Meeting Date:</b> 11/15/2012	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> <b>Informational Items:</b> Discussion on the American Optometric Association's Desire to Make ACOE an Accreditation Agency for Continuing Education	
<b>Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b>  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>	
<b>Describe the issue and action the Board should address:</b>  Discuss the American Optometric Association's Desire to Make ACOE an Accreditation Agency for Continuing Education. Please see the attached letter from ARBO.			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Late Adds must be authorized by a Supervisor, DOE Division Administrator, and Bureau Director. 3. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
<b>Authorization:</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Division Administrator (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	



Association of Regulatory Boards of Optometry, Inc.

## Association of Regulatory Boards of Optometry

200 South College Street  
Suite 2030  
Charlotte, NC 28202

Tel: (704) 970-2710  
Fax: (704) 970-2720  
Email: arbo@arbo.org

### MEMORANDUM

To: ARBO Member Regulatory Board Members  
From: Michael W. Ohlson, OD, FAAO, President  
Date: May 18, 2012  
Re: CE Accreditation

It's been a busy year for ARBO. I'm pleased to report that it has also been a good year. Every committee has demonstrated efforts well beyond the standards of duty. As we approach the Annual Meeting, I'd like to thank the entire staff and all volunteers for their hard work on the committees and in preparation for Chicago. I could not adequately praise any of those involved. Thank you.

One recent topic of interest has been the possibility of the American Optometric Association's (AOA) Accreditation Council on Optometric Education (ACOE) becoming an accreditation body for CE providers. The ACOE currently accredits the professional degree and residency programs. Let's review the issue.

Society grants regulatory jurisdictions the privilege to utilize appointed ODs to determine continuing competency requirements for the public welfare (self-regulation). To address the needs of multiple jurisdictions, the COPE system of course accreditation was developed and has been altered as necessary. It's not perfect. COPE continues to evolve.

To be credible and effective, accreditation entities must be independent and free of unmanageable conflicts of interest (COI). To formulate an informed opinion, one merely needs to review the definition, advantages, and disadvantages of accreditation. It is unlikely that new accreditation systems produced by professional associations or their subcommittees will be deemed valid given the scrutiny of the modern age. For example, the ACOE, while diligent and dedicated, is not autonomous. Each member is an AOA presidential appointee and directed not to represent the perspectives of the entities submitting their names. The ACOE receives significant AOA support and its mission is directed by the AOA bylaws. In addition, the AOA is a major CE provider (Optometry's Meeting). The lack of independence and obvious COI provide little support for the validity of the concept.

Health professions have been subjected to increasing public and government scrutiny. The 2007 Senate Finance Committee's (SFC) report on pharmaceutical industry support of continuing medical education (CME) clearly specified the expectations for independent review of content for bias prior to presentation, timely correction of deviation from standards (requirements), and on-site review to assure the delivery of the approved content. By choosing to educate ODs, CE providers share the common interest of presenting appropriate material with their

respective regulatory jurisdictions. The SFC was explicit. Accountability is a significant aspect of modern professional responsibility and duty.

In formulating opinions, jurisdictions should also consider the time, labor, and costs involved with proper accreditation and compliance to standards. In addition, the concept of effective self-regulation in health professions has faced increased criticism and scrutiny. Finally, the jurisdictions should consider their missions to protect the public welfare. Frankly, accreditation captured by the interests of associations, CE providers, or industry is not in the best interest of either the public or the profession of optometry.

Please look for an ARBO White Paper regarding the issue of CE accreditation to arrive soon. I'm certain you'll find it interesting and valuable.

Thank you for the opportunity and privilege to serve as president of ARBO. It has been my pleasure. I hope to see you in Chicago.



Michael W. Ohlson, OD, FAAO

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**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

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		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before meeting for all other boards</li> </ul>	
<b>Name of Board, Committee, Council:</b> Optometry Examining Board			
<b>Board Meeting Date:</b> 11/15/2012	<b>Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b> <b>Practic Question:</b> <b>Discussion on the Length of Time Required to Keep Paper Records After Converting to Electronic Records.</b>	
<b>Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b>  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>	
<b>Describe the issue and action the Board should address:</b>  Once I Convert to Electronic Records, How Long Should I Keep the Paper Records? Should I Keep Them for 6 Years?			
If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Late Adds must be authorized by a Supervisor, DOE Division Administrator, and Bureau Director. 3. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
<b>Authorization:</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Division Administrator (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Sharon Henes</b> <b>Paralegal</b>		<b>2) Date When Request Submitted:</b> <i>25 October 2012</i>	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b> Board of Nursing			
<b>4) Meeting Date:</b>  15 Nov.2012	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  <b>Review and consideration of Proposed Rulemaking Order amending Opt 5.02(4) relating to lens prescription</b>	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If yes, who is appearing?</b>  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Review and consider language of rule amending lens prescription.			
<b>11) Authorization</b>			
<i>Sharon Henes</i>		<i>25 October 2012</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director.</li> <li>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>			

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Optometry Examining Board to amend Opt 5.02(4) relating to lens prescription.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** § 449.08, Wis. Stats.

**Statutory authority:** § 15.08(5)(b)

**Explanation of agency authority:** Each 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 professional.

**Related statute or rule:** Opt 5

**Plain language analysis:**

Modification of the definition for lens prescription would provide clarity and create a consistency between lens prescriptions and contact lens prescriptions. Health care entities are increasingly utilizing electronic prescriptions and signatures as a way to improve patient safety, inefficiencies and control costs.

**Summary of, and comparison with, existing or proposed federal regulation:** None

**Comparison with rules in adjacent states:**

**Illinois:** In Illinois no ophthalmic lenses, prisms or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches. It does not specifically address electronic prescription.

**Iowa:** In Iowa a person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written, electronic or facsimile prescription from a person licensed as an optometrist or physician.

**Michigan:** Internet search of Michigan optometry statutes and rules did not reveal a definition of an optometrist prescription.

**Minnesota:** Minnesota requires prescriptions furnished to the patient to be signed by the examining optometrist. It does not specify whether the prescription may be electronic.

**Summary of factual data and analytical methodologies:**

The Department of Safety and Professional Services ensured the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

**Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

**Fiscal Estimate and Economic Impact Analysis:**

**Effect on small business:**

**Agency contact person:**

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

**Place where comments are to be submitted and deadline for submission:**

Comments may be submitted to Sharon.Henes@wisconsin.gov, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received on or before \_\_\_\_\_ to be included in the record of rule-making proceedings.

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TEXT OF RULE

Section 1. Opt 5.02(4) is amended to read:

Opt 5.02(4) "Lens prescription" means a written or electronic order that contains the specifications for ophthalmic materials for a particular patient for the purpose of treating the refractive or functional abilities of the visual system or the enhancement of visual performance.

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(END OF TEXT OF RULE)  
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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 \_\_\_\_\_

Agency \_\_\_\_\_  
(Member of the Board or Secretary)  
(board of department name)

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**State of Wisconsin  
Department of Safety and Professional Services**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b>  Mojgan Hall		<b>Date When Request Submitted:</b>  10/31/2012	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before meeting for all other boards</li> </ul>	
<b>Name of Board, Committee, Council:</b> Optometry Examining Board			
<b>Board Meeting Date:</b> 11/15/2012	<b>Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b>  Update on ARBO's June, 2012 Conference in Chicago	
<b>Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b>  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>	
<b>Describe the issue and action the Board should address:</b>  Mark Jinkins will give us an update on ARBO's June, 2012 Conference in Chicago			
<b>If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:</b>			
<b>Directions for including supporting documents:</b> 1. This form should be attached to any documents submitted to the agenda. 2. Late Adds must be authorized by a Supervisor, DOE Division Administrator, and Bureau Director. 3. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.			
<b>Authorization:</b>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Division Administrator (if required)		Date	
Bureau Director signature (indicates approval to add late items to agenda)		Date	

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