

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE	:	FOR COMMENTS FOR THE
OPTOMETRY EXAMINING BOARD	:	ECONOMIC IMPACT ANALYSIS
	:	

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NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Optometry Examining Board relating to the definition of lens prescription. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Sharon Henes  
Division of Policy and Development  
Department of Safety and Professional Services  
PO Box 8935  
Madison, WI 53708-8935  
[Sharon.Henes@Wisconsin.gov](mailto:Sharon.Henes@Wisconsin.gov)

The deadline for submitting economic impact comments is February 22, 2013 .

PROPOSED ORDER

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

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 449.08, Stats.

**Statutory authority:** Sections 15.08 (5) (b) and 227.11 (2) (a), Stats.

**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.

SECTION 1. Amends s. Opt 5.02 (4) by expanding the definition of lens prescription by allowing as an option an electronic signature and format.

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

**Comparison with rules in adjacent states:**

The following comparisons are the result of various Internet searches:

**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:**

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

**Fiscal Estimate and Economic Impact Analysis:**

The department is currently soliciting information and advice from businesses, local government units and individuals in order to prepare the Economic Impact Analysis.

**Effect on small business:**

**Agency contact person:**

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

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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.

SECTION 2. EFFECTIVE DATE. The rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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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  
Optometry Examining Board