



**VIRTUAL/TELECONFERENCE
OPTOMETRY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
April 7, 2022**

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 of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of January 20, 2022 (5-10)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Clark, Jeffrey J. – 7/1/2023
 - b. Jinkins, Mark A. – 7/1/2016
 - c. Schulz, Robert C. – 7/1/2020
 - d. Slaby, Lisa L. – 7/1/2023
 - e. Sorce, Peter I. – 7/1/2023
 - f. Sterling, John L. – 7/1/2025
 - g. Wilson, Emmylou – 7/1/2023
- F. Board Chair Meeting and Options to Address Department Resources – Discussion and Consideration**
- G. Legislative and Policy Matters – Discussion and Consideration
- H. Administrative Rule Matters – Discussion and Consideration**
 - 1) Adoption Orders (**11-18**)
 - a. OPT 3 – Relating to Reciprocal Credentials
 - b. OPT 5 – Relating to Professional Conduct
 - 2) Rule Project Chart (**19**)
 - 3) Pending and Possible Rulemaking Projects
 - a. Licensees Responding to Social Media Posts, Confidentiality Requirements

I. Speaking Engagements, Travel, Public Relation Requests, and Reports – Discussion and Consideration

- 1) Consideration of Attendance: Association of Regulatory Boards of Optometry (ARBO) 2022 Annual Meeting, June 12-14, 2022 – Chicago, Illinois **(20-26)**

J. COVID-19 – Discussion and Consideration

K. Discussion and Consideration of Items Added After Preparation of Agenda

- 1) Introductions, Announcements and Recognition
- 2) Nominations, Elections, and Appointments
- 3) Administrative Matters
- 4) Election of Officers
- 5) Appointment of Liaisons and Alternates
- 6) Delegation of Authorities
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), 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.).

M. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions

- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

N. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- O. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- P. Open Session Items Noticed Above Not Completed in the Initial Open Session
- Q. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING: JULY 7, 2022

**VIRTUAL/TELECONFERENCE
OPTOMETRY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
April 7, 2022**

**OPTOMETRY EXAMINING BOARD
2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING
9:15 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

A quorum of the Optometry Examining Board may be present; however, no board business will be conducted.

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the

parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
OPTOMETRY EXAMINING BOARD
MEETING MINUTES
JANUARY 20, 2022**

PRESENT: Jeffrey Clark, Robert Schulz, Lisa Slaby, Peter Sorce, John Sterling, Emmylou Wilson

EXCUSED: Mark Jenkins

STAFF: Tom Ryan, Executive Director; Jon Derenne, Legal Counsel; Katlin Schwartz, Bureau Assistant; Kimberly Wood, Program Assistant Supervisor-Advanced; and other DSPS Staff

CALL TO ORDER

Robert Schulz, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Peter Sorce moved, seconded by Lisa Slaby, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 23, 2021

MOTION: Robert Schulz moved, seconded by John Sterling, to adopt the Minutes of September 23, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Jeffrey Clark nominated Robert Schulz for the Office of Chairperson. Robert Schulz accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Robert Schulz was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Jeffrey Clark nominated John Sterling for the Office of Vice Chairperson. John Sterling accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

John Sterling was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: John Sterling nominated Jeffrey Clark for the Office of Secretary. Jeffrey Clark accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Jeffrey Clark was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Robert Schulz
Vice Chairperson	John Sterling
Secretary	Jeffrey Clark

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	John Sterling <i>Alternate: Lisa Slaby</i>
Education and Exams Liaison(s)	John Sterling <i>Alternate: Lisa Slaby</i>
Monitoring Liaison(s)	Jeffrey Clark <i>Alternate: Mark Jenkins</i>
Professional Assistance Procedure (PAP) Liaison(s)	Jeffrey Clark <i>Alternate: Peter Sorce</i>
Legislative Liaison(s)	Peter Sorce <i>Alternate: Robert Schulz</i>
Travel Authorization Liaison(s)	Robert Schulz <i>Alternate: Lisa Slaby</i>
Prescription Drug Monitoring Program Liaison(s) (PDMP)	Robert Schulz <i>Alternate: Emmylou Wilson</i>
SCREENING PANEL APPOINTMENTS	
January-December 2022	Emmylou Wilson, Mark Jenkins, Jeffrey Clark <i>Alternate: Lisa Slaby</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Peter Sorce moved, seconded by Jeffrey Clark, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Lisa Slaby moved, seconded by John Sterling, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Peter Sorce moved, seconded by Emmylou Wilson, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Robert Schulz moved, seconded by Peter Sorce, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Peter Sorce moved, seconded by Robert Schulz, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the January 20, 2022 agenda materials on pages 15-16. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Robert Schulz moved, seconded by Jeffrey Clark, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Robert Schulz moved, seconded by Lisa Slaby, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Peter Sorce moved, seconded by John Sterling, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: John Sterling moved, seconded by Robert Schulz, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Robert Schulz moved, seconded by Lisa Slaby, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of optometry. Motion carried unanimously.

Delegation of Authority for Endorsement Reviews

MOTION: Emmylou Wilson moved, seconded by Peter Sorce, to delegate authority to the Department Attorneys to review and approve endorsement applications in which the out of state license requirements are substantially similar to the Board's requirements for licensure. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Robert Schulz moved, seconded by John Sterling, to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Voluntary Surrenders

MOTION: Lisa Slaby moved, seconded by Emmylou Wilson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Peter Sorce moved, seconded by Jeffrey Clark, to delegate authority to the Education and Examination Liaison(s) to address all issues related to continuing education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: John Sterling moved, seconded by Jeffrey Clark, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Lisa Slaby moved, seconded by John Sterling, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Peter Sorce moved, seconded by John Sterling, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Lisa Slaby moved, seconded by Peter Sorce, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the Board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Prescription Drug Monitoring Program (PDMP) Liaison(s) Delegation

MOTION: John Sterling moved, seconded by Jeffrey Clark, to delegate authority to the PDMP Liaison(s) for all matters relating to PDMP. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order for CR 21-004 (Opt 3), Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses

MOTION: Robert Schulz moved, seconded by Lisa Slaby, to approve the Adoption Order for Clearinghouse Rule CR 21-004 (Opt 3), relating to reciprocal credentials for service members, former service members, and their spouses. Motion carried unanimously.

BOARD SETTING OF GOALS FOR 2022 TO ADDRESS OPIOID ABUSE – WIS STAT. S. 440 (2m) (c)

MOTION: John Sterling moved, seconded by Peter Sorce, to adopt the goals outlined on page 25 of the agenda with the clarification that the two (2) credit responsible controlled substance prescribing continuing education requirement has sunset at the end of 2021, but the Board will consider the need for that requirement going forward. Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Jeffrey Clark moved, seconded by Robert Schulz, to delegate ratification of examination results to DSPS staff and to delegate and ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: John Sterling moved, seconded by Jeffrey Clark, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:43 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny		2) Date when request submitted: 03/28/2022 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>													
3) Name of Board, Committee, Council, Sections: Optometry Examining Board															
4) Meeting Date: 04/07/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Adoption Orders a. OPT 3 – Reciprocal Credentials b. OPT 5 – Professional Conduct 2. Rule Projects Chart 3. Pending or Possible Rulemaking Projects: a. Licensees responding to social media posts – confidentiality requirements													
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A													
10) Describe the issue and action that should be addressed: Attachments: <ul style="list-style-type: none"> • Adoption Order – OPT 3, Reciprocal Credentials • Adoption Order – OPT 5, Professional Conduct • Signed Scope – OPT 8, Continuing Education • Optometry Rule Projects Chart Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx															
11) Authorization <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><i>Dana Denny</i></td> <td style="width: 30%; text-align: right;">03/28/22</td> </tr> <tr> <td>Signature of person making this request</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Supervisor (if required)</td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="2"><hr/></td> </tr> <tr> <td>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right;">Date</td> </tr> </table>				<i>Dana Denny</i>	03/28/22	Signature of person making this request	Date	<hr/>		Supervisor (if required)	Date	<hr/>		Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date
<i>Dana Denny</i>	03/28/22														
Signature of person making this request	Date														
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Supervisor (if required)	Date														
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Executive Director signature (indicates approval to add post agenda deadline item to agenda)	Date														
Directions for including supporting documents: 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 Bureau Assistant prior to the start of a meeting.															

STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 21-005)

ORDER

An order of the Optometry Examining Board to repeal Opt 1.02 (2), 5.03 (23), 5.10 (1) (d), 5.11, and 5.14; to amend Opt 5.03 (16), 5.03 (17) (a) 3., 5.03 (17) (b) 3., and 5.10 (1) (f); to repeal and recreate Opt 1.02 (4) and (5); and to create Opt 1.02 (5m) and 5.045 (3), relating to unprofessional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 449.03, 449.08 and 449.25, Stats.

Statutory authority: Sections 15.08 (5) (b), 227.11 (2) (a) and 449.25, Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., states that the 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., sets forth the parameters of an agency’s rule-making authority, stating 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.”

Section 449.25, Stats., provides that the examining board shall promulgate rules relating to informed consent, stating that, “[a]ny optometrist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments....”

Related statute or rule:

Sections 449.01 (2), 449.03 (1), and 990.01 (20), Stats.

Plain language analysis:

The proposed rule clarifies that it is unprofessional conduct for an optometrist to fail to conduct certain procedures during a minimum eye examination and a minimum eye examination for the fitting of contact lenses.

It also removes the requirement that optometrists provide a written disclosure to extended wear contact lens patients describing the risks associated with extended wear contact lenses. The language in the rule is outdated and rewriting the disclosure statement would place unnecessary administrative requirements on optometrists. The public is protected by s. 449.25 (1), Stats., designating a “reasonable optometrist” standard requiring “...disclosure only of information that a reasonable optometrist would know and disclose under the circumstances.”

The proposed rule removes the requirement that optometrists make a notation in the patient file that ophthalmic lenses have been verified prior to dispensing and that they verify that ophthalmic lenses meet an obsolete American National Institute Standards, Inc. (ANSI) standard prior to dispensing.

It also clarifies that where the patient is a minor or is an incompetent person, informed consent must be received from the patient’s parent or legal guardian prior to treatment.

Summary of, and comparison with, existing or proposed federal regulation:

No existing or proposed federal regulations relate to disclosure to patients of risks associated with extended wear contact lens or verification of technical standards for ophthalmic lenses prior to dispensing to a patient.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule:**Comparison with rules in adjacent states:****Illinois:**

No existing or proposed Illinois regulations relate to disclosure to patients of risks associated with extended wear contact lens or verification of technical standards for ophthalmic lenses prior to dispensing to a patient.

Iowa:

No existing or proposed Iowa regulations relate to disclosure to patients of risks associated with extended wear contact lens or verification of technical standards for ophthalmic lenses prior to dispensing to a patient.

Michigan:

No existing or proposed Michigan regulations relate to disclosure to patients of risks associated with extended wear contact lens or verification of technical standards for ophthalmic lenses prior to dispensing to a patient.

Minnesota:

No existing or proposed Minnesota regulations relate to disclosure to patients of risks associated with extended wear contact lens or verification of technical standards for ophthalmic lenses prior to dispensing to a patient.

Summary of factual data and analytical methodologies:

The Optometry Examining Board performed a comprehensive review of chapter Opt 5. This rule project reflects the Board’s efforts to revise the chapter for clarity, remove obsolete provisions, and ensure the chapter is current with professional standards and practices.

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

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-287-3748; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1: Opt 1.02 (2) is repealed.

SECTION 2: Opt 1.02 (4) and (5) are repealed and recreated to read:

Opt 1.02 (4) “Minimum eye examination” means performance of all of the following procedures:

- (a) Recording a complete case history of the patient.
- (b) Measuring far and near visual acuity.
- (c) Conducting an internal and external examination of the eye and adnexa.
- (d) Measuring corneal curvature.
- (e) Obtaining objective measurement of refractive error.
- (f) Evaluating convergence and accommodation.
- (g) Obtaining far and near refraction.
- (h) Evaluating muscle balance.
- (i) Measuring intraocular pressure.
- (j) Recording spectacle prescription including far and near visual acuity.

Opt 1.02 (5): “Minimum eye examination for the fitting of contact lenses” means the performance of all of the following procedures:

- (a) Performing the minimum eye examination procedures under sub. (4).
- (b) Determining whether a patient may safely and comfortably wear contact lenses.
- (c) Using a spectacle prescription as a basis for selecting, designing, manufacturing, or duplicating a contact lens.
- (d) Placing a trial contact lens upon the eye of a patient for diagnostic purposes.
- (e) Evaluating the physical fit of the trial contact lens.
- (f) Using a phoropter, hand-held lens or any automated instrument for the purposes of determining the prescription or change in prescription of a contact lens.
- (g) Determining contact lens specifications.
- (h) Counseling the patient on all the following:
 - 1. The proper care and use of the prescribed contact lenses.
 - 2. The appropriate contact lens wearing schedule.
 - 3. Contact lens replacement schedule.
- (i) When contact lenses are prescribed for extended wear, informing the patient of the potential risks or complications.
- (j) Performing progress evaluations and recording in the patient record the recommended date of the patient's next visit.

SECTION 3: Opt 1.02 (5m) is created to read:

Opt 1.02 (5m) “Minor” has the meaning given in s. 990.01 (20), Stats.

SECTION 4: Opt 5.03 (16) is amended to read:

Opt 5.03 (16) Failing to have in good working order adequate equipment and instruments as are necessary to perform the minimum eye examination procedures specified in s. Opt. 1.02 ~~(5)~~ (4).

SECTION 5: Opt 5.03 (17) (a) 3. is amended to read:

Opt 5.03 (17) (a) 3. ~~An~~ A minimum eye examination for the fitting of contact lenses as defined in s. Opt 1.02 ~~(4)~~ (5).

SECTION 6: Opt 5.03 (17) (b) 3. is amended to read:

Opt 5.03 (17) (b) 3. Where written verification of all examination findings has been received from a licensed optometrist or an ophthalmologist, stating that a minimum eye examination, as defined in s. Opt 1.02 ~~(5)~~ (4), has been performed for the patient within the 6 month period immediately preceding the date of the patient's visit.

SECTION 7: Opt 5.03 (23) is repealed.

SECTION 8: Opt 5.045 (3) is created to read:

Opt 5.045 (3) If the patient is a minor or incompetent, the patient's parent or legal guardian shall be informed of all disclosures required under sub. (1).

SECTION 9: Opt 5.10 (1) (d) is repealed.

SECTION 10: Opt 5.10 (1) (f) is amended to read:

Opt 5.10 (1) (f) Documentation that alternate modes of treatment have been communicated to the patient and prior informed consent has been obtained from the patient. If the patient is a minor or incompetent, documentation that prior consent for treatment was received from the patient's parent or legal guardian.

SECTION 11: Opt 5.11 is repealed.

SECTION 12: Opt 5.14 is repealed.

SECTION 13: EFFECTIVE DATE. 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.

(END OF TEXT OF RULE)

Dated _____

Chairperson

STATEMENT OF SCOPE

Optometry Examining Board

Rule No.: Opt 8

Relating to: Continuing Education

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 clarify the number of in person continuing education hours required to renew an optometry license. The optometry board will also review Opt 8 in its entirety to ensure that continuing education requirements reflect current best practices in the field.

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:

Updating the continuing education requirements will clarify the number of in person, continuing education hours required to renew an optometry license. Reviewing and updating the continuing education requirements will create clarity, utilize current technological methods of delivery of continuing education, and ensure required topics reflect the current practice of optometry.

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

15.08(5)(b) Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the profession.

449.06(2m) The examining board shall promulgate rules requiring a person who is issued a license to practice optometry to complete, during the 2-year period immediately preceding the renewal date specified in s. 440.08(2)(a), not less than 30 hours of continuing education. The rules shall include requirements that apply only to optometrists who are allowed to use topical ocular diagnostic pharmaceutical agents under s. 449.17 or who are allowed to use therapeutic pharmaceutical agents or remove foreign bodies from an eye or from an appendage to the eye under s. 449.18.

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

80 hours

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

Optometrists

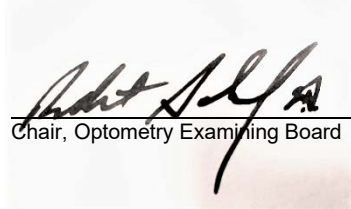
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

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.

Contact Person: Jon Derenne, Attorney, (608) 266-0955

A handwritten signature in black ink, appearing to read "Jon Derenne", is written over a horizontal line. The signature is cursive and somewhat stylized.

Chair, Optometry Examining Board

23 June 2021

Date Submitted

Optometry Examining Board
Rule Projects (updated 3/28/22)

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
21-004	086-20	12/29/2022	OPT 3	Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses	Adoption Order presented at 4/7/22 meeting	Rulemaking authority and signature
21-005	079-19	02/19/2022	OPT 5	Unprofessional Conduct	Adoption Order presented at 4/7/22 meeting	Rulemaking authority and signature
Not Yet Assigned	080-21	07/10/2024	OPT 8	Continuing Education	Scope Published on 09/20/21	Currently drafting rule.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Katlin Schwartz, Bureau Assistant		2) Date when request submitted: 3/23/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 4/7/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagements, Travel, Public Relation Requests, and Reports <ul style="list-style-type: none"> Consideration of Attendance: Association of Regulatory Boards of Optometry (ARBO) 2022 Annual Meeting, June 12-14, 2022 – Chicago, IL 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Consider whether the Board will designate someone to attend the conference. MOTION LANGUAGE: To designate NAME (as the Board’s delegate) to attend the Association of Regulatory Boards of Optometry (ARBO) 2022 Annual Meeting on June 12-14, 2022 in Chicago, IL.			
11) Authorization			
Katlin Schwartz		3/23/2022	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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 Bureau Assistant prior to the start of a meeting. 			



Association of Regulatory Boards of Optometry, Inc.

(/)

HOT LINKS

[OE TRACKER Login \(/oetracker/login\)](/oetracker/login)

[COPE Reviewer Login \(/reviewer/login\)](/reviewer/login)

[COPE Administrator Login \(/orgs/login\)](/orgs/login)

[ARBO Member Boards Login \(/memberboards/login\)](/memberboards/login)

[OE TRACKER Mobile App \(/oetracker/mobile\)](/oetracker/mobile)

Summer 2021 GreenSheet (<https://s3.amazonaws.com/arbo.org/public/38f60f54-a268-4720-aa58-886464803158.pdf>)

2022 ARBO Annual Meeting

ARBO 2022 Annual Meeting

**June 12-14, 2022
Palmer House Hotel
Chicago, Illinois**

Please join us for the 2022 ARBO Annual Member Meeting in Chicago, Illinois. Members and staff of Regulatory Boards of Optometry in the United States, Canada, Australia, and New Zealand are invited to attend this important meeting. The ARBO Annual Member Meeting provides an excellent forum for keeping up-to-date with regulatory issues. This is a great opportunity to interact with your regulatory colleagues discussing hot topics and shared concerns in the regulatory community.

There will be an in-person option and a virtual option for attending the meeting this year. Virtual attendees will be able to attend reports and presentations that take place during the general session events of the meeting. In-person attendees will be able to attend the general session events as well as breakout sessions and other activities.

Meeting Registration: Complete the delegate registration form to register both voting and non-voting delegates who will be attending the meeting. The registration fee for the 2022 meeting is \$500 for in-person attendees and \$250 for virtual attendees. ARBO Life Members do not have to pay a registration fee. Non-Members may attend the meeting as observers. The Observer registration fee is \$550.

Online Registration: Please register by completing the [Online Registration Form \(/meetings/2022/register\)](#)

Printable Registration Form: You can also register by completing the [Printable Registration Form \(https://s3.amazonaws.com/arbo.org/public/2022+Annual+Meeting+Registration+Form.pdf\)](#)

Hotel Reservation Information: Rooms are being held at the Palmer House Hotel in Chicago for attendees of the ARBO Annual Meeting at a group rate of \$255 (+ taxes and fees) per night (single/double). In order to take advantage of the group rate, you must make your room reservation by Friday May 20, 2022.

To make, modify or cancel your hotel reservation online please visit <https://book.passkey.com/go/ARBO2022> (<https://book.passkey.com/go/ARBO2022>), or you can make your reservation by phone call 877.865.5321 and reference ARBO.

Meeting Agenda: Preliminary Meeting Agenda
(<https://s3.amazonaws.com/arbo.org/public/Preliminary+2022+Meeting+Agenda+for+Website>)

Travel Stipends/Scholarship Information: COMING SOON

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**Association of Regulatory Boards of Optometry
2022 Annual Membership Meeting**

June 12-14, 2022
Palmer House Hotel
Chicago, Illinois

"THE NEW REGULATORY REALITY"

Preliminary Meeting Agenda
(session times and titles are subject to change)

SUNDAY, JUNE 12, 2022

8:00 am-9:00 am *Registration and Breakfast*

Plenary Session:

- 9:00 am
 - **Call to Order**
 - **Statement of Quorum**
 - **Host Board of Optometry Welcome**
 - **Adoption of Agenda**
 - **President's Report**
 - **Executive Director's Report**
 - **Secretary-Treasurer's Report**
 - **Approval of 2021 Annual Meeting Minutes**
 - **Judicial Council/Resolutions Committee Report**
 - **Nominating Committee Report**
- 10:00 am ***OE TRACKER* Committee Report**
- 10:15 am **CELMO Committee Report**
- 10:30 am Morning Break
- 10:45 am **Member Board Reports: What's New in Your Jurisdiction?**
- 12:00-1:00 pm *Lunch*
- 1:00 pm **National Board Examination Review Committee (NBERC) Report**
- 1:15 pm **National Board of Examiners in Optometry Presentation**
- 1:45 pm **Disciplinary Case Examples & Discussion**
- 2:30 pm *Break*

- 3:00 pm **CE Outcomes Poster Presentations**
- 3:30 pm **Board Member Training**
- 4:30 pm **Call for Nominations from the Floor / Remarks from Board of Directors Nominees**
- 5:00 pm **Recess**
- 5:00-7:00 pm **President's Reception**

MONDAY, JUNE 13, 2022

Plenary Session:

- 7:30—8:30 am *Registration and Breakfast Buffet*
- 8:30 am **Call to Order**
- Statement of Quorum**
- Resolutions Committee Report**
- Finance/Budget Committee Report**
- 9:00 am **Regulatory Legal Update**
- 10:00 am **National Board of Examiners in Optometry Presentation**
- 10:30 am *Morning Break*
- 11:00 am **Panel Discussion of Synchronous vs. Asynchronous CE**
- 11:30 am **COPE Committee Report**
- 12:00-1:00 pm *Lunch*

Plenary Session:

- 1:00 pm **Artificial Intelligence in Optometry Presentation**
- 1:45 pm **Breakout sessions**
- 2:30 pm **Recess: *End Early or Workshop with Dale Atkinson***

TUESDAY, JUNE 14, 2022

Plenary Session:

7:30—8:30 am *Breakfast Buffet*

8:30 am **Call to Order**

Statement of Quorum

8:45 am **Adoption of 2023 Calendar Year Budget**

9:00 am *ARBO Board of Directors Election:*

- 4-Year Term Director Position
(Dr. Rick Orgain, not eligible for re-election)
- 4-Year Term Director Position
(Dr. Rebecca Sparks Dougherty, eligible for re-election)
- 1-Year Partial Term Director Position for Member Board Executive
(Replacing Patricia Bennett)

9:30 am **Resolutions Committee Report – Final**

9:45 am **Regulation in the News**

10:30 am *Morning Break*

10:45 am **Introduction of 2022-2023 ARBO Officers**

11:00 am **Regulatory Considerations for Scope Expansion**

11:45 am **Accreditation Council on Optometric Education (ACOE) Report**

12:00 pm **Old Business**

12:15 pm **New Business**

12:30 pm **Adjournment sine die**

Join Us For:

2023 ARBO Annual Meeting – June 18-20, 2023 in Alexandria, Virginia (near Washington, DC)



Association of Regulatory Boards of Optometry, Inc.

Association of Regulatory Boards of Optometry

3440 Toringdon Way
Suite 205 PMB #20533
Charlotte, NC 28277

Tel: (704) 970-2710
Fax: (888) 703-4848
Email: arbo@arbo.org

John D. Robinson Founder's Scholarship

ARBO has established the Founder's Scholarship in honor of Dr. John D. Robinson, former member of the Board of Directors, long-time Secretary, and ARBO Life Member. The scholarship each year to a person from an active ARBO member board who demonstrates the same passion and vision for the regulation of optometry that Dr. Robinson exemplified. (Note: Multiple scholarships may be awarded.)

Founder's Scholarship Details:

ARBO Member Boards may nominate one of their Board members or staff for the scholarship. The recipient of the award will receive the following:

- Complimentary registration for the Annual Meeting
- Accommodations for up to three nights at the meeting hotel
- Airfare to the meeting city (coach class, reservation must be made at least 2 weeks in advance of the meeting)

Founder's Scholarship Criteria:

- Must be a Board member or staff person of an ARBO Member Board in good standing for at least 3 years.
- Candidate must be nominated by the leadership of an ARBO Member Board.
- Nominations must be submitted by April 29, 2022.
- Submit a letter on your Board letterhead stating why you feel the candidate should be given the scholarship.
- Include the following in your letter:
 - Background information on your candidate— length of time on your Board, positions held, involvement in ARBO activities, etc.
 - Regulatory Board program support— Briefly explain any programs/projects for which your candidate has made significant contributions to your regulatory Board.
 - Community/Civic Involvement— List any community and/or civic activities your candidate is involved with.
 - Provide any additional information that you would like the committee to know about your candidate.
- The ARBO Annual Meeting Planning Committee will review applications and recommend a recipient to the ARBO Board of Directors for their final approval.
- The recipient will be notified by May 13, 2022.

To be considered for the scholarship for the 2022 ARBO Annual Meeting, please submit your nominations to Lisa Fennell, ARBO Executive Director, by email: lfennell@arbo.org no later than April 29, 2022.