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**VIRTUAL/TELECONFERENCE  
OPTOMETRY EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**September 22, 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 (1-3)**
- B. Approval of Minutes of July 7, 2022 (4-5)**
- C. Introductions, Announcements and Recognition**
  - 1) Recognition of John Sterling, Optometrist Member (Resigned: 9/19/2022)
- D. Reminders: Conflicts of Interest, Scheduling Concerns**
- E. Administrative Matters – Discussion and Consideration**
  - 1) Department, Staff and Board Updates
  - 2) Election of Officers, Appointment of Liaisons and Alternates
  - 3) Board Members – Term Expiration Dates
    - a. Clark, Jeffrey J. – 7/1/2023
    - b. Jenkins, 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. Wilson, Emmylou – 7/1/2023
- F. Quarterly Board Chair Connection Meeting Report and Department Resources– Discussion and Consideration**
- G. Legislative and Policy Matters – Discussion and Consideration**
- H. Administrative Rule Matters – Discussion and Consideration (6)**
  - 1) Review of Preliminary Rule Draft – Opt 8, Relating to Continuing Education **(7-9)**
  - 2) Possible Scope Statement – Opt 1, 5, and 6, Relating to Telehealth **(10-11)**
  - 3) Pending and Possible Rulemaking Projects

**I. Board Opioid Abuse Goal Setting and Report Pursuant to Wis. Stat. § 440.035(2m)(c) – Discussion and Consideration (12-16)**

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: TBD (2023)**

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 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**OPTOMETRY EXAMINING BOARD  
MEETING MINUTES  
JULY 7, 2022**

**PRESENT:** Jeffrey Clark, Mark Jinkins, Robert Schulz, Lisa Slaby, Peter Sorce, Emmylou Wilson

**EXCUSED:** John Sterling

**STAFF:** Tom Ryan, Executive Director; Joseph Ricker, 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 9:02 a.m. A quorum was confirmed with six (6) members present.

**ADOPTION OF AGENDA**

**MOTION:** Peter Sorce moved, seconded by Jeffrey Clark, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 7, 2022**

**MOTION:** Mark Jinkins moved, seconded by Peter Sorce, to adopt the Minutes of April 7, 2022 as published. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Pending and Possible Rulemaking Projects**

*Virtual Delivery Systems for Optometric Care*

**MOTION:** Mark Jinkins moved, seconded by Emmylou Wilson, to request DSPS staff draft a Scope Statement creating a rule, relating to telehealth, and to designate Jeffrey Clark to advise DSPS staff. Motion carried unanimously.

**PUBLIC COMMENTS**

Peter Theo appeared before the Board and requested that Optometry applications be processed as quickly as possible.

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

**MOTION:** Mark Jinkins moved, seconded by Peter Sorce, 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:** Mark Jenkins moved, seconded by Jeffrey Clark, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 10:46 a.m.

DRAFT

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Dana Denny Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 09/12/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
<b>3) Name of Board, Committee, Council, Sections:</b> Optometry Examining Board			
<b>4) Meeting Date:</b> 09/22/22	<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> Administrative Rule Matters – Discussion and Consideration 1. Review of Preliminary Rule Draft – Opt 8 relating to Continuing Education 2. Possible Scope Statement - Opt 1, 5, and 6 relating to Telehealth 3. Pending or Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete)</i> <u><a href="#">Appearance Request</a></u> for Non-DSPS Staff <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Discussion of Cosmetology Committee recommendations for Cos 2, 3, 5 and 8 relating to Scope of Practice, Mobile Practice and Distance Learning and Possible Scope Statement for Educational Requirements (Cos 5)  Attachments: <ul style="list-style-type: none"> <li>• Preliminary Rule Draft for Opt 8 – Continuing Education</li> <li>• Possible Scope Statement for Opt 1, 5, and 6 – Telehealth</li> </ul> Copies of current Board Rule Projects Can be Viewed Here: <a href="https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx">https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx</a>			
<b>11) Authorization</b>			
Dana Denny <hr/> Signature of person making this request		09/12/22 <hr/> 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 Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING : 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 8.02 (1), (1m), and (3s), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

**Statutes interpreted:** s.448.40 (1), Stats.

**Statutory authority:** ss. 15.08 (5) (b) and 449.06 (2m), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 449.06 (2m), Stats., provides that “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.”

**Related statute or rule:** None.

**Plain language analysis:**

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.

**Summary of, and comparison with, existing or proposed federal regulation:** N/A

**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:** N/A

**Comparison with rules in adjacent states:**

**Illinois:** Rules of the Illinois Department of Financial and Professional Regulation establish continuing requirements for optometrists licensed in Illinois. [68 Ill. Adm. Code 1320.80]. Currently, the State of Illinois does not require licensed optometrists to complete cultural competency or DEI continuing education requirements.

**Iowa:** Rules of the Iowa Board of Optometry establish continuing education requirements for optometrists licensed in Iowa [645 IAC 181.1 – 181.111]. Currently, the State of Iowa does not require licensed optometrists to complete cultural competency or DEI continuing education requirement.

**Michigan:** Rules of the Michigan Board of Optometry establish continuing medical education requirements for optometrists licensed in Michigan [Mich Admin Code, R 338.319 to R 338.323]. Currently, the State of Michigan does not currently require licensed optometrists to complete cultural competency or DEI continuing education requirements.

**Minnesota:** Rules of the Minnesota Board of Optometry establish continuing education requirements for optometrists licensed in Minnesota [Minnesota Rules, Chapter 6500.3000]. Currently, the State of Minnesota does not currently require licensed optometrists to complete cultural competency or DEI continuing education requirements.

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

The proposed rules were developed by obtaining input and feedback from the Optometry Board with additional information from the Association of Schools and Colleges of Optometry (ASCO).

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

The proposed rules will be 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.

**Fiscal Estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

**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 [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov), or by calling (608) 266-6795.



**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](mailto:DSPSAdminRules@wisconsin.gov).

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

Comments may be submitted to Dana Denny, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov). Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Opt 8.02 (1), (1m), and (3s) are amended to read:

**Opt. 8.02 (1)** A licensee shall complete 30 hours of approved continuing education in each biennial registration period. A minimum of 20 of the 30 hours shall relate to ocular health, conditions, or disease management. A minimum of 2 of the 30 hours shall relate to cultural competency or diversity training.

**(1m)** ~~During the biennial registration period commencing December 15, 2019 and ending December 14, 2021, unless~~ Unless granted a hardship waiver in accordance with sub. (3m), the 30 required hours of continuing education shall include ~~2 hours~~ 1 hour on the topic of responsible prescribing of controlled substances.

**(3s)** An optometrist who by the renewal date has been licensed for one year or less from the date issued shall not be required to report continuing education for the first renewal of the license. An optometrist who by the renewal date holds a license for more than one year and less than 2 years shall be required to report 15 hours of approved continuing education for the first renewal of the license. A minimum of 10 of the 15 hours must be attended in person.

SECTION 2. 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.

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(END OF TEXT OF RULE)

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# STATEMENT OF SCOPE

## Optometry Examining Board

Rule No.: Chapters OPT 1, 5 and 6

Relating to: Telehealth

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 provide clarity for licensees regarding the use of telehealth to provide optometric health practice, which may include revisions to Chs. OPT 1, 5 and 6.

**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:**

Current administrative rules of the Optometry Examining Board do not address virtual delivery of optometric telehealth services. The proposed rule will establish standards of practice and professional conduct when delivering optometric telehealth services. Reviewing and updating these requirements will enhance clarity regarding current technological methods of delivery and ensure they also accurately reflect the current practice of optometry. The alternative to not updating the rules would be that licensees would not have clear guidance regarding virtual optometric delivery care service and current professional conduct requirements.

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

Section 15.08 (5) (b), Stats., states that the examining board, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 227.11 (2) (a), Stats., states in part, 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."

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..."

**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:**

Licensed optometrists practicing telehealth 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 is not likely to have a significant economic impact on small businesses.

**Contact Person:** Dana Denny, Administrative Rules Coordinator, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov), (608) 287-3748.

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted

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

**AGENDA REQUEST FORM**

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<b>4) Meeting Date:</b> 9/22/2022	<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> Board Opioid Abuse Goal Setting and Report Pursuant to Wis. Stat. § 440.035(2m)(c)	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if applicable:</b> N/A	
<b>10) Describe the issue and action that should be addressed:</b> Pursuant to <a href="#">Wis. Stat. § 440.035(2m)(c)</a> the Board is required to annually set and act on goals to address the issue of opioid abuse. Additionally, this statute requires the Board to submit a report detailing efforts taken to achieve its goals. The reporting timeframe runs from November 1 thru October 31 of the following year.  Board Action: Designate an Opioid Abuse Report liaison to work with staff to draft and submit a report for the 11/1/2021-10/31/2022 timeframe including reporting on 2022 goal progress and setting goals for 2023.  Attachments: 2021 Report with 2022 Goals			
<b>11) Authorization</b>			
Dana Denny		9/15/2022	
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	
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive 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>			

**Robert Schultz**  
Chairperson

**WISCONSIN OPTOMETRY EXAMINING BOARD**

4822 Madison Yards Way  
PO Box 8366  
Madison, WI 53708-8366

**John Sterling**  
Vice Chairperson



Email: [dspd@wisconsin.gov](mailto:dspd@wisconsin.gov)  
Voice: 608-266-2112  
FAX: 608-251-3032

**Jeffrey Clark**  
Secretary

## **Wisconsin Optometry Examining Board Wis. Stat. s. 440.035 (2m) Report on Opioid Abuse – December 2021**

### **Proactive Efforts Taken by the Board to Address the Issue of Opioid Abuse**

#### **Continuing Education Related to Prescribing Controlled Substances**

For the biennium starting December 15, 2019 and ending December 14, 2021, the Optometry Examining Board (OEB) required licensees to complete two (2) hours of continuing education relating to prescribing controlled substances. In 2021, the Board began a review of its continuing education rule. Changes to the rule, including the provision in Opt 8.02 (1m) requiring 2 hours of responsible controlled substance prescribing continuing education, may be considered. This could include making the rule's responsible opioid prescribing provision permanent.

#### **Creation of Best Practices**

The OEB maintains the Best Practices for Prescribing Controlled Substances Guidelines to keep it up to date with current trends and changes. The Board's *Best Practices for Prescribing Controlled Substances Guidelines* are available on the Board's page at <https://dspd.wi.gov/Pages/BoardsCouncils/Optometry/Default.aspx>. The OEB reviewed its Guidelines, previously approved on March 16, 2017, at its May 27, 2021 meeting. No changes were made to the existing Guidelines.

#### **Collaboration with the Wisconsin Prescription Drug Monitoring Program**

Through its partnership with the Wisconsin Department of Safety and Professional Services (DSPS), the OEB maintains an established interrelationship with the Wisconsin Enhanced Prescription Drug Monitoring Program (ePDMP). Both OEB and the ePDMP are administered by DSPS. At its January 21 meeting, the OEB appointed Robert Schulz as its ePDMP Liaison and Emmylou Wilson as its alternate ePDMP liaison. The ePDMP is very well-regarded as a resource in efforts to combat the ongoing prescription drug abuse epidemic in Wisconsin. By providing information about controlled substance prescriptions that are dispensed in the state, it aids healthcare professionals in their prescribing and dispensing decisions. The ePDMP also fosters the ability of pharmacies, healthcare professionals, law enforcement agencies, and public health officials to work together to reduce the misuse, abuse, and diversion of prescribed controlled substance medications. More information is available on the ePDMP website: <https://pdmp.wi.gov/> In addition, the Wisconsin Controlled Substances Board (CSB) Referral Criteria Work Group (also administered by DSPS) uses ePDMP data to determine whether to refer prescribing concerns to the OEB.

## **Education on the Issue of Opioid Abuse**

The OEB annually sends at least one member to the Association of Regulatory Boards of Optometry, Inc. (ARBO) Annual Meeting to interact with regulatory colleagues and discuss timely and relevant topics and shared concerns within the optometry regulatory community. The Board reviews and discusses the ARBO meeting report, which summarizes national issues and trends impacting Optometry examining boards across the jurisdictions. The Board designated public member Peter Source to attend the 2021 ARBO Virtual Annual Meeting on June 19-21, and he delivered the summary report to the Board at its September 21 meeting.

In addition, the OEB will continue to periodically explore ways to work with ePDMP and other DSPS staff and resources to encourage licensees who have a DEA Registration Number to use the ePDMP effectively as part of their prescribing practice. The DSPS website, which links to the ePDMP website, the CSB webpages and the OEB webpages, will continue to serve as a key resource for prescribers.

## **Goals for 2022 to Address the Issue of Opioid Abuse as it Relates to the Practice of Optometry in Wisconsin**

### **Goal 1: Evaluate the 2-credit Continuing Education Requirement Relating to Prescribing Controlled Substances**

Opt 8.02 (1m) requires 2 hours of continuing education on the topic of responsible prescribing of controlled substances for the biennial registration period commencing December 15, 2019 and ending December 14, 2021. The OEB will decide whether to adopt an administrative rule to continue that 2-hour requirement beyond the 2019-2021 biennium. A scope statement regarding the Board's continuing education rule has been published in the Wisconsin Administrative Register. Changes to the rule, including the provision in Opt 8.02 (1m) requiring 2 hours of responsible controlled substance prescribing continuing education, may be considered. This could include making the rule's responsible opioid prescribing provision permanent.

### **Goal 2: Take Enforcement Action When Appropriate**

Currently, if an investigation of an optometrist's prescriptive practices occurs, it is conducted in response to a complaint filed against the optometrist. In addition to actively pursuing opioid prescribing complaints filed by the public against optometrists, the Board, in collaboration with the CSB through its Referral Criteria Workgroup, will proactively investigate optometrists whose prescriptive practices with controlled substances prescribing may deviate from the course of legitimate professional practice or constitute a danger to the health, welfare, or safety of patients or the public.

### **Goal 3: Track and Monitor Optometrist Prescribing of Controlled Substances**

The OEB will continue to explore ways to leverage the expertise of the ePDMP to effectively track and monitor optometrist prescribing of controlled substances and to identify opioid abuse trends. This may include discussions at Board meetings with ePDMP staff and/or review of CSB referrals, PDMP and CSB data and reports.

### **Goal 4: Review and Update the Best Practices for Prescribing Controlled Substances Guidelines as Necessary**

The OEB will review the OEB's *Best Practices for Prescribing Controlled Substances Guidelines* when needed and make updates as necessary.

### **Goal 5: Educate Licensees Registered with the ePDMP**

The OEB will work with ePDMP staff as necessary to explore possible ways to educate opioid prescribers, including the small number of optometry licensees who have a DEA Registration Number, on how to effectively use the PDMP as part of their prescribing practice. The Board will continue to exercise creative use of the OEB's website and other DSPS website resources.

## **Updates on Goals from the 2021 Report and Past Reports for Addressing the Issue of Opioid Abuse as it Relates to the Practice of Optometry in Wisconsin**

### **Goal 1: Evaluate the 2-credit Continuing Education Requirement Relating to Prescribing Controlled Substances.**

Opt 8.02 (1m) requires 2 hours of continuing education on the topic of responsible prescribing of controlled substances for the biennial registration period commencing December 15, 2019 and ending December 14, 2021. The OEB will decide whether to adopt an administrative rule to continue that 2-hour requirement beyond the current biennium. **Update:** A scope statement regarding the OEB's continuing education rule was published in the Wisconsin Administrative Register. The OEB approved it at its May 27 meeting. Changes to the rule, including the provision in Opt 8.02 (1m) may be considered for amendment by the Board in 2022. This could include making the rule's responsible opioid prescribing provision permanent.

### **Goal 2: Tracking Trends**

The Optometry Examining Board will invite Prescription Drug Monitoring Program staff to a 2021 board meeting to receive an update on the optometric prescribing of controlled substances to aid the board in tracking and reviewing trends in prescribing by licensed optometrists. **Update:** No referrals to the OEB were made by the CSB in 2021.

### **Goal 3: Complete the Update of the Controlled Substances Prescribing Guidelines**

At the Optometry Examining Board's meeting on September 24, 2020, the board designated a liaison to work with DSPS staff to develop recommendations to update the *Controlled Substances Prescribing Guidelines*. The board will review those recommendations at their January 21, 2021 meeting. **Update:** At its May 27, 2021 meeting, the OEB reviewed the *Best Practices for Prescribing Controlled Substances Guidelines* and approved the existing Guidelines without amendment.

### **Goal 4: Communications to Licensees Registered with the PDMP**

The Optometry Examining Board will work with PDMP staff to develop recommendations for licensees who have a DEA Registration Number, which is a small subset of licensees, to encourage them to use the PDMP effectively as part of their prescribing practice. **Update:** A link to the ePDMP website is available on the CSB's webpage. Agendas and minutes of OEB and CSB meetings are available on the DSPS website. The OEB's Prescribing Guidelines are published on its website. The CSB's ePDMP Quarterly Reports and Annual Report are posted on its website. In person communication outreach opportunities were limited in 2021 due to COVID.

## **Goals from 2019**

**Goal 1:** The Optometry Examining Board has scheduled a standing item for the annual May board agenda to receive updates from the Prescription Drug Monitoring Program, which will aid the board in tracking and reviewing trends in prescribing by licensed optometrists. **Update:** At the OEB's September 24, 2020 meeting, the ePDMP Program presented an update on the optometric prescribing of controlled substances.

**Goal 2:** The Optometry Examining Board will work with PDMP staff to develop recommendations for licensees who have a DEA Registration Number, which is a small subset of licensees, to encourage them to use the PDMP effectively as part of their prescribing practice. **Update:** The OEB will continue to periodically explore ways to work with ePDMP and other DSPS staff and other resources to encourage licensees who have a DEA Registration Number, a small subset of licensees, to use the PDMP effectively as part of their prescribing practice. The DSPS website, which links to the ePDMP website, the CSB webpages, and the OEB webpages, will continue to serve as a key resource for prescribers.