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**TELECONFERENCE/VIRTUAL  
OPTOMETRY EXAMINING BOARD  
Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison  
Contact: Tom Ryan (608) 266-2112  
February 7, 2019**

*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**

**8:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Approval of Minutes of January 24, 2019 (4-10)**

**C. Administrative Matters – Discussion and Consideration**

- 1) Staff Updates
- 2) Board Members – Term Expiration Date
  - a. Ann Meier Carli – 7/1/2014 (*reappointed, not yet confirmed*)
  - b. Richard Foss – 7/1/2017
  - c. Mark Jinkins – 7/1/2016
  - d. Robert Schulz – 7/1/2020
  - e. Peter Sorce – 7/1/2018
  - f. John Sterling – 7/1/2021
  - g. Optometrist Member – Vacant

**D. 8:00 A.M. PRELIMINARY PUBLIC HEARING ON STATEMENT OF SCOPE: SS  
010-19 – OPT 3, 4, 6 and 7, Relating to Examination on the Treatment and  
Management of Ocular Disease (11-13)**

**E. Deliberation on 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 Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

F. 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.).**

G. 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

H. Consulting with Legal Counsel

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

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

J. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT SCHEDULED MEETING: MAY 30, 2019**

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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 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**OPTOMETRY EXAMINING BOARD  
MEETING MINUTES  
JANUARY 24, 2019**

**PRESENT:** Ann Meier Carli, Mark Jinkins, Robert Schulz, Peter Sorce

**EXCUSED:** Richard Foss, John Sterling

**STAFF:** Tom Ryan, Executive Director; Helen Leong, Administrative Rules Coordinator; Maximilian Turner, Bureau Assistant; and other DSPS Staff

**CALL TO ORDER**

Ann Meier Carli, Chair, called the meeting to order at 9:13 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- *Open Session: Under item "H. Deliberation on Items Added After Preparation of Agenda, 27. Speaking Engagements, Travel, or Public Relation Requests, and Reports" ADD:*
  - *"Consider Attendance at the Association of Regulatory Boards of Optometry (ARBO) 2019 Annual Meeting, June 16-18, 2019, St. Louis, MO"*

**MOTION:** Mark Jinkins moved, seconded by Peter Sorce, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 11, 2018**

**MOTION:** Peter Sorce moved, seconded by Ann Meier Carli, to approve the minutes of October 11, 2018 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Chairperson*

**NOMINATION:** Robert Schulz nominated Ann Meier Carli for the Office of Chairperson.

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

Ann Meier Carli was elected as Chairperson by unanimous consent.

*Vice Chairperson*

**NOMINATION:** Mark Jinkins nominated Robert Schulz for the Office of Vice Chairperson.

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

Robert Schulz was elected as Vice Chairperson by unanimous consent.

*Secretary*

**NOMINATION:** Peter Sorce nominated Mark Jinkins for the Office of Secretary.

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

Mark Jinkins was elected as Secretary by unanimous consent.

<b>2019 ELECTION RESULTS</b>	
<b>Chairperson</b>	Ann Meier Carli
<b>Vice Chairperson</b>	Robert Schulz
<b>Secretary</b>	Mark Jinkins

**Appointment of Liaisons and Alternates**

<b>2019 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Ann Meier Carli <i>Alternate: Richard Foss</i>
<b>Education and Exams Liaison(s)</b>	Richard Foss <i>Alternate: John Sterling</i>
<b>Monitoring Liaison</b>	John Sterling <i>Alternate: Mark Jinkins</i>
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	Mark Jinkins <i>Alternate: Peter Sorce</i>
<b>Legislative Liaison</b>	Peter Sorce <i>Alternate: Ann Meier Carli</i>
<b>Travel Liaison</b>	Ann Meier Carli <i>Alternate: Mark Jinkins</i>
<b>Occupational License Study Liaison</b>	Ann Meier Carli <i>Alternate: John Sterling</i>
<b>Prescription Drug Monitoring Program Liaison (PDMP)</b>	Robert Schulz <i>Alternate: Peter Sorce</i>
<b>2019 SCREENING PANEL APPOINTMENTS</b>	
<b>January-December 2019</b>	Richard Foss, Mark Jinkins, Robert Schulz

## Delegation of Authorities

### *Document Signature Delegations*

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, 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:** Ann Meier Carli moved, seconded by Mark Jenkins, in order to carry out duties of the Board, the Chairperson, chief presiding officer, or longest serving board member, 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:** Mark Jenkins moved, seconded by Robert Schulz, 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.

### *Monitoring Delegations*

**MOTION:** Ann Meier Carli moved, seconded by Mark Jenkins, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented. Motion carried unanimously.

### *Credentialing Authority Delegations*

#### Delegation of Authority to Credentialing Liaison

**MOTION:** Ann Meier Carli moved, seconded by Mark Jenkins, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

#### Delegation of Authority to DSPS When Credentialing Criteria is Met

**MOTION:** Ann Meier Carli moved, seconded by Mark Jenkins, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

### ***Delegated Authority for Application Denial Reviews***

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized 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:** Ann Meier Carli moved, seconded by Mark Jenkins, 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, Continuing Education and/or Examination Delegation(s)***

**MOTION:** Mark Jenkins moved, seconded by Ann Meier Carli, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

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

**MOTION:** Ann Meier Carli moved, seconded by Peter Sorce, to authorize DSPS staff to provide national regulatory related bodies with all Board member contact information that DSPS retains on file. Motion carried unanimously.

### ***Optional Renewal Notice Insert Delegation***

**MOTION:** Ann Meier Carli moved, seconded by Mark Jenkins to designate the Chair (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 Ann Meier Carli, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

### ***Travel Delegation***

**MOTION:** Ann Meier Carli moved, seconded by Peter Sorce, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

### ***PDMP Liaison Delegation***

**MOTION:** Mark Jenkins moved, seconded by Ann Meier Carli, to delegate authority to the PDMP Liaison for all matters relating to PDMP. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE (CR) 18-021 – OPT 8, RELATING TO CONTINUING EDUCATION**

**Review and Respond to Public Hearing Comments**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to accept all recommended changes to the January 24, 2019 public hearing proposed order, as reflected in the agenda materials, for CR 18-021, relating to continuing education. Motion carried unanimously.

**MOTION:** Ann Meier Carli moved, seconded by Robert Schulz, to authorize the Chair, or highest-ranking officer, or longest serving member of the board, to approve the Legislative Report and Draft for CR 18-021, relating to continuing education, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS**

**Schedule Public Hearing on Scope Statement for Opt 3, 4, 6, and 7, Relating to the Examination on the Treatment and Management of Ocular Disease**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to schedule a preliminary public hearing and comment period on the Scope Statement for Opt 3, 4, 6, and 7, relating to the examination on the treatment and management of ocular disease, as directed by Senator Steve Nass, co-chairperson of JCRAR, pursuant to s. 227.136 (1), Stats. The public hearing is scheduled for Thursday, February 7<sup>th</sup>, at 8:00 am. Motion carried unanimously.

**Review of Preliminary Rule Draft for SPS 10, Relating to the Use of Pharmaceutical Agents by Licensed Optometrists**

**MOTION:** Mark Jenkins moved, seconded by Ann Meier Carli, to recommend to the Secretary of DSPS approval of the preliminary rule draft of SPS 10, relating to use of pharmaceutical agents by licensed Optometrists, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to authorize the Chair, or highest-ranking officer, or longest serving member of the board, to serve as liaison to the Secretary and DSPS staff for the promulgation of revisions to SPS 10, relating to use of pharmaceutical agents by licensed Optometrists. Motion carried unanimously.

**Preliminary Rule Draft, Opt 6, Relating to the Use of Diagnostic and Therapeutic Pharmaceutical Agents and Removal of Superficial Foreign Bodies From an Eye or From an Appendage to the Eye**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to approve the preliminary rule draft of Opt 6, relating to the use of diagnostic and therapeutic pharmaceutical agents and removal of superficial foreign bodies from an eye or from an appendage to the eye, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Preliminary Rule Draft, Opt 4, Relating to Licensure by Endorsement**

**MOTION:** Peter Sorce moved, seconded by Ann Meier Carli, to approve the preliminary rule draft of Opt 4, relating to licensure by endorsement, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Review of, and Possible Scope Statement for, Opt 5, Relating to Unprofessional Conduct**

**MOTION:** Ann Meier Carli moved, seconded by Robert Schulz, to request DSPS staff draft a Scope Statement revising Opt 5.11 and Opt 5.14, relating to clarifying and/or removing identified provisions. Motion carried unanimously.

**DELIBERATION ON ITEMS ADDED AFTER PREPARATION OF AGENDA**

**Speaking Engagements, Travel, or Public Relation Requests, and Reports**

*Consider Attendance at the Association of Regulatory Boards of Optometry (ARBO) 2019 Annual Meeting, June 16-18, 2019, St. Louis, MO*

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to authorize the Board Chair to designate a Board delegate to attend the ARBO 2019 Annual Meeting on June 16-18, 2019 in St. Louis, MO and to authorize travel. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). Ann Meier Carli, Chair, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Ann Meier Carli-yes; Mark Jenkins-yes; Robert Schulz-yes; and Peter Sorce-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:45 a.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Peter Sorce moved, seconded by Mark Jenkins, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:47 a.m.

## VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)*

## DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

### Administrative Warnings

#### *18 OPT 001 – N.R.K.*

**MOTION:** Peter Sorce moved, seconded by Mark Jenkins, to issue an Administrative Warning in the matter of N.R.K., DLSC Case Number 18 OPT 001. Motion carried unanimously.

### Case Closings

#### *17 OPT 005 – W.V. and J.L.*

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to close DLSC Case Number 17 OPT 005, against W.V. and J.L., for Insufficient Evidence. Motion carried unanimously.

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

**MOTION:** Ann Meier Carli moved, seconded by Mark Jenkins, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

## ADJOURNMENT

**MOTION:** Peter Sorce moved, seconded by Ann Meier Carli, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:49 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b> Helen Leong, Administrative Rules Coordinator		<b>2) Date When Request Submitted:</b> February 1, 2019 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Optometry Examining Board			
<b>4) Meeting Date:</b> February 7, 2019	<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> Preliminary Public Hearing on Statement of Scope SS 010-19 for Opt 3, 4, 6, and 7, relating to examination on the treatment and management of ocular disease	
<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 required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  Comments made at <a href="https://docs.legis.wisconsin.gov/code/scope_statements/comment">https://docs.legis.wisconsin.gov/code/scope_statements/comment</a> .			
<b>11) Authorization</b>			
Signature of person making this request <i>Helen Leong</i>		Date <i>February 1, 2019</i>	
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.			

# STATEMENT OF SCOPE

## Optometry Examining Board

Rule No.: Opt 3, 4, 6, and 7

Relating to: Examination on the Treatment and Management of Ocular Disease

Rule Type: Both Permanent and Emergency

### 1. Finding/nature of emergency (Emergency Rule only):

The Optometry Examining Board requires that license applicants pass Parts I, II, and III of the National Board of Examiners in Optometry (NBEO) examination. Part II of the NBEO has an embedded portion on the Treatment and Management of Ocular Disease (TMOD). The TMOD questions, "test knowledge regarding general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents and therapeutic pharmaceutical agents, including the treatment of adverse reactions to such pharmaceutical agents, and knowledge regarding the removal of foreign bodies from an eye or from an appendage to the eye," in accordance with s. 449.04 (2), Stats. Therapeutic pharmaceutical agents include opioids, under s. 961.39, Stats. However, the passing score of Part II is determined as an overall score, so that applicants can fail the TMOD embedded questions yet pass Part II of the examination. The Board needs to amend the administrative rules for the health, safety, and welfare of the people of Wisconsin to clarify that applicants need to pass the TMOD portion as part of Part II.

If the administrative rules are not amended to require that new applicants have passed the TMOD portion, there will be licensed Optometrists who are authorized to prescribe therapeutic pharmaceutical agents, including opioids, who failed the TMOD questions on the board examination.

### 2. Detailed description of the objective of the proposed rule:

The objective of the rule project is to update the administrative rules to clarify a passing score on the NBEO examination to ensure that new licensees have successfully completed Parts I, II, and III including the embedded TMOD. For new applicants, applicants for licensure by endorsement, and for those who are submitting a late renewal, the rules identifying qualifying exams need to be updated to clarify that passage of the TMOD is required for licensure.

### 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:

Optometrists licensed after 2006 have the authority under chapter 449 to prescribe controlled substances and remove foreign bodies from an eye or from an appendage to the eye. Under section 449.04 (2), Stats., applicants are required to be tested on, "knowledge regarding general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents and therapeutic pharmaceutical agents, including the treatment of adverse reactions to such pharmaceutical agents, and knowledge regarding the removal of foreign bodies from an eye or from an appendage to the eye." The TMOD embedded questions in Part II are an essential component of evaluating new applicants' preparation for practicing Optometry competently in the State of Wisconsin.

Optometrists licensed before 2006 are required to pass the TMOD exam or its equivalent prior to being granted a therapeutic pharmaceutical agent (TPA) certificate, which provides the authority to prescribe controlled substances and remove foreign bodies from an eye or from an appendage to the eye. Thus, this rule project will ensure that the administrative rules are compliant with statute and consistent for all licensees.

Rev. 3/6/2012

**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) (b), Stats., sets forth the parameters of an agency's rule-making authority, stating an agency, "may prescribe forms and procedures in connection with any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but this paragraph does not authorize the imposition of a substantive requirement in connection with a form or procedure."

Section 449.04 (1) (c), Stats., requires that a, "person passes an examination approved or conducted by the examining board" in order to be granted a license. Subsection (2) states, "the examining board may do any of the following:

- (a) Prepare, administer, and grade the examination.
- (b) Approve in whole or in part an examination prepared, administered, and graded by the national board of examiners in optometry or another examination provider approved by the examining board.
- (c) Approve and administer an examination prepared and graded by or under the direction of the national board of examiners in optometry or another examination provider approved by the examining board."

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

The Department estimates approximately 80 hours will be needed to perform the review and develop any rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

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

Applicants for licensure by exam, by endorsement, for TPA certificates, and late renewal.

**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 rule changes contemplated in this project are not expected to have any negative economic impacts on any of the affected entities.

**Contact Person:** Helen Leong, Administrative Rules Coordinator  
Division of Policy Development, Department of Safety and Professional Services  
(608) 266 – 0797 DSPSAdminRules@wisconsin.gov

  
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Department Head or Authorized Signature

10/29/2018  
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Date Submitted