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**TELECONFERENCE/VIRTUAL MEETING  
OPTOMETRY EXAMINING BOARD  
Room N208, 4822 Madison Yards Way, 2<sup>nd</sup> Floor, Madison  
Contact: Yolanda Y. McGowan (608) 266-2112  
September 26, 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**

**9:00 A.M.**

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

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

**B. Approval of Minutes of July 18, 2019 (4-5)**

**C. Conflicts of Interest**

**D. Administrative Matters**

- 1) Department, Staff and Board Updates
- 2) Board Members – Term Expiration Dates

**E. Introductions, Announcements and Recognition**

**F. Legislative and Administrative Rule Matters – Discussion and Consideration (6)**

- 1) Report in Compliance with s. 440.035(2m)(c)1., Stats. (2017 WI Act 262) **(7-8)**
- 2) Revisions of Opt 5, Relating to Unprofessional Conduct **(9-11)**
- 3) Legislation and Pending or Possible Rulemaking Projects

**G. 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 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

#### H. 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.).**

#### I. Credentialing Matters

- 1) Application Reviews
  - a. Patrick Sesso, O.D. – Optometry Applicant **(12-53)**

#### J. 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

K. Consulting with Legal Counsel

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

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

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

N. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**NEXT MEETING: JANUARY 23, 2020 (TENTATIVE)**

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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  
July 18, 2019**

**PRESENT:** Ann Meier Carli, Mark Jinkins, Robert Schulz, Peter Sorce, John Sterling, Emmylou Wilson

**EXCUSED:** Jeffery Clark

**STAFF:** Yolanda McGowan, Executive Director; Jameson Whitney, Legal Counsel; Helen Leong, Administrative Rules Coordinator; Cecelia McDermott, Office Associate; and other DSPS Staff

**CALL TO ORDER**

Ann Meier Carli, Chairperson, called the meeting to order at 9:08 a.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- Open Session: Under item “D. Introductions, Announcements and Recognition” ADD
  - “2) Resignations; a. Richard Foss – Optometrist Member”
- Open Session: Under item “C. Administrative Matters; 1) Board, Department, and Staff Updates”

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

**APPROVAL OF MINUTES OF MAY 30, 2019**

**Amendments to the Minutes**

**MOTION:** Peter Sorce moved, seconded by John Sterling, to approve the Minutes of May 30, 2019 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Appointment of Liaisons**

<b>2019 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison(s)</b>	Ann Meier Carli <i>Alternate:</i> John Sterling
<b>Education and Exams Liaison(s)</b>	John Sterling
<b>2019 SCREENING PANEL APPOINTMENTS</b>	
<b>January-December 2019</b>	Emmylou Wilson, Mark Jinkins, Robert Schulz

## INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

### Richard Foss – Optometrist Member (Resignation)

**MOTION:** John Sterling moved, seconded by Peter Sorce, to recognize and thank Richard Foss for his 9 years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

## LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

### Draft Report in Compliance with s. 440.035 (2m) (c) 1., Stats. (2017 WI Act 262)

**MOTION:** Peter Sorce moved, seconded by Mark Jenkins, to designate the Chairperson to serve as liaison to DSPS staff for drafting the 2019 report to comply with s. 440.035 (2m) (c) 1., Stats., relating to the issue of opioid abuse. Motion carried unanimously.

**MOTION:** Peter Sorce moved, seconded by Ann Meier Carli, to authorize the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the final 2019 report to comply with s. 440.035 (2m) (c) 1., Stats., relating to the issue of opioid abuse, for submission to the Legislature and Governor's Office. Motion carried unanimously.

### Legislative Report and Draft Final Rule, 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:** Robert Schulz moved, seconded by Ann Meier Carli, to approve the Legislative Report and Draft for Clearinghouse Rule 19-027, relating to diagnostic and therapeutic pharmaceutical agents, for submission to the Governor's Office and Legislature. Motion carried unanimously.

## ADJOURNMENT

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

The meeting adjourned at 11:33 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> September 16, 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> September 26, 2019	<b>5) Attachments:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Legislative and Administrative Rule Matters – Discussion and Consideration  1) Report in Compliance with s. 440.035 (2m) (c) 1., Stats. (2017 WI Act 262)  2) Revisions of Opt 5, Relating to Unprofessional Conduct  3) Legislation, and 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 <a href="#">Appearance Request</a> for Non-DSPS Staff)</i>  <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>			
<b>11) Authorization</b>			
Signature of person making this request  <i>Helen Leong</i>		Date  <i>September 16, 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.			

**Ann Meier Carli**  
Chairperson

**Robert Schulz**  
Vice Chairperson

**Mark Jenkins**  
Secretary

**WISCONSIN OPTOMETRY EXAMINING  
BOARD**



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## **Wisconsin Optometry Examining Board Report on Opioid Abuse – October 2019**

**Scope and purpose of the report:** Section 440.035 (2m) (c) 1., Stats., requires the Optometry Examining Board to annually submit a report related to the issue of opioid abuse to the Legislature and Governor's Office. This report must include proactive efforts taken by the Board to address the issue of opioid abuse and goals for addressing the issue of opioid abuse as it relates to the practice of optometry in Wisconsin. The report for 2019 also includes actions taken by the Board to achieve the goals identified in the 2018 report, and whether those goals have been achieved.

### **Proactive efforts taken by the Board to address the issue of opioid abuse:**

#### **Controlled Substances Prescribing Guidelines**

The Optometry Examining Board maintains the Best Practices for Prescribing Controlled Substances Guidelines to keep it up to date with current trends and changes. The Best Practices for Prescribing Controlled Substances Guidelines are available on the Board's page at [dsps.wi.gov](http://dsps.wi.gov).

#### **Education on National Trends**

The Board annually sends at least one member to the Association of Regulatory Boards of Optometry, Inc. Annual Meeting to interact with regulatory colleagues and discuss the hot topics and shared concerns in the regulatory community. The Board reviews and discusses the report regarding these national issues and trends being faced by Optometry examining boards across the jurisdictions.

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

For the 2019/2021 biennium, the Board requires licensees to complete 2 hours of continuing education relating to prescribing controlled substances.

## **2019 Goals for addressing the issue of opioid abuse as it relates to the practice of optometry in Wisconsin:**

### **Tracking Trends**

The Optometry Examining Board has scheduled a standing item for the annual May board agenda to receive updates from the Prescription Drug Monitoring Program (PDMP), which will aid the board in tracking and reviewing trends in prescribing by licensed optometrists.

### **Communications to Licensees Registered with the PDMP**

The Board is working 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.

## **Updates on 2018 Goals for addressing the issue of opioid abuse as it relates to the practice of optometry in Wisconsin:**

### **Enforcement Actions**

The Controlled Substances Board has made no referrals to the Optometry Examining Board based upon reports generated from the PDMP.

### **Communications to Licensees**

The Board disseminated updates to licensees relating to the new continuing education requirements on prescribing controlled substances and a reminder to review the Best Practices for Prescribing Controlled Substances Guidelines.

### **Education on the issue of opioid abuse**

The Board met with PDMP staff and received information regarding prescribing trends recorded in the PDMP data, and also how the PDMP can be used as a proactive tool to evaluate practices, at the May 30, 2019 and July 18, 2019 meetings. At the May 30, 2019 meeting, the Board also recommended that the Department of Safety and Professional Services move forward with the revision of SPS 10, relating to the use of pharmaceutical agents by licensed optometrists.

## Chapter Opt 5

## UNPROFESSIONAL CONDUCT

Opt 5.01	Intent.
Opt 5.02	Definitions.
Opt 5.03	Unprofessional Conduct.
Opt 5.045	Informed Consent.

Opt 5.10	Patient records.
Opt 5.11	Verification.
Opt 5.14	Disclosure.

**History:** Chapter Opt 7 as it existed on January 31, 1971 was repealed, and a new chapter Opt 7 was created. Register, January, 1971, No. 181, effective 2-1-71; chapter Opt 6, Issuance of License as it existed on August 31, 1985 was repealed and chapter Opt 7 was repealed and recreated as chapter Opt 6, Register, August, 1985, No. 356, effective 9-1-85; Chapter Opt 6 was renumbered Chapter Opt 5, effective April 1, 1989.

**Opt 5.01 Intent.** The intent of the board in adopting the rules in this chapter is to establish minimum standards of conduct for optometrist and to specify reasons the board may reprimand, deny, limit, suspend, or revoke any license or certificate of registration.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; r. (1), renum. (2) to be Opt 5.01, Register, September, 1997, No. 501, eff. 10-1-97; CR 15-078; am. Register December 2016 No. 732, eff. 1-1-17.

**Opt 5.02 Definitions.** As used in this chapter:

(1) "Contact lens prescription" means a prescription order for a contact lens that includes all of the following:

- The specifications needed to adequately duplicate a contact lens.
- The name, signature and license number of the prescribing optometrist.
- The date of the prescription.
- The date of expiration.
- Provisions for a reasonable number of refills.

(2) "Extended-wear contact lenses" means contact lenses which have received federal food and drug administration approval for marketing for extended wear and are prescribed for use on an extended wear or overnight schedule.

**Note:** Extended-wear contact lenses require premarket approval under section 515 of the Federal Food, Drug and Cosmetic Act, 21 USC 360e (1985). A copy of this provision is available at the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(3) "Grossly incompetent" means the failure of a licensee or certificate holder to exercise that degree of care and skill which is exercised by the average practitioner who holds the same type of license or certificate, acting in the same or similar circumstances. Grossly incompetent specifically includes the failure to have in good working order adequate equipment and instruments as are necessary to perform the minimum eye examination.

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

(5) "Limited eye screening" means an event where no spectacle prescription, contact lens prescription or treatment or management plan is generated.

(6) "Signature" means a handwritten mark or an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; emerg. cr. (1), eff. 12-17-85; renum. (1) to (3) to be (2) to (4), cr. (1), Register, June, 1986, No. 366, eff. 7-1-86; renum. Register, March, 1989, No. 399, eff. 4-1-89; renum. (1), (3) and (4) to be Opt 1.02 (1), (4) and (5), (2) to be (1), cr. (2), Register, June, 1990, No. 414, eff. 7-1-90; cr. (intro.) and (1), renum. (1) to be (1m) and am., Register, September, 1997, No. 501, eff. 10-1-97; CR 01-060; renum (1), (1m) and (2) to be (2) to (4) and am.

(4), cr. (1), Register December 2001 No. 552, eff. 1-1-02; CR 05-036; cr. (5) Register January 2006 No. 601, eff. 2-1-06; CR 06-116; cr. (6) Register May 2007 No. 617, eff. 6-1-07; CR 13-017; am. (4) Register November 2013 No. 695, eff. 12-1-13; CR 15-078; am. (3) Register December 2016 No. 732, eff. 1-1-17.

**Opt 5.03 Unprofessional Conduct.** Unprofessional conduct by an optometrist includes any of the following:

(1) Engaging in any practice which constitutes a danger to health, welfare, or safety of a patient or the public.

(2) Engaging in conduct in the practice of optometry which evidences a lack of knowledge or ability to apply professional principles or skills.

(3) Practicing or attempting to practice beyond the scope of practice.

(4) Practicing in a manner which demonstrates the optometrist is grossly incompetent.

(5) Obtaining a license through fraud.

(6) Obtaining or attempting to obtain anything of value by fraudulent representation in the practice of optometry.

(7) Practicing or attempting to practice while the ability to perform services is impaired by physical, mental or emotional disorder, drugs, or alcohol.

(8) Practicing while knowingly having an infectious or contagious disease.

(9) Any conduct of a character likely to deceive or defraud the public.

(10) Loaning of an optometric license or certificate to anyone.

(11) Splitting or dividing any fee for optometric service with any person, except an associate licensed optometrist.

(12) Using the title "Doctor", or the initials "Dr.", in printed form unless the optometrist has been granted the title of doctor of optometry by an optometric college and unless the optometrist indicates in printing in the same communication that he or she is an optometrist.

(13) Failing to notify the board of any change in address or change in location of practice within 30 days.

(14) Failing to furnish to the board upon request information concerning the mode and location of practice.

(15) Failing to permit the board or a board representative to inspect his or her office, equipment and records during regular office hours.

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

(17) (a) Except as provided in par. (b), failing to perform the minimum eye examination at any of the following:

- The patient's initial examination with the optometrist.
- Any examination conducted more than one year after a minimum eye examination.
- An examination for the fitting of contact lenses as defined in s. Opt 1.02 (4).

(b) It shall not be unprofessional conduct to fail to perform the minimum eye examination in any of the following instances:

1. Where the patient refuses or is unable to participate in any procedure of the minimum eye examination.

2. At an examination for the diagnosis and management of eye disease or for the removal of superficial foreign bodies from an eye or from an appendage to the eye.

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), has been performed for the patient within the 6 month period immediately preceding the date of the patient's visit.

4. Where a limited eye screening is performed.

**(18)** Advertising in a manner that is false, fraudulent, misleading, or deceptive including any of the following:

(a) Statements creating false, fraudulent, or unjustified expectations of favorable results including advertising professional superiority or the performance of professional services in a superior manner.

(b) Making comparisons with other optometrists which are false, fraudulent, misleading, or deceptive.

(c) Statements containing representations that would be likely to cause a reasonable person to misunderstand or be deceived.

(d) Seeking to obtain patients by advertising or other forms of solicitation in a manner that is false, fraudulent, misleading, or deceptive.

**(19)** Delegating the prescribing of pharmaceutical agents or the removal of foreign bodies from an eye or from an appendage to the eye, to an unlicensed person.

**(20)** Delegating the performance of tasks related to the practice of optometry to an unlicensed person that exceeds that person's competence, education, training, or experience.

**(21)** Failing to exercise supervision over an unlicensed person, as provided under s. Opt 1.03.

**(22)** Failing to record and include in each patient's record the information required under s. Opt 5.10.

**(23)** Failing to provide a written disclosure to any patient receiving extended-wear contact lenses as required under s. Opt 5.14.

**(24)** Failing to release, at no cost to the patient, a copy of the patient's spectacle lens prescription or contact lens prescription following release of the patient from contact lens fitting and initial follow-up care.

**Note:** Federal Trade Commission Rules 16 CFR 315.3 and CFR 456.2 require the release of spectacle and contact lens prescriptions.

**(25)** Failing to release a patient's records in accordance with s. 146.83, Stats.

**(26)** Failing to obtain informed consent under s. Opt 5.045.

**(27)** Violating any provision of ch. 449, Stats., or any rule of the board.

**History:** CR 15-078; cr. Register December 2016 No. 732, eff. 1-1-17.

**Opt 5.045 Informed Consent.** (1) Any 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. The reasonable optometrist standard is the standard for informing a patient under this section. The reasonable optometrist standard requires disclosure only of information that a reasonable optometrist would know and disclose under the circumstances.

(2) The optometrist's duty to inform the patient under this section does not require disclosure of any of the following:

(a) Detailed technical information that in all probability a patient would not understand.

(b) Risks apparent or known to the patient.

(c) Extremely remote possibilities that might falsely or detrimentally alarm the patient.

(d) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.

(e) Information in cases where the patient is incapable of consenting.

(f) Information about alternate modes of treatment for any condition the optometrist has not included in his or her diagnosis at the time the optometrist informs the patient.

**History:** CR 15-078; cr. Register December 2016 No. 732, eff. 1-1-17.

**Opt 5.10 Patient records.** (1) An optometrist shall record and include in each patient's record all of the following information:

(a) Name and date of birth of the patient.

(b) Date of examination and examination findings, including a clear and legible record of the tests performed, the results obtained, the prescription ordered and the patient's far and near visual acuity obtained with the prescription ordered.

(c) Date of the prescription.

(d) Lens verification of lenses dispensed, including the date of verification and identification of the person verifying the lenses.

(e) Name, signature and license number of the examining optometrist.

(f) Documentation that alternate modes of treatment have been communicated to the patient and that informed consent has been obtained from the patient.

(2) Patient records shall be maintained for at least 6 years.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; am. (3), cr. (4), Register, June, 1990, No. 414, eff. 7-1-90; am. (1) (intro.) to (d), Register, September, 1997, No. 501, eff. 10-1-97; CR 01-060; am. (3), Register December 2001 No. 552, eff. 1-1-02; CR 15-078; am. (1) (intro.), cr. (1) (f), am. (2), r. (3), (4) Register December 2016 No. 732, eff. 1-1-17.

**Opt 5.11 Verification.** (2) It shall be unprofessional conduct for an optometrist to deliver ophthalmic lenses if the lenses do not meet requirements set forth in Table 1, ANSI Z80.1-1995, requirements for first-quality prescription ophthalmic lenses, approved January 3, 1995, by the American national standards institute, inc.

**Note:** The standard incorporated above as reference may be obtained from the Standards Institute located at 11 West 42nd Street, New York, NY 10036. A copy of the Standard is on file at the board office.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; am. (2), Register, September, 1997, No. 501, eff. 10-1-97; CR 15-078; r. (1) Register December 2016 No. 732, eff. 1-1-17.

**Opt 5.14 Disclosure.** (1) An optometrist shall provide to any patient receiving extended-wear contact lenses a separate, written disclosure in not less than 12 point type, which includes the following language: "As with any drug or device, the use of extended-wear contact lenses is not without risk. A small, but significant, percentage of individuals wearing extended-wear lenses develop potentially serious complications which can lead to permanent eye damage. If you have any unexplained eye pain or redness, watering of the eye or discharge, cloudy or foggy vision, decrease in vision or sensitivity to light, remove your lenses and make arrangements to see your eye-care professional before wearing your lenses again. Regular inspection by a licensed eye-care professional is important to evaluate your eyes' tolerance of extended wear lenses."

(2) The disclosure shall in addition indicate that a regular schedule of cleaning and disinfection is necessary and indicate a recommended schedule of follow-up appointments for evaluation of adaptation to contact lens wear.

(3) Information about replacement lenses, service agreements, warranties, refunds and other business items should not be part of the required disclosure. Instructions for proper lens care and recommended solutions should also be distributed separately.

(4) The disclosure shall be signed by the patient prior to the patient's receipt of the lenses. If the patient is a minor or incompetent, the patient's parent or legal guardian shall sign the disclosure. The patient or the patient's parent or legal guardian, if the patient

is a minor or incompetent, shall be given a copy of the disclosure, and a signed copy of the disclosure shall be placed in the patient record of the individual for whom the lenses are dispensed.

(5) An optometrist may dispense replacement extended-wear lenses without providing the written disclosure required in sub. (1), if the patient for whom the lenses are dispensed already has a signed disclosure form in his or her patient file.

**History:** Emerg. cr. eff. 12-17-85; cr. Register, June, 1986, No. 366, eff. 7-1-86; renum. Register, March, 1989, No. 399, eff. 4-1-89; am. (4), Register, September, 1997, No. 501, eff. 10-1-97; CR 15-078: am. (1) Register December 2016 No. 732, eff. 1-1-17.