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**VIRTUAL/TELECONFERENCE  
OPTOMETRY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Tom Ryan (608) 266-2112  
September 19, 2024**

*The following agenda describes the issues that the Council 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 record of the actions and deliberations of the Council.*

**AGENDA**

**9:00 A.M.**

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

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of July 11, 2024 (5)**
- 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. Jinkins, Mark A. – 7/1/2016
    - b. Kenitz, Scott F. – 7/1/2025
    - c. Schulz, Robert C. – 7/1/2020
    - d. Slaby, Lisa L. – 7/1/2027
    - e. Wilson, Emmylou – 7/1/2027
    - f. Wonderling, Ann M. – 7/1/2027
- F. Legislative and Policy Matters – Discussions and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (6-18)**
  - 1) Discussion of preliminary rule draft of Opt 8, relating to new course format definitions by ARBO and COPE **(7-12)**
  - 2) Discussion of preliminary rule draft of Opt 1 and 5, relating to Definitions **(13-16)**
  - 3) Pending or Possible Rulemaking Projects **(17)**

- H. 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) Public Health Emergencies
  - 16) Division of Legal Services and Compliance (DLSC) Matters
  - 17) Presentations of Petitions for Summary Suspension
  - 18) Petitions for Designation of Hearing Examiner
  - 19) Presentation of Stipulations, Final Decisions and Orders
  - 20) Presentation of Proposed Final Decisions and Orders
  - 21) Presentation of Interim Orders
  - 22) Petitions for Re-Hearing
  - 23) Petitions for Assessments
  - 24) Petitions to Vacate Orders
  - 25) Requests for Disciplinary Proceeding Presentations
  - 26) Motions
  - 27) Petitions
  - 28) Appearances from Requests Received or Renewed
  - 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

**I. 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.).**

**J. Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

- 1) **Administrative Warnings**
  - a. 21 OPT 001 – H.T.W. (18-19)

**K. Deliberation of Items Added After Preparation of the 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
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- 24) Petitions to Vacate Orders
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- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

L. Consulting with Legal Counsel

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

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

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

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

**ADJOURNMENT**

**NEXT MEETING: 2025 (TO BE DETERMINED)**

*Board Member Training: November 15, 2024*

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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://dsps.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, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE  
OPTOMETRY EXAMINING BOARD  
MEETING MINUTES  
JULY 11, 2024**

**PRESENT:** Mark Jenkins, Scott Kenitz, Robert Schulz, Lisa Slaby, Peter Sorce, Emmylou Wilson (*arrived at 9:05 a.m.*), Ann Wonderling

**STAFF:** Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Jacob Pelegrin, Administrative Rules Coordinator; Ashley Sarnosky, Board Administration Specialist; and other DSPS Staff

**CALL TO ORDER**

Lisa Slaby, 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 Robert Schulz, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 4, 2024**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to adopt the Minutes of April 4, 2024, as published. Motion carried unanimously.

*(Emmylou Wilson arrived 9:05 a.m.)*

**REVIEW OF 2025 BOARD GOALS TO ADDRESS OPIOID ABUSE AND DELEGATE DEPARTMENT TO FILE WIS. STAT. S. 440.035(2M) REPORT TO LEGISLATURE**

**MOTION:** Mark Jenkins moved, seconded by Peter Sorce, to adopt the goals to address opioid abuse as presented in the agenda and to delegate the Department to file the Wis. Stat. s. 440.035 Report to Legislature. Motion carried unanimously.

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

**MOTION:** Peter Sorce moved, seconded by Scott Kenitz, 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:** Emmylou Wilson moved, seconded by Robert Schulz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:06 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Jake Pelegrin Administrative Rules Coordinator		<b>2) Date when request submitted:</b> 9/5/24 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> 9/19/24	<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> <b>Administrative Rule Matters – Discussion and Consideration</b> 1. Discussion of preliminary rule draft of Opt 8, relating to new course format definitions by ARBO and COPE 2. Discussion of preliminary rule draft of Opt 1 and 5, relating to Definitions 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 <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> N/A	
<b>10) Describe the issue and action that should be addressed:</b>  Attachments: -Prelim rule draft for Opt 8 -Current code and prelim rule draft for Opt 1 and 5 -Rules progress chart			
<b>11)</b> <i>Jake Pelegrin</i>		<b>Authorization</b> _____ 9/5/24	
Signature of person making this request		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 (3e), Opt 8.02 (3m) (a), Opt 8.02 (3s), Opt 8.03 (1) (a), Opt 8.03 (2) (h), and Opt 8.03 (4); and to **create** Opt 8.01 (1m) and Opt 8.01 (5), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Section 449.06 (2m), Stats.

**Statutory authority:** Sections 15.08 (5) (b), 227.11 (2) (a), and 449.06 (2m), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. provides that each 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. provides that “Each 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 449.06 (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:**

The objective of the proposed rule is to clarify the number of continuing education hours and instructional format required to renew an optometry license according to the updated standards adopted by the Association of Regulatory Boards of Optometry (ARBO) and the Council on Optometric Practitioner Education (COPE).

Updating the continuing education requirements will clarify the number of synchronous in person, synchronous virtual, and asynchronous continuing education hours required to renew an optometry license. COPE has updated definitions of synchronous and asynchronous course formats and hours to align with modern education terminology and provided new definitions to guide state regulatory boards.

**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 education (CE) requirements for optometrists licensed in Illinois [68 Ill. Adm. Code 1320.80]. Illinois has recently updated their code to allow different course formats. Out of a total of 30 required CE hours per renewal cycle, at least 12 hours must be in person and up to 18 hours may be “completed online through live, real-time presentations or by pre-recorded video”. In other words, these are essentially the in person, synchronous virtual, and asynchronous course formats defined by COPE.

**Iowa:**

Rules of the Iowa Board of Optometry establish continuing education requirements for optometrists licensed in Iowa [645 IAC 181.1 – 181.3]. Iowa has not yet included the new COPE course format definitions within these rules. However, it only allows a maximum of 10 CE hours per renewal cycle to be virtual for both of their credential levels (30 hours total and 50 hours total required).

**Michigan:**



Rules of the Michigan Board of Optometry establish continuing education requirements for optometrists licensed in Michigan [Mich Admin Code, R 338.331 to R 338.333]. They require a total of 40 CE hours per renewal cycle. The only provision that covers the topic of in person versus virtual CE is the following: “A minimum of 20 of the required continuing education hours must be completed in a live, synchronous learning format. The remaining hours may be completed in any other format” [R 338.331 (4)]. Since it does not specify that courses must be in person, and since “live, synchronous” fits the COPE definition of a synchronous virtual course, it is presumed to mean that at least 20 hours must be either in person courses or synchronous virtual courses. In this case, all of a licensee’s CE hours may be virtual.

**Minnesota:**

Rules of the Minnesota Board of Optometry establish continuing education requirements for optometrists licensed in Minnesota [Minnesota Rules, Chapter 6500.3000]. They require a total of 40 CE hours per renewal cycle. At least 25 hours must be course formats of in person or virtual synchronous. A maximum of 15 hours may be asynchronous. In this case, all of a licensee’s CE hours may be virtual.

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

The proposed rules were developed by the Board reviewing the new course format definitions, by reviewing chapter Opt 8, and deciding what changes were needed.

**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 at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov) or (608) 266-2112.

**Agency contact person:**

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; 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 Jake Pelegrin, 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 8.01 (1m) is created to read:

**Opt 8.01 (1m)** “Asynchronous course” means an educational course in which content is created and made available for learners at a later date, and there is no real-time communication between the instructor and the learner. Examples include a recorded webinar without instructor interaction, reading an assigned journal article, or a webcast/podcast.

SECTION 2. Opt 8.01 (5) is created to read:

**Opt 8.01 (5)** “Synchronous virtual course” means an educational course with real time communication between the instructor and the learner, and learners can receive immediate feedback. Examples include interactive webinars in real time, videoconferences, or interactive posters with authors presenting in real time.

SECTION 3. Opt 8.02 (3e) is amended to read:

**Opt 8.02 (3e)** At least ~~20~~10 of the 30 hours of approved continuing education required under sub. (1) shall be completed by attending programs in person. Programs not completed in person may include synchronous virtual courses or asynchronous courses. Up to 10 of the 30 approved hours may be completed in an asynchronous course format. Any programs not completed in person shall be COPE or Joint Accreditation for Interprofessional Continuing Education ~~approved~~ accredited programs, in accordance with s. Opt 8.03 (1) (a), or programs approved under s. Opt 8.03 (2). Synchronous virtual courses shall include a type of attendance monitoring or post-course evaluation. Asynchronous courses shall include a post-course test requiring a minimum score of 70% to receive credit.

SECTION 4. Opt 8.02 (3m) (a) is amended to read:

**Opt 8.02 (3m) (a)** Approval of less than the ~~20~~10 hours of in person continuing education required under sub. (3e), or less than the 5 hours of in person continuing education required under sub. (3s).

SECTION 5. Opt 8.02 (3s) is amended to read:

**Opt 8.02 (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 105 of the 15 approved hours shall be attended in person. Programs not completed in person may include synchronous virtual courses or asynchronous courses. Up to 5 of the 15 approved hours may be completed in an asynchronous course format. Any programs not completed in person shall be COPE or Joint Accreditation for Interprofessional Continuing Education accredited programs, in accordance with s. Opt 8.03 (1) (a), or programs approved under s. Opt 8.03 (2). Synchronous virtual courses shall include a type of attendance monitoring or post-course evaluation. Asynchronous courses shall include a post-course test requiring a minimum score of 70% to receive credit.

SECTION 6. Opt 8.03 (1) (a) is amended to read:

**Opt 8.03 (1) (a)** Any continuing education program ~~approved~~ accredited by COPE or Joint Accreditation for Interprofessional Continuing Education. This may include course formats of in person courses, synchronous virtual courses, or asynchronous courses. Synchronous virtual courses shall include a type of attendance monitoring or post-course evaluation. Asynchronous courses shall include a post-course test requiring a minimum score of 70% to receive credit.

SECTION 7. Opt 8.03 (2) (h) is amended to read:

**Opt 8.03 (2) (h)** Delivery method of the program, whether in person, synchronous virtual, or asynchronous.

SECTION 8. Opt 8.03 (4) is amended to read:

**Opt 8.03 (4)** In cases of hardship under s. Opt 8.02 (3m), the board may waive any requirement under this section, ~~or~~ s. Opt 8.02 (3e), or s. Opt 8.02 (3s) as deemed appropriate by the board.

SECTION 9. 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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This Proposed Order of the Optometry Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

\_\_\_\_\_  
Chairperson  
Optometry Examining Board

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 relating to Definitions.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:** Sections 449.01 (1) (a) 2. a. and 449.01 (2), Stats.

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

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats. provides that each 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. provides that “Each 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.”

**Related statute or rule:**

None.

**Plain language analysis:**

In chapter Opt 5, the quality standards for ophthalmic lenses in Opt 5.11 and the disclosure requirements on extended-wear contact lenses in Opt 5.14 were removed by a previous rule. However, the definition of extended-wear contact lenses was left in Opt 5. The board will consider rulemaking to remove this obsolete definition. In chapter Opt 1, the definition of a minimum eye examination for the fitting of contact lenses includes a requirement to inform the patient of the risks if contact lenses are prescribed for extended wear. The board will consider rulemaking to update or clarify this definition.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation regulate the practice of optometry [68 Ill. Adm. Code 1320.100]. This section regulates the prescribing and fitting of any ophthalmic lenses including contact lenses. However, no part of the Illinois optometry code specifically mentions extended-wear contact lenses.

**Iowa:**

Rules of the Iowa Board of Optometry regulate the furnishing of prescriptions to patients [645 IAC 181.3 (154)]. This section provides requirements for the eye examination, for the lenses, and for the prescription. However, no part of the Iowa optometry code specifically mentions extended-wear contact lenses.

**Michigan:**

Michigan laws regulate the prescribing of contact lenses [MCL 333.5553 to 333.5559]. They provide the regulations optometrists need to follow for prescribing and eye examination. However, they don't specifically mention extended-wear contact lenses.

**Minnesota:**

Minnesota statutes regulate ophthalmic services and ophthalmic goods provided by optometrists [Minnesota Statutes, 145.711 to 145.714]. They regulate eye examinations, fittings, and products provided. However, they don't specifically mention extended-wear contact lenses.

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

The proposed rules were developed by the Board reviewing the current definitions in chapters Opt 1 and 5 and deciding what changes were necessary.

**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 at [Jennifer.Garrett@wisconsin.gov](mailto:Jennifer.Garrett@wisconsin.gov) or (608) 266-2112.

**Agency contact person:**

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; 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 Jake Pelegrin, 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 is amended to read:

SECTION 7. 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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This Proposed Order of the Optometry Examining Board is approved for submission to the Governor and Legislature.

Dated \_\_\_\_\_

\_\_\_\_\_  
Chairperson  
Optometry Examining Board

## Chapter Opt 1

**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. The 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.

## Chapter Opt 5

**Opt 5.02 (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.



**Optometry Examining Board Rule Projects**

<b>Clearinghouse Rule Number</b>	<b>Scope #</b>	<b>Scope Expiration</b>	<b>Code Chapter Affected</b>	<b>Relating clause</b>	<b>Current Stage</b>	<b>Next Step</b>
CR 23-040	080-21	03/20/2024	OPT 8	Continuing Education	Rule published and effective 9/1/2024.	Rule effective.
CR 24-028	018-23	08/20/2025	OPT 1, 5 and 6	Telehealth	The final rule draft is currently with the Legislature for review. They will take it up at the beginning of next year.	Approval by the Legislature, then rule adoption.
	057-23	2/26/2026	OPT 8	Continuing Education-ARBO COPE	Board discussion of rule draft.	Board approval of preliminary rule draft.
	057-24	11/28/2026	OPT 1 and 5	Definitions	Board discussion of rule draft.	Board approval of preliminary rule draft.