



**VIRTUAL/TELECONFERENCE
OPTOMETRY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
September 23, 2021**

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 May 27, 2021 (4-6)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Clark, Jeffrey J. – 7/1/2025
 - b. Jinkins, Mark A. – 7/1/2016
 - c. Schulz, Robert C. – 7/1/2020
 - d. Slaby, Lisa L. – 7/1/2023
 - e. Sorce, Peter I. – 7/1/2023
 - f. Sterling, John L. – 7/1/2025
 - g. Wilson, Emmylou – 7/1/2023
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (7)**
 - 1) Pending and Possible Rulemaking Projects
- H. Telehealth Regulation Update from the Wisconsin Optometric Association (WOA) – Discussion and Consideration**
- I. Optometry Examining Board Report on Opioid Abuse – Discussion and Consideration (8-11)**
 - 1) Review of 2020 Report
 - 2) Proposals for 2021 Report

J. Credentialing Matters – Discussion and Consideration (12)

- 1) Continuing Education Requirement for Endorsement Applicants

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

- 1) Report of Attendance: Association of Regulatory Boards of Optometry (ARBO) 2021 Virtual Annual Meeting, June 19-20, 2021

L. COVID-19 – Discussion and Consideration

- 1) COPE Approved Continuing Education

M. 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

N. 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.).

O. Deliberation on Department of Legal Services and Compliance Matters

- 1) **Case Closings**
 - a. 20 OPT 005 – L.S.T. (13-18)

- P. 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

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

NEXT MEETING: TO BE DETERMINED (2022)

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
OPTOMETRY EXAMINING BOARD
MEETING MINUTES
MAY 27, 2021**

PRESENT: Jeffrey Clark, Mark Jinkins, Robert Schulz, Lisa Slaby, Peter Sorce, John Sterling

EXCUSED: Emmylou Wilson

STAFF: Valerie Payne, Executive Director; Jon Derenne, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Advanced; and other DSPS Staff

CALL TO ORDER

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

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF MARCH 25, 2021

MOTION: Lisa Slaby moved, seconded by Mark Jinkins, to approve the Minutes of March 25, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Scope Statement: Opt 8, Relating to Continuing Education

MOTION: Peter Sorce moved, seconded by Lisa Slaby, to approve the Scope Statement revising Opt 8, relating to continuing education, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

Preliminary Rule Draft: CR 21-005 (Opt 5), Relating to Unprofessional Conduct

MOTION: John Sterling moved, seconded by Peter Sorce, to authorize the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to approve the Legislative Report and Draft for Clearinghouse Rule 21-005, relating to unprofessional conduct, for submission to the Governor's Office and Legislature. Motion carried unanimously.

BEST PRACTICES FOR PRESCRIBING CONTROLLED SUBSTANCES GUIDELINES

MOTION: John Sterling moved, seconded by Mark Jenkins, to approve with no changes the Best Practices for Prescribing Controlled Substances Guidelines previously approved March 16, 2017. Motion carried unanimously.

**SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION
REQUESTS, AND REPORTS**

**Consider Attendance: Association of Regulatory Boards of Optometry (ARBO) 2021
Virtual Annual Meeting, June 19-20, 2021**

MOTION: Robert Schulz moved, seconded by Mark Jenkins, to designate Peter Sorce, as the Board's delegate to attend the Association of Regulatory Boards of Optometry (ARBO) 2021 Virtual Annual Meeting on June 19-20, 2021. Motion carried unanimously.

CLOSED SESSION

MOTION: Mark Jenkins moved, seconded by Lisa Slaby, to 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.). Robert Schulz, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Jeffrey Clark-yes; Mark Jenkins-yes; Robert Schulz-yes; Lisa Slaby-yes; Peter Sorce-yes; and John Sterling-yes. Motion carried unanimously.

The Board convened into Closed Session 9:57 a.m.

**DELIBERATION ON DEPARTMENT OF
LEGAL SERVICES AND COMPLIANCE MATTERS**

Proposed Stipulations, Final Decisions and Orders

18 OPT 004 – Mark F. Cook, O.D.

MOTION: John Sterling moved, seconded by Peter Sorce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mark F. Cook, O.D., DLSC Case Number 18 OPT 004. Motion carried unanimously.

Case Closings

19 OPT 011 – Unknown

MOTION: Peter Sorce moved, seconded by Jeffrey Clark, to close DLSC Case Number 19 OPT 011, against Unknown, for Lack of Jurisdiction (L2). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Mark Jenkins moved, seconded by Robert Schulz, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:09 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Peter Sorce moved, seconded by Jeffrey Clark, 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.)

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

MOTION: Mark Jenkins moved, seconded by Lisa Slaby, 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: Peter Sorce moved, seconded by Robert Schulz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:12 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Attorney		2) Date when request submitted: September 13, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: September 23, 2021	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 1. Pending and Possible Rulemaking Projects.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session		8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: Status update on active rulemaking projects.			
11) Authorization			
<i>Jon Derenne</i>		September 13, 2021	
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			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jon Derenne, Attorney		2) Date when request submitted: September 13, 2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: September 23, 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Optometry Examining Board Report on Opioid Abuse 1. Review of 2020 report. 2. Proposals for 2021 report.	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Jon Derenne</i>		September 13, 2021	
Signature of person making this request		Date	
Supervisor (if required)		Date	
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Robert Schulz
Chairperson

John Sterling
Vice Chairperson

Emmylou Wilson
Secretary

**WISCONSIN OPTOMETRY EXAMINING
BOARD**



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Wisconsin Optometry Examining Board Report on Opioid Abuse – December 2020

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 2020 also includes actions taken by the Board to achieve the goals identified in the 2019 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. The Optometry Examining Board is in the process of reviewing the *Guidelines* and will discuss changes at their next meeting on January 21, 2021.

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 biennium starting December 15, 2019 and ending December 14, 2021, the Board requires licensees to complete two (2) hours of continuing education relating to prescribing controlled substances.

Goals for 2021 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 Optometry Examining Board will decide whether to adopt an administrative rule to continue that 2-hour requirement beyond the current biennium.

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.

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 DSPPS staff to develop recommendations to update the *Controlled Substances Prescribing Guidelines*. The board will review those recommendations at their January 21, 2021 meeting.

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.

Updates on goals from the 2019 report for addressing the issue of opioid abuse as it relates to the practice of optometry in Wisconsin:

Goal 1: 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, which will aid the board in tracking and reviewing trends in prescribing by licensed optometrists.

Update: At the Optometry Examining Board's September 24, 2020 meeting, the Prescription Drug Monitoring Program presented an update on the optometric prescribing of controlled substances.

Goal 2: 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: The Optometry Examining Board continues to work with PDMP staff to develop recommendations for licensees who have a DEA Registration Number, a small subset of licensees, to encourage them to use the PDMP effectively as part of their prescribing practice.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Carmell Listenbee		2) Date When Request Submitted: 08/29/2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: OPTOMETRY BOARD			
4) Meeting Date: 09/23/2021	5) Attachments: No	6) How should the item be titled on the agenda page? OPTOMETRIST ENDORSEMENT APPLICANTS	
7) Place Item in: ?	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board Liaison would like to possibly add the CE requirement for endorsement applicants.			
11) Signature of person making this request <i>Carmell Listenbee</i>		Authorization Date 09/09/2021	
Supervisor (if required) <i>Samantha Lange</i>		Date <i>9/10/2021</i>	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
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