

Clearinghouse Rule 13-017

STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING : 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 5.02(4) relating to lens prescription.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: § 449.08, Wis. Stats.

Statutory authority: § 15.08(5)(b)

Explanation of agency authority: Each 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 professional.

Related statute or rule: Opt 5

Plain language analysis:

Modification of the definition for lens prescription would provide clarity and create a consistency between lens prescriptions and contact lens prescriptions. Health care entities are increasingly utilizing electronic prescriptions and signatures as a way to improve patient safety, and control costs.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: In Illinois no ophthalmic lenses, prisms or contact lenses may be sold or delivered to an individual without a prescription signed by a licensed optometrist or a physician licensed to practice medicine in all of its branches. It does not specifically address electronic prescription.

Iowa: In Iowa a person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written, electronic or facsimile prescription from a person licensed as an optometrist or physician.

Michigan: Michigan optometry statutes and rules do not have a definition of an optometrist prescription.

Minnesota: Minnesota requires prescriptions furnished to the patient to be signed by the examining optometrist. It does not specify whether the prescription may be electronic.

Summary of factual data and analytical methodologies:

The Optometry Examining Board reviewed their rules with the goal of reducing the burden on small business while continuing to ensure public safety. The Board recognized the efficiencies and accuracy which could be obtained with electronic lens prescriptions. The allowance of electronic lens prescriptions brings the rule in line with contact lens prescriptions.

This rule change was highlighted in the SBRRB's 2013 Wisconsin Regulatory Review Report. As noted in the report, thousands of patients will be able to enjoy the increased speed and accuracy of electronic prescriptions for eyeglasses.

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

This rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units and individuals, for a period of 14 days. No comments were received relating to the economic impact of the rule.

Fiscal Estimate and Economic Impact Analysis:

Fiscal Estimate and EIA is attached.

Effect on small business:

This rule seeks to bring the rules for lens prescriptions in line with contact lens prescriptions. This rule change will not have an effect on small business.

Agency contact person:

Sharon Henes, Paralegal, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

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

Comments may be submitted to Sharon.Henes@wisconsin.gov, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov.

Comments must be received before or at the public hearing to be held on March 28, 2013 to be included in the record of rule-making proceedings.

TEXT OF RULE

Section 1. Opt 5.02(4) is amended to read:

Opt 5.02(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.

Section 2. EFFECTIVE DATE. The rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

(END OF TEXT OF RULE)

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.

Dated _____

Agency _____
Member of the Board
Optometry Examining Board