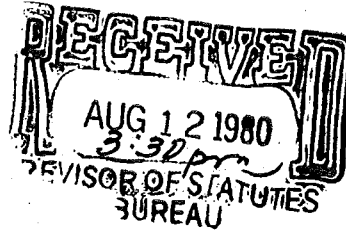


Opt 7



CERTIFICATE

STATE OF WISCONSIN)
OPTOMETRY EXAMINING BOARD) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Lloyd Milavitz, chairman of the Optometry Examining Board, and custodian of the official records of said board do hereby certify that the annexed order relating to rules concerning standards of unprofessional conduct for optometrists, were duly approved and adopted by this board on August 2, 1980.

I further certify that said copy has been compared by me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 2nd day of August, A.D. 1980.

Lloyd Milavitz
Lloyd Milavitz, Chairman
Optometry Examining Board

10-1-80

STATE OF WISCONSIN
BEFORE THE
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE OPTOMETRY EXAMINING
PROCEEDINGS BEFORE THE : BOARD REPEALING, AMENDING OR
OPTOMETRY EXAMINING BOARD : ADOPTING RULES

Relating to rules concerning standards of unprofessional conduct for optometrists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

The proposed rule, Opt. 7.05, interpreting s. 449.08, Wis. Stats., defines failure to specify certain information relating to prescription records in an optometric patient's case history as unprofessional conduct. The Optometry Examining Board has found that in investigating allegations of unprofessional conduct, it is difficult to identify a particular optometrist because there is no requirement to specify the prescribing optometrist in a patient's case history. By requiring the name, license number, date of prescription and signature of a prescribing optometrist in a patient's case history, the board will better be able to identify licensees who violate standards of professional conduct.

ORDER

Now therefore it is ordered that pursuant to authority vested in the Optometry Examining Board in ss. 15.08(5), 227.014 and Chapter 449, Stats., the Optometry Examining Board hereby creates and adopts rules interpreting s. 449.08, Stats., as follows:

Section Opt 7.05 of the Wisconsin administrative code is created to read:

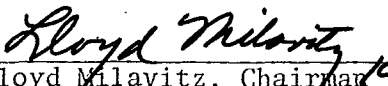
7.05 Prescription Record. It shall be considered unprofessional conduct not to include in each patient record the following information:

- (1) name of patient;
- (2) date of prescription; and
- (3) name, signature and license number of the examining optometrist.

The rule adoption contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026(1), Stats.,

Dated this 2nd day of August, 1980.

By:


Lloyd Milavitz, Chairman
Optometry Examining Board



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

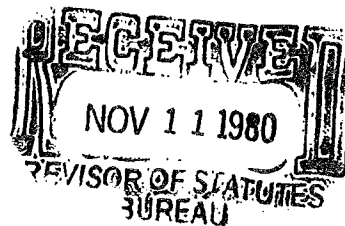
Lee Sherman Dreyfus
Governor

Ann Jansen Haney
Secretary

November 10, 1980

To: Gary Poulson
Assistant Revisor of Statutes
411 West, State Capitol

From: Wilma Morris
Rules Director
Department of Regulation and Licensing



1400 E. WASHINGTON AVENUE
MADISON, WISCONSIN 53702
(Enter at 77 North Dickinson Street)

Subject: Typographical Error on Optometry Board Rule Order

On August 12, 1980 I filed with your office a rulemaking order of the Optometry Examining Board, creating s. Opt 7.05 of the Wisconsin Administrative Code, relating to rules concerning standards for unprofessional conduct for optometrists.

It has been discovered that certain language that has been part of the required rulemaking procedures was inadvertently omitted when the final rulemaking order was prepared, signed and subsequently filed with the Revisor's office. A brief rulemaking history of s. Opt 7.05, Wis. Adm. Code, as adopted by the board, is as follows:

- May 14, 1980 A 30-day Notice of the rule was submitted to the Revisor's office for publication in the Wisconsin Administrative Register. The Notice appeared in the May 1980 Register.
- July 1, 1980 The proposed rule as it appeared in the Notice was referred to Senate Committee on Human Services and Assembly Committee on Health and Social Services in final draft form for 30-day legislative review.
- August 2, 1980 The Optometry Examining Board approved and adopted the proposed rulemaking order as the final rulemaking order on s. Opt 7.05.

Attached is a stamped copy of the 30-day Notice that appeared in the May 1980 Register and a copy of the order with the omitted language inserted for your records. The board requests the correct provision be published in the code.

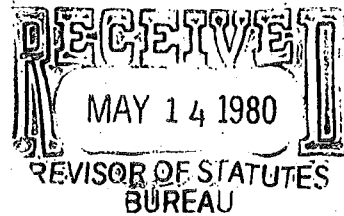
Thanks for your help.

WM:dsh
109-007

cc: Optometry Examining Board
Kaye Exo

Enclosures

STATE OF WISCONSIN
BEFORE THE
OPTOMETRY EXAMINING BOARD



IN THE MATTER OF RULEMAKING : 30-DAY NOTICE OF THE OPTOMETRY
PROCEEDINGS BEFORE THE : EXAMINING BOARD REPEALING,
OPTOMETRY EXAMINING BOARD : AMENDING OR ADOPTING RULES

NOTICE IS HEREBY GIVEN That pursuant to sections 15.08(5), 227.014 and Chapter 449, Wis. Stats., and according to procedures set forth in section 227.02(1), Wis. Stats., the Optometry Examining Board will adopt the following rules interpreting section 449.08, Wis. Stats., created as herein proposed, without public hearing thereon unless, within 30 days after publication of this notice, it is petitioned for a public hearing on the proposed rules by 25 persons who will be affected by the rules, a municipality or an association which is representative of a farm, labor, business or professional group which will be affected by the rules:

Section Opt 7.05 of the Wisconsin administrative code is created to read:

7.05 Patient Record. It shall be unprofessional conduct not to include in each patient record the following information: (1) name and date of birth of patient;

(2) date of examination; and

(3) name, signature and license number of the examining optometrist.

Summary Analysis This new section of the code, interpreting section 449.08, Wis. Stats., is proposed to define failure to specify certain information relating to patient records in an optometric patient's case history as unprofessional conduct. The Optometry Examining Board has found that in investigating allegations of unprofessional conduct, it is difficult to identify a particular optometrist because there is no requirement to specify the prescribing optometrist in a patient's case history. By requiring name, signature and license number of a prescribing optometrist in a patient's case history, the board will better be able to identify licensees who violate standards of professional conduct.

Fiscal Estimate There is no fiscal effect.

Questions on the proposed rules may be directed to Wilma Morris, 1400 East Washington Avenue, Madison, WI 53702, telephone (608) 266-3423.

120-979

RECEIVED

MAY 14 1980

STATE OF WISCONSIN
BEFORE THE
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE OPTOMETRY EXAMINING
PROCEEDINGS BEFORE THE : BOARD REPEALING, AMENDING OR
OPTOMETRY EXAMINING BOARD : ADOPTING RULES

Relating to rules concerning standards of unprofessional conduct for optometrists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

The proposed rule, Opt. 7.05, interpreting s. 449.08, Wis. Stats., defines failure to specify certain information relating to prescription records in an optometric patient's case history as unprofessional conduct. The Optometry Examining Board has found that in investigating allegations of unprofessional conduct, it is difficult to identify a particular optometrist because there is no requirement to specify the prescribing optometrist in a patient's case history. By requiring the name, license number, date of prescription and signature of a prescribing optometrist in a patient's case history, the board will better be able to identify licensees who violate standards of professional conduct.

ORDER

Now therefore it is ordered that pursuant to authority vested in the Optometry Examining Board in ss. 15.08(5), 227.014 and Chapter 449, Stats., the Optometry Examining Board hereby creates and adopts rules interpreting s. 449.08, Stats., as follows:

Section Opt 7.05 of the Wisconsin administrative code is created to read:

7.05 Prescription Record. It shall be considered unprofessional conduct not to include in each patient record the following information:

- (1) name of patient;
- (2) date of prescription; and
- (3) name, signature and license number of the examining optometrist.

The rule adoption contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026(1), Stats.,

Dated this 2nd day of August, 1980.

By: Lloyd Milavitz
Lloyd Milavitz, Chairman
Optometry Examining Board

and date of birth

CERTIFICATE

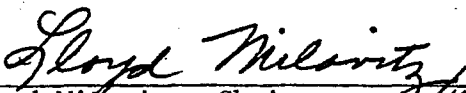
STATE OF WISCONSIN)
OPTOMETRY EXAMINING BOARD) SS

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IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 2nd day of August, A.D. 1980.



Lloyd Milavitz, Chairman
Optometry Examining Board 