

CR 87-77

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CERTIFICATE

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ramona Weakland Warden, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of Optometry Examining Board do hereby certify that the annexed rules were duly approved and adopted by the Optometry Examining Board on the 13th day of Jan., 1989.

I further certify that said copy has been compared to me with the original on file in this office 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 26th day of Jan., 1989.

Ramona Weakland Warden
Ramona Weakland Warden, Director
Bureau of Health Service Professions
Department of Regulation and
Licensing

WLD
RULES-117

4. -1-89.

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD	:	ADOPTING RULES

ORDER

The Optometry Examining Board issues this order to repeal Opt 3, 4, 5 and 11, the renumbering of Opt 6, and the recreation of Opt 3 and 4 relating to examination of applicants and licensure by reciprocity.

The Optometry Examining Board orders as follows:

SECTION 1. Opt 3, 4 and 5 are repealed.

SECTION 2. Opt 3 is created to read:

Chapter Opt 3
EXAMINATION OF APPLICANTS

Opt 3.01 SCHEDULING OF EXAMINATION. The Optometry Examining Board shall fix a time and place for the examination of applicants for licensure.

Opt 3.02 APPLICATION FOR EXAMINATION. (1) An applicant for examination for licensure as an optometrist shall file with the board at least 30 days prior to the date of the scheduled examination under s. Opt 3.03, a completed, sworn application on a form provided by the board. The application shall include:

- (a) The fee specified in figure RL 4.04 (3), column 3; and
 - (b) A current passport type photograph of the applicant.
- (2) The National Board of Examiners in Optometry shall forward to the board proof of the applicant's passing the national board examination.
- (3) An accredited college of optometry approved and recognized by the board shall forward to the board a certified transcript of the applicant.

NOTE: The board annually reviews for approval the colleges of optometry accredited by the council on optometric education of the American Optometric Association or other accrediting bodies. A list of board approved colleges of optometry is available from the board upon request.

(4) An applicant who has a pending criminal charge or who has been convicted of any crime shall provide the board all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction substantially relate to the circumstances of the licensed activity.

(5) Failure of an applicant to give complete and correct answers to all questions on the application may be considered sufficient reason for denial of license or for discipline after the license is issued.

Opt 3.03 PRACTICAL EXAMINATION. (1) CLINICAL EXAMINATION. An applicant shall pass a comprehensive clinical examination on subject parts as determined by the board.

(2) STATE LAW EXAMINATION. An applicant shall pass an examination on state laws relating to optometry including, but not limited to ch. 449, Stats. and chs. Opt 1 to Opt 5.

Opt 3.04 UNAUTHORIZED ASSISTANCE. An applicant who gives or receives unauthorized assistance during the written or clinical examination may be denied licensure by the board. Future consideration of the applicant shall be at the discretion of the board.

Opt 3.05 CONTROLS. Time limits and other necessary controls may be announced by the board chairperson or examiner prior to the examinations.

Opt 3.06 INSTRUCTIONS TO BE FOLLOWED. Credit may be denied on any questions if examination instructions are not followed.

Opt 3.07 PASSING GRADE. (1) NATIONAL EXAMINATION. To pass the examination of the National Board of Examiners in Optometry, an applicant shall receive a grade equal to or higher than the passing score recommended by the National Board of Examiners in Optometry.

(2) Practical examination. (a) To pass the clinical examination, an applicant shall receive an average grade of 75 or above with no grade lower than 70 on any part of the examination.

(b) To pass the state law examination, each applicant must receive a grade of 75 or above.

Opt 3.08 FAILURE AND REVIEW. In case of failure of an applicant on the practical examination, all grades below 75 shall be reviewed by the board or by two members designated by the chairperson.

Opt 3.09 ANNOUNCEMENT OF RESULTS. Examination results shall be released to the applicant after all papers are graded and the results have been approved by the board.

Opt 3.10 RE-EXAMINATION. (1) CLINICAL EXAMINATION. An applicant who fails the clinical examination due to the failure of one part of the examination may retake the failed part only. An applicant who fails the clinical examination due to the failure of two or more parts of the clinical examination, or who fails to achieve an overall average of 75, shall be required to retake the entire clinical examination. The fee for re-examination shall be as specified in s. RL 4.04(3).

(2) STATE LAW EXAMINATION. An applicant who fails the state law examination shall be required to retake that section of the practical examination.

(3) LIMITATION ON RE-EXAMINATION. If an applicant does not pass all parts of the examinations under subs. (1) or (2) within 3 years of the first attempt, the applicant shall retake and pass the entire clinical and state law examination in order to be licensed.

NOTE: The procedures for license denial are covered in ch. RL 1.

SECTION 3. Opt 4 is created to read:

Chapter Opt 4
LICENSURE BY RECIPROCITY

Opt 4.01 QUALIFICATIONS. An optometrist holding a license to practice optometry in another state may become licensed in Wisconsin if the applicant:

(1) Has graduated from an accredited school or college of optometry approved by the board;

(2) Has passed the examination of the National Board of Examiners in Optometry or a licensing examination in another state;

(3) Has practiced optometry for at least 5 years;

(4) Has passed the required examination administered by the board as set forth in s. Opt 4.03; and

(5) Has never been disciplined by the licensing authority in any other state, territory or country for any misconduct or violations which evidence lack of competence to practice optometry in Wisconsin as determined by the board;

(6) Is not aware of any current investigation against the applicant's license to practice optometry in any state or jurisdiction, and

(7) Does not have an arrest or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats.

Opt 4.02 APPLICATION PROCEDURE. (1) An applicant for licensure under this chapter shall file with the board, no later than 60 days prior to the examinations under s. Opt 4.03, a completed, sworn application on a form provided by the board. The application shall include:

(a) The signature of the applicant;

(b) Notice as to whether the applicant has been disciplined in any state in which he or she has held a license; and

(c) The fee specified under s. 440.05(1), Stats.

(2) An accredited school or college of optometry approved and recognized by the board shall forward to the board a certified transcript of the applicant.

NOTE: The board annually reviews for approval the colleges of optometry accredited by the council on optometric education of the American Optometric Association, or other accrediting bodies. A list of board-approved colleges of optometry is available from the board upon request.

(3) All states in which the applicant has ever held a license shall forward to the board verification of the applicant's licensure in those states.

(4) Applicants who have a pending criminal charge or have been convicted of any crime shall provide the board all related information necessary for the board to determine whether the circumstances of the pending criminal charge or conviction are substantially related to the circumstances of the licensed activity.

NOTE: For DPA certification the applicant must also meet requirements in ch. RL 10.

Opt 4.03 EXAMINATIONS. (1) An applicant for a license by reciprocity under this chapter shall take and pass the practical examination as set forth in s. Opt 3.03.

(2) The passing grade shall be as specified in s. Opt 3.07.

NOTE: The conduct of examinations administered by the board is specified in ch. Opt 3.

SECTION 4. Opt 6 is renumbered Opt 5.

SECTION 5. Opt 11 is repealed.

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 1/13/89

Agency Lynnda Farnan
Chairperson
Optometry Examining Board

WD:skv
RULES-131

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: January 14, 1989

FILE REF:

TO: Gary Poulson,
Assistant Revisor of Statutes

FROM: William Dusso
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

RECEIVED

JAN 26 1989

Revisor of Statutes
Bureau

Agency: OPTOMETRY EXAMINING BOARD

Clearinghouse Rule: 87-77

Attached is a copy and a certified copy of a final order adopting rules.

I made the following changes to these rules following review by the legislative committees:

Changed the citation form from "Opt." to "Opt" where "Opt." appeared in the rules.

Changed the citation form from "Ch." to "ch." where "Ch." appeared incorrectly in the rules.

Added the citation form "s." to several section citation references in the rules where a reference was missing.

Deleted the words "another chapter of the Wisconsin Administrative Code" from the note following s. Opt 3.10 (3).

Would you please publish these rules in the code. Thanks, Gary.