

OPTOMETRY EXAMINING BOARD

Chapter Opt 8

PROCEDURE

Opt 8.01	Petition for change in rules	Opt 8.04	Service
Opt 8.02	Petition for declaratory rulings	Opt 8.05	Prehearing conference
Opt 8.03	Procedure governing pleadings	Opt 8.06	Procedure and practice

History: Chapter Opt 8 as it existed on January 31, 1971 was repealed and a new chapter Opt 8 was created, Register, January, 1971, No. 18, eff. 2-1-71.

Opt 8.01 Petitions for change in rules. Any 5 optometrists or other interested persons may petition the board for adoption, amendment or repeal of any rules by following the procedures outlined in section 227.015, Wis. Stats.

History: Cr. Register, January, 1971, No. 181, eff. 2-1-71.

Opt 8.02 Petitions for declaratory rulings. (1) Any optometrist, or other interested person may, by following the procedures outlined in section 227.06, Wis. Stats., petition the board for a declaratory ruling. Said petition should be addressed to the secretary of the board.

(2) The board will, within 60 days, grant or deny the petition. If the petition is granted, the board will, within 30 days, set a date for hearing. The board may require briefs on the issues raised.

(3) A declaratory ruling will be accompanied by a brief statement of the reasons therefore, and the person or persons petitioning will be served with copies.

History: Cr. Register, January, 1971, No. 181, eff. 2-1-71.

Opt 8.03 Procedure governing pleadings. (1) FORM. Pleadings shall be in written form.

(2) CONTENT. (a) The complaint shall contain a plain statement of the cause of the complaint, naming the person or persons complained against, with a reference to the applicable rule of the board or law governing the same and the demand for appropriate action by the board.

(b) The answer, other than admissions of the allegations of the complaint, shall state the defense of the respondent including mitigating circumstances, if any.

(3) FILING. Three copies of all pleadings shall be filed with the secretary of the board.

History: Cr. Register, January, 1971, No. 181, eff. 2-1-71.

Opt 8.04 Service. Notice and service shall conform to the requirements of section 449.09 (1), Wis. Stats.

History: Cr. Register, January, 1971, No. 181, eff. 2-1-71; am. Register, August, 1973, No. 212, eff. 9-1-73.

Opt 8.05 Prehearing conferences. Prehearing conferences to determine the advisability or necessity of holding a formal hearing may

Register, August, 1973, No. 212

be held at the convenience of the parties and shall be conducted by such member or members of the board as may be designated by the board for such purpose. A record shall be kept and preserved of any agreement as to the issues or stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

History: Cr. Register, January, 1971, No. 181, eff. 2-1-71.

Opt 8.06 Procedure and practice. Procedure and practice shall be governed by section 449.09, Wis. Stats.

History: Cr. Register, January, 1971, No. 181, eff. 2-1-71.