

## Chapter Opt 3

### EXAMINATION OF APPLICANTS

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**History:** Chapter Opt 3 and 4 as they existed on March 31, 1989 were repealed and a new chapter Opt 3 was created effective April 1, 1989.

**Opt 3.01 Scheduling of state board examination.** The optometry examining board shall fix a time and place for the examination of applicants for licensure.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89.

**Opt 3.02 Application for state board 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 authorized in s. 440.05 (1), Stats., and

**Note:** A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(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 optometry 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.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89; am. (1) (a), Register, July, 1994, No. 463, eff. 8-1-94; am. (1) (a), Register, April, 1996, No. 484, eff. 5-1-96.

**Opt 3.03 State board examinations. (1) PRACTICAL EXAMINATION.** An applicant shall pass a comprehensive practical examination on subject parts as determined by the board.

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

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89; am. Register, April, 1996, No. 484, eff. 5-1-96.

**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.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89.

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

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89.

**Opt 3.06 Instructions to be followed.** Credit may be denied on any questions if examination instructions are not followed.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89.

**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) **EXAMINATIONS.** (a) To pass the practical 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.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89; am. (2) (a), Register, April, 1996, No. 484, eff. 5-1-96.

**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.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89.

**Opt 3.10 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 2 members designated by the chairperson.

(2) An applicant who fails the state board examination may request a review of that examination. The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed.

(3) The time for review shall be limited to 4 hours.

(4) The examination shall be reviewed only by the applicant and in the presence of the proctor.

(5) The proctor shall not respond to inquiries by the applicant regarding allegations of examination error.

(6) Any comments or claims of error regarding specific questions or procedures in the examination may be placed in writing on the provided form. These comments shall be retained and made available to the applicant for use at a subsequent hearing.

(7) An applicant shall be permitted to review the examination only once.

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89; renum. from Opt 3.08, and r. and recr. Register, June, 1990, No. 414, eff. 7-1-90.

**Opt 3.11 Claim of examination error. (1)** An applicant wishing to claim examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include:

(a) The applicant's name and address;

(b) The type of license applied for;

(c) A description of the perceived error, including specific questions or procedures claimed to be in error; and,

(d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the decision does not result in the applicant passing the examination, the applicant may request a hearing under s. RL 1.05.

**History:** Cr. Register, June, 1990, No. 414, eff. 7-1-90.

**Opt 3.12 Reexamination. (1) PRACTICAL EXAMINATION.** An applicant who fails to achieve a grade of 75 shall be required

to retake the practical examination. The fee for reexamination shall be as specified in s. 440.05 (1), Stats.

**Note:** A list of all current examination fees may be obtained at no charge from the Office of Examinations, Department of Regulation and Licensing, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

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

(3) **LIMITATION ON REEXAMINATION.** If an applicant does not pass both parts of the examination under sub. (1) or (2) within 3 years of the first attempt, the applicant shall retake both parts, and pass both parts within 3 years of the retake of both parts in order to be licensed.

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

**History:** Cr. Register, March, 1989, No. 399, eff. 4-1-89; renum. from Opt 3.10 and am. (1), Register, June, 1990, No. 414, eff. 7-1-90; am. (1), Register, July, 1994, No. 463, eff. 8-1-94; am. Register, April, 1996, No. 484, eff. 5-1-96.