



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 297
[2005 Senate Bill 429]

Regulation of Optometrists

2005 Wisconsin Act 297 makes a number of changes in the statutes relating to regulation of optometrists, as described below.

Use of Diagnostic Pharmaceutical Agents

Under the statutes that existed prior to Act 297, optometrists could use topical ocular diagnostic pharmaceutical agents only if certified to do so by the Department of Regulation and Licensing (DRL). Optometrists who wish to do so must have a plan approved by the Secretary of DRL after consultation with the Optometry Examining Board and the Medical Examining Board for the referral of patients who experience adverse reactions. In addition, the agents may be used only by optometrists who successfully complete an examination conducted by the Optometry Examining Board on the subject of general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents, including the treatment of adverse reactions.

In addition, under the statutes that existed prior to Act 297, optometrists who wished to use such agents must successfully complete 60 classroom hours of study in general and ocular pharmacology with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents.

Act 297 makes the following changes in the statutes relating to use of diagnostic pharmaceutical agents by optometrists:

- The Act provides that persons who are initially licensed as optometrists by the Optometry Examining Board on or after August 1, 2006 no longer need a separate certificate in order to use topical ocular diagnostic pharmaceutical agents.
- The Act eliminates the requirement that the plan for referral of patients who experience adverse reactions is subject to approval of the Secretary of DRL.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- The Act eliminates a requirement that DRL periodically review the validity, reliability, and appropriateness of the examination for certification and instead requires that the Optometry Examining Board do so. In addition, the statute that provided that an optometrist must successfully complete an examination conducted by the Optometry Examining Board is modified to state that the examination must be “approved or conducted” by the Optometry Examining Board.
- The Act changes references to an examination of the National Board of Examiners in Optometry to refer also to “another examination provider” approved by the Optometry Examining Board.

Use of Therapeutic Pharmaceuticals and Removal of Foreign Bodies From an Eye

Under the statutes that existed prior to Act 297, optometrists could use therapeutic pharmaceutical agents or remove foreign bodies from an eye or an appendage to an eye only if certified to do so by the Optometry Examining Board. Educational and examination requirements are specified in the statutes with regard to certification for use of therapeutic pharmaceutical agents or removal of foreign bodies. Certificates expire on January 1 of each of even-numbered year. In addition, the Optometry Examining Board is required to promulgate rules requiring applicants for renewal of certification to attend continuing education courses, with the rules establishing criteria for approval of the courses and not requiring an applicant to attend more than 30 hours of courses within the preceding two calendar years.

Act 297 makes the following changes in the statutes relating to use of therapeutic pharmaceutical agents and removal of foreign bodies from eyes:

- The Act provides that persons who are initially licensed as optometrists by the Optometry Examining Board on or after August 1, 2006 no longer need a separate certificate in order to use therapeutic pharmaceutical agents or remove foreign bodies.
- The Act changes a reference in the statutes from “Council on Post-Secondary Accreditation” to “Council for Higher Education Accreditation.”
- The Act eliminates a requirement that DRL periodically review the validity, reliability, and appropriateness of the examination for certification and instead requires that the Optometry Examining Board do so.
- The Act repeals the requirement that a certificate expires on January 1 of each even-numbered year. Rather, a certificate remains in effect while the optometrist’s license to practice optometry remains in effect, unless the certificate is suspended or revoked by the Optometry Examining Board.
- The Act repeals the separate continuing education requirements for certification. Rather, as described below, continuing education requirements will apply to all optometrists.

Examination for Licensure

Act 297 makes the following changes in the statutes relating to examination of persons prior to licensure as optometrists:

- The Act eliminates the requirement that the examination include a written and practical examination.
- The Act adds a requirement that the examination test knowledge regarding general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular diagnostic pharmaceutical agents and therapeutic pharmaceutical agents, including adverse reactions to such agents, and knowledge regarding the removal of foreign bodies from eyes.
- The Act adds a requirement that the examination include a test of knowledge of state laws and administrative rules regarding the practice of optometry.
- The Act modifies the statute that provided that an applicant must pass an examination conducted by the Optometry Examining Board. Rather, the Act states that the examination must be “approved or conducted” by the Optometry Examining Board.
- The Act changes references to an examination of the National Board of Examiners in Optometry, to refer also to “another examination provider” approved by the Optometry Examining Board.
- The Act eliminates the requirement a person must have had five years’ approved training in optometry, of which at least three years must have been in an accredited school or college of optometry, in order to take the licensure examination.

Licensure of Optometrists From Other States

Under the law prior to Act 297, a person who is licensed in good standing to practice optometry in another state, that has substantially similar requirements and grants equal to privileges to residents of Wisconsin, may be issued a certificate by the Optometry Examining Board. (Referred to as “licensure by endorsement.”) The person must pass an examination in pathology and practical optometry, pay the required fee, and produce a certificate showing that the person has passed an examination in the other state and satisfactory evidence that the person has actually practiced there for five years.

Act 297 makes the following changes in the statutes relating to licensure of optometrists from other states:

- The Act eliminates the requirement that the other state must grant equal privileges to residents of Wisconsin.
- The Act eliminates the requirement that the person produce a certificate showing that he or she passed an examination in the other state.
- The Act adds a requirement that the person must pass an examination that tests knowledge of state and federal laws and administrative rules and regulations regarding the practice of optometry.
- The Act adds a requirement that the person seeking licensure by endorsement: (1) must present proof satisfactory to the Optometry Examining Board that, subject to statutes relating to discrimination based on arrest or conviction, he or she does not have an arrest or conviction record; and (2) must have graduated from an accredited college of optometry approved and recognized by the Optometry Examining Board.

- The Act adds a requirement that the person must have completed the required study, and passed examinations, related to topical ocular diagnostic pharmaceutical agents, and therapeutic pharmaceutical agents and removal of foreign bodies from the eye.

Continuing Education

As noted above, Act 297 eliminates the continuing education requirement that applied to persons who had a certificate to use therapeutic pharmaceutical agents or remove foreign bodies from an eye. Rather, the Act creates a continuing education requirement that applies to all optometrists.

Under the Act, the Optometry Examining Board is required to promulgate rules requiring a licensed optometrist to complete not less than 30 hours of continuing education during the two-year period immediately preceding renewal of a license. The rules must include requirements that apply only to optometrists who are allowed to use topical ocular diagnostic pharmaceutical agents, or who are allowed to use therapeutic pharmaceutical agents or remove foreign bodies. The Optometry Examining Board is allowed to promulgate these rules using the emergency rule-making procedure, without the necessity of finding an emergency. In addition, the Optometry Examining Board is required to submit proposed permanent rules to the Legislative Council Rules Clearinghouse by February 1, 2007.

Other Provisions

Act 297 makes the following additional changes in the statutes relating to regulation of optometrists:

- Under prior law, if, during the course of an examination, an optometrist determines the existence of a pathological condition requiring treatment outside the scope of the practice of optometry, the optometrist must advise the person of this and refer the person to an appropriate medical specialist for further evaluation. The Act deletes the reference to “medical specialist” and instead substitutes “health care professional,” a term that is defined in current statutes (s. 180.1901 (1m), Stats.) as a person who is licensed, registered, or certified by one of several enumerated examining boards or affiliated credentialing boards.
- The Act eliminates several statutory references to Wisconsin Vision Services, Inc.
- The Act provides an exception to the statutory requirement that no person may practice optometry without a license. Under the Act, that requirement does not apply to a person who practices optometry under the supervision of a licensed optometrist. The Optometry Examining Board is required to promulgate rules specifying the conditions for supervision required under this provision.
- The Act eliminates the statute that prohibits advertising by the use of a name other than the name under which the optometrist is licensed to practice.

Effective Date: The Act takes effect on August 1, 2006.

Prepared by: Richard Sweet, Senior Staff Attorney

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