

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

*Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤

➤ Clearinghouse Rules ... CRule

➤ 97hr\_JCR-AR\_CRule\_98-075

➤ Committee Hearings ... CH

➤

➤ Committee Reports ... CR

➤

➤ Executive Sessions ... ES

➤

➤ Hearing Records ... HR

➤

➤ Miscellaneous ... Misc

➤

➤ Record of Comm. Proceedings ... RCP

➤

28-075 OPT. 3/4 - LICENSING  
OPTOMETRISTS

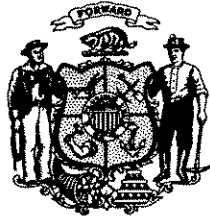
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-075**

AN ORDER to repeal Opt 3.03 (title) and (1), 3.07 (2) (a), 3.10 (1) and 3.12 (1) and (3); to renumber and amend Opt 3.03 (2), 3.07 (2) (b), 3.12 (2) and 4.03 (2); to amend chapter Opt 3 (title), 3.02 (1) (b) and the Note following (1) (b), 3.04, 3.05, 3.10 (2) and (3), 3.12 (title), 4.01 (2), (4) and the Note following (7), the Notes following 4.02 (1) (d) and (e) and 4.03 (1); and to create Opt 4.03 (2), relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

05-19-98      RECEIVED BY LEGISLATIVE COUNCIL.  
06-15-98      REPORT SENT TO AGENCY.

RS:PS;jt;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☒

NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☒

NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

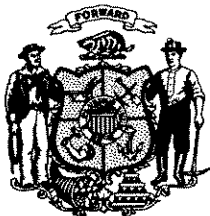
NO ☒

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-075

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### 2. Form, Style and Placement in Administrative Code

- a. In s. Opt 3.02 (1) (b), the first "of" should not be underscored and the second "of" should be underscored.
- b. In the treatment clause to SECTION 4 of this rule, the phrase "as renumbered" should be deleted.
- c. In the treatment clause to SECTION 7 of the rule, the phrase "Opt 23.07 (2) (title), as renumbered, is" should be inserted after the word "and."
- d. With the repeal in SECTION 8 of s. Opt 3.10 (1), s. Opt 3.10 (2) and (3), which are amended in SECTION 9 of the rule, could also be renumbered subs. (1) and (2). Also, it is suggested that a Note be inserted after s. Opt 3.10 (2) to indicate where the written request to the board should be sent.

### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In this rule, the title to s. Opt 3.03 refers to the state law examination, while the title to s. Opt 3.07 (2) refers to the state board examination. If these two examinations are one and the same, only one term should be used, to avoid the impression that two different examinations are being referred to. Note that the text of s. Opt 3.07 (2) refers to the state law examination. On a related note, s. Opt 3.12 is given two different titles. SECTION 10 changes the current title

to "REEXAMINATION," while SECTION 12 entitles the section "STATE LAW EXAMINATION." It appears that the first title is more appropriate. Also, in SECTION 10, the colon after "SECTION" should be deleted. The entire rule should be reviewed for consistent terminology with respect to the state exam.

b. In s. Opt 3.05, the word "imposed" could be substituted for "provided."

c. In s. Opt 4.03 (3), it appears that the word "examinations" should be singular, for consistency with use of the singular in ss. Opt 3.03, 3.07 (2) and 4.03 (1), among other places.

d. In s. Opt 4.03 (2) (a) and (b), the word "the" should be inserted after each occurrence of the word "if."

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 98- )

---

PROPOSED ORDER

An order of the Optometry Examining Board to repeal Opt 3.03 (title) and (1), 3.07 (2) (a), 3.10 (1), 3.12 (1) and (3); to renumber and amend Opt 3.03 (2), 3.07 (2) (b), 3.12 (2) and 4.03 (2); to amend ch. Opt 3 (title), 3.02 (1) (b) and the Note following 3.02 (1) (b), 3.04, 3.05, 3.10 (2) and (3), 3.12 (title), 4.01 (2), (4) and the Note following 4.01 (7), the Notes following 4.02 (1) (d) and (e) and 4.03 (1); and to create Opt 4.03 (2), relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 449.04 and 449.05 (2), Stats.

In this proposed rule-making order the Optometry Examining Board amends several provisions contained in chs. Opt 3 and 4, relating to examination requirements for initial and reciprocal credential applicants.

In general, individuals applying for a license to practice optometry are required to pass Parts I, II and certain components of Part III of the examination administered by the National Board of Examiners in Optometry. Similar requirements are contained in the rules relating to reciprocal applicants. Until recently, applicants were also required to pass a practical examination administered by the board, because the board did not accept the results of the practical component of Part III of the national examination. As a result, applicants were required to pass two practical examinations, the practical component of Part III and the practical examination given by the board. After further review, the board determined that the practical component of Part III is equivalent to its practical examination. Thereafter, the board discontinued its practical examination and elected to accept the practical component of Part III instead. The proposed amendments to chs. Opt 3 and 4, will reflect this change.

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TEXT OF RULE

SECTION 1. Chapter Opt 3 (title) is amended to read:

CHAPTER OPT 3 (title)

EXAMINATION OF APPLICANTS FOR LICENSURE

SECTION 2. Opt 3.02 (1) (b) and the Note following 3.02 (1) (b) are amended to read:

Opt 3.02 (1) (b) Verification of the applicant's successful completion of parts I, II and III of the national board examination submitted directly to the board by the national board of examiners in optometry.

Note: It is the responsibility of the applicant to contact the National Board of Examiners in Optometry to request that it forward verification of the applicant's successful completion of the requisite examination to the board. An application will not be considered complete until after the board receives the examination verification and other ~~essential~~ required information.

SECTION 3. Opt 3.03 (title) and (1) are repealed.

SECTION 4. Opt 3.03 (2) is renumbered Opt 3.03 and as renumbered amended to read:

Opt 3.03 (title) 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.

SECTION 5. Opt 3.04 and 3.05 are amended to read:

Opt 3.04 RULES OF CONDUCT. An applicant who gives or receives unauthorized assistance, violates rules of conduct of the examination or otherwise acts dishonestly during the written or practical 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 provided by the board chairperson or examiner prior to the examinations.

SECTION 6. Opt 3.07 (2) (a) is repealed.

SECTION 7. Opt 3.07 (2) (b) is renumbered Opt 3.07 (2) and amended to read:

Opt 3.07 (2) (title) STATE BOARD EXAMINATION. To pass the state law examination, each applicant must receive a grade determined by the board to represent minimum competence to practice optometry.



SECTION 8. Opt 3.10 (1) is repealed.

SECTION 9. Opt 3.10 (2) and (3) are amended to read:

Opt 3.10 (2) An applicant who fails a the state board examination may request a review of ~~that~~ the 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~~ one hour.

SECTION 10. Opt 3.12 (title) is amended to read:

Opt 3.12 (title) REEXAMINATION.

SECTION 11. Opt 3.12 (1) is repealed.

SECTION 12. Opt 3.12 (2) is renumbered Opt 3.12 and amended to read:

Opt 3.12 STATE LAW EXAMINATION. An applicant who fails the state law examination shall be ~~required to retake that section of~~ the examination.

SECTION 13. Opt 3.12 (3) is repealed.

SECTION 14. Opt 4.01 (2), (4) and the Note following 4.01 (7) are amended to read:

Opt 4.01 (2) Has passed the examination of the national board of examiners in optometry as provided in s. Opt 4.03, or a licensing examination in another state.

(4) Has passed the required state board ~~examinations~~ examination administered by the board as set forth in s. Opt 4.03.

Note: Applicants who engaged in the practice of optometry for at least 5 years prior to 1996 are required to take and pass Parts I and II of the national board examination. Applicants who engaged in the practice of optometry for less than 5 years prior to 1996 and applicants who graduated from an approved college of optometry after December 31, 1995 are required to take and pass Parts I, II and III of the national board examination. It is the responsibility of the applicant to contact the national board to request that verification of the applicant's successful completion of the requisite examination be forwarded to the board. An application will not be considered complete until after the board receives the examination verification and other essential required information.

SECTION 15. The Note following s. Opt 4.02 (1) (d) and the Note following s. Opt 4.02 (1) (e) are amended to read:

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. It is the responsibility of the applicant to contact the appropriate college to request that the college forward a certified transcript to the board office. An application will not be considered complete until after the board receives a copy of the transcript and other essential required information.

Note: It is the responsibility of the applicant to contact the appropriate state licensing agencies to request that verification of the applicant's licensure be forwarded to the board. An application will not be considered to be complete until after the board receives verification of licensure from all state licensing agencies and other essential required information.

SECTION 16. Opt 4.03 (1) is amended to read:

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

SECTION 17. Opt 4.03 (2) is renumbered Opt 4.03 (3) and Opt 4.03 (3) and the Note are amended to read:

Opt. 4.03 (3) The passing ~~grades~~ grade for the examinations shall be as specified in s. Opt 3.07.

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

SECTION 18. Opt 4.03 (2) is created to read:

Opt 4.03 (2) An applicant for a license by reciprocity under this chapter shall successfully complete a licensing examination in another state or one of the following:

(a) Parts I and II of the national board examination, if <sup>the</sup> applicant has engaged in the practice of optometry for at least 5 years prior to January 1, 1996.

(b) Parts I, II and III of the national board examination, if <sup>the</sup> applicant has engaged in the practice of optometry for less than 5 years prior to January 1, 1996, or if applicant graduated from an approved college of optometry after December 1, 1995.

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(END OF TEXT OF RULE)  
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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 \_\_\_\_\_

Agency \_\_\_\_\_

Chairperson  
Optometry Examining Board

#### FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.

2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized state fiscal impact on state funds of the proposed rule: \$0.00.

#### INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

**STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD**

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<b>IN THE MATTER OF RULE-MAKING</b>	<b>:</b>	<b>PROPOSED ORDER OF THE</b>
<b>PROCEEDINGS BEFORE THE</b>	<b>:</b>	<b>OPTOMETRY EXAMINING BOARD</b>
<b>OPTOMETRY EXAMINING BOARD</b>	<b>:</b>	<b>ADOPTING RULES</b>
	<b>:</b>	<b>(CLEARINGHOUSE RULE 98-075)</b>

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TO: Senator Robert Welch, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
1 East Main Street  
Room 201  
Madison, Wisconsin 53702

SEP 14 1998

PLEASE TAKE NOTICE that the OPTOMETRY EXAMINING BOARD is submitting in final draft form proposed rules relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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Tommy G. Thompson  
Governor

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING



Marlene A. Cummings  
Secretary

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# **Administrative Rules in Final Draft Form**

## **Optometry Examining Board**

### **Rule: Chapters Opt 3 and Opt 4**

### **Relating to: Applications and Examination Requirements**

### **Clearinghouse Rule: No. 98-075**

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Engineers, Designers and Land Surveyors; Professional Geologists, Hydrologists and Soil Scientists; Auctioneer; Barbering and Cosmetology; Chiropractic; Controlled Substances; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Podiatry; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

**STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD**

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE**  
**PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 98-075**  
**OPTOMETRY EXAMINING BOARD : (s. 227.19 (3), Stats.)**

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**I. THE PROPOSED RULE:**

The proposed rule, including the analysis and text, is attached.

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

In this proposed rule-making order the Optometry Examining Board amends several provisions contained in chs. Opt 3 and 4, relating to examination requirements for initial and reciprocal credential applicants.

In general, individuals applying for a license to practice optometry are required to pass Parts I, II and certain components of Part III of the examination administered by the National Board of Examiners in Optometry. Similar requirements are contained in the rules relating to reciprocal applicants. Until recently, applicants were also required to pass a practical examination administered by the board, because the board did not accept the results of the practical component of Part III of the national examination. As a result, applicants were required to pass two practical examinations, the practical component of Part III and the practical examination given by the board. After further review, the board determined that the practical component of Part III is equivalent to its practical examination. Thereafter, the board discontinued its practical examination and elected to accept the practical component of Part III instead. The proposed amendments to chs. Opt 3 and 4, will reflect this change.

**V. NOTICE OF PUBLIC HEARING:**

A public hearing was held on June 19, 1998. Charles B. Brownlow, O.D., Weyauwega and Peter Theo, both representing the Wisconsin Optometric Association, appeared and registered in support of the proposed rules. There were no other appearances nor were any written comments received.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

All of the recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 98-075)

---

PROPOSED ORDER

An order of the Optometry Examining Board to **repeal** Opt 3.03 (title) and (1), 3.07 (2) (a) and 3.10 (1); to **renumber** Opt 3.03 (2); to **renumber and amend** Opt 3.07 (2) (b) and 4.03 (2); to **amend** ch. Opt 3 (title), 3.02 (1) (b) and the Note following 3.02 (1) (b), 3.04, 3.05, the Note following 3.07 (2), 3.10 (2) and (3), 4.01 (2), (4) and the Note following 4.01 (7), the Notes following 4.02 (1) (d) and (e), 4.03 (1) and the Note following 6.03 (2); to **repeal and recreate** Opt. 3.12; and to **create** Opt 4.03 (2), relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2), Stats.

Statutes interpreted: ss. 449.04 and 449.05 (2), Stats.

In this proposed rule-making order the Optometry Examining Board amends several provisions contained in chs. Opt 3 and 4, relating to examination requirements for initial and reciprocal credential applicants.

In general, individuals applying for a license to practice optometry are required to pass Parts I, II and certain components of Part III of the examination administered by the National Board of Examiners in Optometry. Similar requirements are contained in the rules relating to reciprocal applicants. Until recently, applicants were also required to pass a practical examination administered by the board, because the board did not accept the results of the practical component of Part III of the national examination. As a result, applicants were required to pass two practical examinations, the practical component of Part III and the practical examination given by the board. After further review, the board determined that the practical component of Part III is equivalent to its practical examination. Thereafter, the board discontinued its practical examination and elected to accept the practical component of Part III instead. The proposed amendments to chs. Opt 3 and 4, will reflect this change.

---



## TEXT OF RULE

SECTION 1. Chapter Opt 3 (title) is amended to read:

### CHAPTER OPT 3 (title)

#### EXAMINATION OF APPLICANTS FOR LICENSURE

SECTION 2. Opt 3.02 (1) (b) and the Note following 3.02 (1) (b) are amended to read:

Opt 3.02 (1) (b) Verification of the applicant's successful completion of parts I, II and III of the national board examination submitted directly to the board by the national board of examiners in optometry.

Note: It is the responsibility of the applicant to contact the National Board of Examiners in Optometry to request that it forward verification of the applicant's successful completion of the requisite examination to the board. An application will not be considered complete until after the board receives the examination verification and other ~~essential~~ required information.

SECTION 3. Opt 3.03 (title) and (1) are repealed.

SECTION 4. Opt 3.03 (2) is renumbered Opt 3.03.

SECTION 5. Opt 3.04 and 3.05 are amended to read:

Opt 3.04 RULES OF CONDUCT. An applicant who gives or receives unauthorized assistance, violates rules of conduct of the examination or otherwise acts dishonestly during the written ~~or practical~~ 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~~ provided by the board chairperson or examiner prior to the examinations.

SECTION 6. Opt 3.07 (2) (a) is repealed.

SECTION 7. Opt 3.07 (2) (b) is renumbered Opt 3.07 (2) and Opt 3.07 (2) (title), as renumbered, is amended to read:

Opt 3.07 (2) (title) STATE LAW EXAMINATION.

SECTION 8. The Note following Opt 3.07 (2) is amended to read:

Note: The passing grades for the state ~~board~~ law examinations will be determined by the board after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

SECTION 9. Opt 3.10 (1) is repealed.

SECTION 10. Opt 3.10 (2) and (3) are amended to read:

Opt 3.10 (2) An applicant who fails a the state ~~board~~ law examination may request a review of ~~that~~ the examination. The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

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

SECTION 11. Opt 3.12 is repealed and recreated to read:

Opt 3.12 REEXAMINATION. An applicant who fails the state law examination shall be required to retake the examination.

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

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

SECTION 12. Opt 4.01 (2), (4) and the Note following 4.01 (7) are amended to read:

Opt 4.01 (2) Has passed the examination of the national board of examiners in optometry as provided in s. Opt 4.03, or a licensing examination in another state.

(4) Has passed the required state ~~board examinations~~ law examination administered by the board as set forth in s. Opt 4.03.

Note: Applicants who engaged in the practice of optometry for at least 5 years prior to 1996 are required to take and pass Parts I and II of the national board examination. Applicants who engaged in the practice of optometry for less than 5 years prior to 1996 and applicants who graduated from an approved college of optometry after December 31, 1995 are required to take and pass Parts I, II and III of the national board examination. It is the responsibility of the applicant to contact the national board to request that verification of the applicant's successful completion of the requisite examination be forwarded to the board. An application will not be considered complete until after the board receives the examination verification and other essential required information.

SECTION 13. The Note following Opt 4.02 (1) (d) and the Note following Opt 4.02 (1) (e) are amended to read:

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. It is the responsibility of the applicant to contact the appropriate college to request that the college forward a certified transcript to the board office. An application will not be considered complete until after the board receives a copy of the transcript and other ~~essential~~ required information.

Note: It is the responsibility of the applicant to contact the appropriate state licensing agencies to request that verification of the applicant's licensure be forwarded to the board. An application will not be considered to be complete until after the board receives verification of licensure from all state licensing agencies and other ~~essential~~ required information.

SECTION 14. Opt 4.03 (1) is amended to read:

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

SECTION 15. Opt 4.03 (2) is renumbered Opt 4.03 (3) and amended to read:

Opt. 4.03 (3) The passing ~~grades~~ grade for the examinations shall be as specified in s. Opt 3.07.

SECTION 16. Opt 4.03 (2) is created to read:

Opt 4.03 (2) An applicant for a license by reciprocity under this chapter shall successfully complete a licensing examination in another state or one of the following:

(a) Parts I and II of the national board examination, if the applicant has engaged in the practice of optometry for at least 5 years prior to January 1, 1996.

(b) Parts I, II and III of the national board examination, if the applicant has engaged in the practice of optometry for less than 5 years prior to January 1, 1996, or if applicant graduated from an approved college of optometry after December 1, 1995.

SECTION 17. The Note following Opt 6.03 (2) is amended to read:

Note: The Colleges of Optometry which offer the 100 hours of approved study and qualifying examinations required for approval for TPA certification are approved annually by the board. A list of ~~100 hours of board approved study and examinations colleges~~ may be obtained from the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

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(END OF TEXT OF RULE)

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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 \_\_\_\_\_

Agency \_\_\_\_\_  
Chairperson  
Optometry Examining Board

#### FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized state fiscal impact on state funds of the proposed rule: \$0.00.

#### FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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9/14/98

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-075**

AN ORDER to repeal Opt 3.03 (title) and (1), 3.07 (2) (a), 3.10 (1) and 3.12 (1) and (3); to renumber and amend Opt 3.03 (2), 3.07 (2) (b), 3.12 (2) and 4.03 (2); to amend chapter Opt 3 (title), 3.02 (1) (b) and the Note following (1) (b), 3.04, 3.05, 3.10 (2) and (3), 3.12 (title), 4.01 (2), (4) and the Note following (7), the Notes following 4.02 (1) (d) and (e) and 4.03 (1); and to create Opt 4.03 (2), relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

05-19-98      RECEIVED BY LEGISLATIVE COUNCIL.

06-15-98      REPORT SENT TO AGENCY.

RS:PS;jt;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☒

NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☒

NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

NO ☒

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## CLEARINGHOUSE RULE 98-075

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

### 2. Form, Style and Placement in Administrative Code

- a. In s. Opt 3.02 (1) (b), the first "of" should not be underscored and the second "of" should be underscored.
- b. In the treatment clause to SECTION 4 of this rule, the phrase "as renumbered" should be deleted.
- c. In the treatment clause to SECTION 7 of the rule, the phrase "Opt 23.07 (2) (title), as renumbered, is" should be inserted after the word "and."
- d. With the repeal in SECTION 8 of s. Opt 3.10 (1), s. Opt 3.10 (2) and (3), which are amended in SECTION 9 of the rule, could also be renumbered subs. (1) and (2). Also, it is suggested that a Note be inserted after s. Opt 3.10 (2) to indicate where the written request to the board should be sent.

### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In this rule, the title to s. Opt 3.03 refers to the state law examination, while the title to s. Opt 3.07 (2) refers to the state board examination. If these two examinations are one and the same, only one term should be used, to avoid the impression that two different examinations are being referred to. Note that the text of s. Opt 3.07 (2) refers to the state law examination. On a related note, s. Opt 3.12 is given two different titles. SECTION 10 changes the current title

to "REEXAMINATION," while SECTION 12 entitles the section "STATE LAW EXAMINATION." It appears that the first title is more appropriate. Also, in SECTION 10, the colon after "SECTION" should be deleted. The entire rule should be reviewed for consistent terminology with respect to the state exam.

b. In s. Opt 3.05, the word "imposed" could be substituted for "provided."

c. In s. Opt 4.03 (3), it appears that the word "examinations" should be singular, for consistency with use of the singular in ss. Opt 3.03, 3.07 (2) and 4.03 (1), among other places.

d. In s. Opt 4.03 (2) (a) and (b), the word "the" should be inserted after each occurrence of the word "if."