

**Report From Agency**

**STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD**

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**IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE  
OPTOMETRY EXAMINING BOARD : CR 19-026  
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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

n/a

**III. FISCAL ESTIMATE AND EIA:**

The Fiscal Estimate and EIA is attached.

**IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:**

The Optometry Examining Board determined that a comprehensive review of Opt 4, relating to licensure by endorsement, was required in order to examine the practice of the Board's annual review of accredited optometry schools and colleges, update the chapter to ensure compliance with 2017 Act 278, and to make other updates as necessary for consistency and clarity.

In order to clarify licensure by endorsement, this rule revision:

- Inserts cross-references into s. Opt 4.02 for relevant statutes to implement 2017 Act 278, which made various changes to the circumstances under which a licensing agency may base its decisions on an individual's criminal history.
- Removes unnecessary notes.
- Simplifies the program approval process. The Board recognizes that programs that are accredited by the Accreditation Council on Optometric Education are approved for Wisconsin licensees. In order to prevent delays in the process of recognizing accredited programs, the Board is amending chapter Opt 4 to conform with chapter Opt 3 and remove the annual review of accredited programs.

**V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:**

The Optometry Examining Board held a public hearing on May 30, 2019. The following people either testified at the hearing, or submitted written comments:

- In favor: Peter Theo, Executive Vice President, Wisconsin Optometric Association

The Board made no modifications to its rule-making proposal prompted by public comments.

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

**Comment:** 2. e.

**Response:** Because the changes to the chapter are not substantive revisions that will affect the content of any application, the Optometry Examining Board rejected adding an initial applicability provision.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

**VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:**

n/a