

Report From Agency

**STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 24-029
OPTOMETRY EXAMINING BOARD :**

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:

This rule will include a uniform definition of telehealth for optometrists based on that given by 2021 Wisconsin Act 121. It will specify optometrists are to hold a Wisconsin license or apply for a temporary credential in order to diagnose and treat patients located in Wisconsin. It will specify that optometrists are held to the same standards of conduct regardless of whether the services are provided in person or by telehealth.

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 April 4, 2024. The Board received the following verbal and written comment in support of the rule from Peter Theo representing the Wisconsin Optometric Association:

“Good morning, Chairperson Slaby and Members of the Wisconsin Optometry Examining Board. My name is Peter Theo, Executive Vice President of the Wisconsin Optometric Association (WOA). I am providing the following testimony in support of CR 24-029 relating to telehealth services provided in Wisconsin.

Telehealth is a rapidly evolving tool for the delivery of health services. The WOA recognizes and supports the appropriate use of telehealth services to supplement access to high-value, high-quality eye, and vision care. Telehealth integration can enhance patients' access to their eye doctor, offering care in the manner they currently anticipate receiving it. The critical balance we must achieve is ensuring patient safety is not sacrificed for the

sake of convenience. Therefore, WOA supports the judicious use of telehealth services provided certain criteria are met.

We believe the key component to guaranteeing safe and responsible care from doctors offering telehealth services in Wisconsin, is to require these doctors to hold a valid state optometry license. This requirement ensures that the same professional standards and conduct apply whether the healthcare service is delivered in person or via telehealth. Therefore, we support the OEB draft rule which does indeed include this requirement.

On behalf of the WOA membership, I thank the OEB for addressing this issue and encourage you to continue moving forward with this proposal. Thank you again for allowing me to provide our testimony on this proposal.”

Response: The Board appreciates the comment from the Wisconsin Optometric Association in support of the rule. As the comment stated, the rule does address their concerns.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations have been incorporated into the proposed rules.

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

N/A