

Report From Agency

STATE OF WISCONSIN OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE	:	CR 24-080
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 are 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 proposed rule clarifies the number of continuing education hours and instructional format required to renew an optometry license according to the updated standards adopted by the Association of Regulatory Boards of Optometry (ARBO) and the Council on Optometric Practitioner Education (COPE). The rule sets hour requirements for in person, synchronous virtual, and asynchronous continuing education hours required to renew an optometry license. COPE has updated definitions of synchronous and asynchronous course formats and hours to align with modern education terminology and provided new definitions to guide state regulatory boards. The rule requires at least 10 of the 30 hours of continuing education per biennium to be completed in person. It allows up to 10 of the hours to be completed in an asynchronous course format. The third option that licensees have for their course formats is synchronous virtual, and they will be able to do up to 20 of the 30 required hours in synchronous virtual format.

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 February 6, 2025. The Board received the following comment:

From Peter Theo, Executive Vice President, Wisconsin Optometric Association:

In the proposed Opt 8 rule changes the current COPE terminology for course format has been incorporated for non in person education (synchronous virtual and asynchronous), but not for in person education. We would like to suggest adding the COPE terminology for course format for in person as well, (Synchronous In-Person) for uniformity purposes. It would likely also be necessary to add the COPE definition of synchronous live with the other two definitions. In a quick review this suggested change would apply to Opt 8.02 (3e), Opt 8.02 (3m) (a), Opt 8.02 (3s), Opt 8.03 (1) (a), Opt 8.03 (2) (h) plus the addition of the definition.

Thank you for your consideration.

Response: The board appreciates the collaboration and feedback, but the board does not believe it is necessary to create a definition for in person courses, since this is a commonly understood term. It is not the board's desire to require in person courses to be accredited by COPE or Joint Accreditation for Interprofessional Continuing Education. During the discussions on rule drafting, the discussions highlighted that with so many courses going virtual these days, it may be harder for licensees to find in person opportunities. If in person courses were also limited to only those accredited by COPE or Joint Accreditation for Interprofessional Continuing Education, it would narrow the options even further. Currently, in person courses are allowed from any of the organizations under Opt 8.03 (1) (b). The board may also approve a course not accepted by the current regulations, in Opt 8.03 (2).

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council comments except comment 5b. have been accepted and incorporated into the proposed rules.

Comment: 5b. In SECTIONS 3 and 5 of the proposed rule, amending s. Opt 8.02 (3e) and (3s), consider rearranging the amendments for clarity or further dividing the subsections. For example, consider placing the inserted sentences that address asynchronous courses together.

Response: The board rejects this comment because the board believes the current language provides the most clarity. The board believes it provides the most clarity to list the various hour requirements first, then the accreditation requirements, then the requirements for attendance monitoring and post-course evaluation.

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

N/A