

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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| 1. Type of Estimate and Analysis<br><input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected   |  | 2. Date<br>April 4, 2025                             |  |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)<br>Opt 1 and 5   |  |  |  |
| 4. Subject<br>Definitions  |  |  |  |
| 5. Fund Sources Affected<br><input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S  |  | 6. Chapter 20, Stats. Appropriations Affected<br>N/A |  |
| 7. Fiscal Effect of Implementing the Rule<br><input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget   |  |  |  |
| 8. The Rule Will Impact the Following (Check All That Apply)<br><input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors<br><input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers<br><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)  |  |  |  |
| 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).<br>\$0  |  |  |  |
| 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |  |  |  |
| 11. Policy Problem Addressed by the Rule<br>In chapter Opt 5, the quality standards for ophthalmic lenses in Opt 5.11 and the disclosure requirements on extended-wear contact lenses in Opt 5.14 were removed by a previous rule. However, the definition of extended-wear contact lenses was left in Opt 5. This rule removes this obsolete definition. In chapter Opt 1, the definition of a minimum eye examination for the fitting of contact lenses includes a requirement to inform the patient of the risks if contact lenses are prescribed for extended wear. This rule removes that requirement and creates a new requirement to counsel the patient on the risks of wearing contact lenses during sleep. |  |  |  |
| 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.<br>The proposed rules will be posted publicly on the DSPS website for economic impact comments as part of the rulemaking process. At the public hearing stage, an official public hearing will be held on the rule draft.   |  |  |  |
| 13. Identify the Local Governmental Units that Participated in the Development of this EIA.<br>None.   |  |  |  |
| 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)<br>None.  |  |  |  |
| 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule<br>The benefits of the rule are that (1): obsolete definitions and obsolete terms will be removed from the Optometry code, since there is no longer a regulation on that term, and (2): that optometrists will have a duty to counsel the patient on the risks of wearing contact lenses during sleep, in addition to the other areas they currently have to counsel them on. If the rule is not implemented, these benefits will be missed.   |  |  |  |
| 16. Long Range Implications of Implementing the Rule<br>The long range implication of implementing the rule is the field of optometry will benefit from the increased clarity of the code, and the public will benefit from increased service from the industry.   |  |  |  |

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17. Compare With Approaches Being Used by Federal Government  
None.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Illinois:

Rules of the Illinois Department of Financial and Professional Regulation regulate the practice of optometry [68 Ill. Adm. Code 1320.100]. This section regulates the prescribing and fitting of any ophthalmic lenses including contact lenses. However, no part of the Illinois optometry code specifically mentions extended-wear contact lenses.

Iowa:

Rules of the Iowa Board of Optometry regulate the furnishing of prescriptions to patients [645 IAC 181.3 (154)]. This section provides requirements for the eye examination, for the lenses, and for the prescription. However, no part of the Iowa optometry code specifically mentions extended-wear contact lenses.

Michigan:

Michigan laws regulate the prescribing of contact lenses [MCL 333.5553 to 333.5559]. They provide the regulations optometrists need to follow for prescribing and eye examination. However, they don't specifically mention extended-wear contact lenses.

Minnesota:

Minnesota statutes regulate ophthalmic services and ophthalmic goods provided by optometrists [Minnesota Statutes, 145.711 to 145.714]. They regulate eye examinations, fittings, and products provided. However, they don't specifically mention extended-wear contact lenses.

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19. Contact Name

Jake Pelegrin, Administrative Rules Coordinator

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20. Contact Phone Number

(608) 267-0989

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements  
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting  
☐ Consolidation or Simplification of Reporting Requirements  
☐ Establishment of performance standards in lieu of Design or Operational Standards  
☐ Exemption of Small Businesses from some or all requirements  
☐ Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes    ☐ No

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