

STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 01-060)

ORDER

An order of the Optometry Examining Board to renumber Opt 5.02 (1) and (1m); to renumber and amend Opt 5.02 (2); to amend Opt 5.10 (3) and the Note following Opt 5.10 (3); and to create Opt 5.02 (1) and 5.16, relating to contact lens prescription release by optometrists.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 449.08, Stats.

Statutes interpreted: 449.01 (1), 449.07 and 449.08, Stats.

In this proposed rule-making order the Optometry Examining Board amends ch. Opt 5, relating to unprofessional conduct by optometrists.

Section Opt 5.02 (1), (1m) and (2) are renumbered Opt 5.02 (2), (3) and (4). Section Opt 5.10 (3) is amended to clarify that an optometrist is required to provide patients with copies of contact lens prescriptions. The Note following s. Opt 5.10 (3) is amended to include a reference to s. Opt 5.16 relating to unprofessional conduct by optometrists for failure to release contact lens prescriptions.

Section Opt 5.02 (1) is created to define “contact lens prescription” and s. Opt 5.16 is created to state that it shall be unprofessional conduct for an optometrist to fail to release, upon request by a patient and at no cost to the patient, a copy of the patient’s contact lens prescription following release of the patient from contact lens fitting and initial follow-up care.

TEXT OF RULE

SECTION 1. Opt 5.02 (1) is renumbered Opt 5.02 (2).

SECTION 2. Opt 5.02 (1) is created to read:

Opt 5.02 (1) “Contact lens prescription” means a prescription order for a contact lens that includes all of the following:

- (a) The specifications needed to adequately duplicate a contact lens.

(b) The name, signature and license number of the prescribing optometrist.

(c) The date of the prescription.

(d) The date of expiration.

(e) Provisions for a reasonable number of refills.

SECTION 3. Opt 5.02 (1m) is renumbered Opt 5.02 (3).

SECTION 4. Opt 5.02 (2) is renumbered Opt 5.02 (4) and amended to read:

Opt 5.02 (4) "Lens prescription" means a written order ~~which~~ that contains the specifications for ophthalmic materials for a particular patient for the purpose of treating the refractive or functional abilities of the visual system or the enhancement of visual performance.

SECTION 5. Opt 5.10 (3) and the Note following Opt 5.10 (3) are amended to read:

Opt 5.10 (3) ~~It shall be unprofessional conduct for an optometrist to provide a patient with a copy of a lens prescription without considering whether the~~ In any instance in which a lens prescription may have changed, is outdated or may become outdated. ~~In any of these instances,~~ it shall be unprofessional conduct for an optometrist to fail to print or stamp across the face of the prescription, "Warning: This lens prescription may be outdated and may not be relied upon for proper fit and correction" or, "Warning: This lens prescription expires on _____, and may not be relied upon after this date for a proper fit or correction" or, "Expired." A lens prescription order shall be signed by a licensed optometrist, and the words "lens prescription" written or typed on the face of the order.

Note: ~~FTC~~ Federal Trade Commission Rule 16 CFR~~456.7(a)~~ 456.2 (a) requires the release of a spectacle prescription but does not require the release of a contact lens prescription. Under s. Opt 5.16, it is unprofessional conduct for an optometrist to fail to release, upon request by a patient and at no cost to the patient, a copy of the patient's contact lens prescription following release of the patient from contact lens fitting and initial follow-up care.

SECTION 6. Opt 5.16 is created to read:

Opt 5.16 Contact lens prescription release. It shall be unprofessional conduct for an optometrist to fail to release, upon request by a patient and at no cost to the patient, a copy of the patient's contact lens prescription following release of the patient from contact lens fitting and initial follow-up care.

(END OF TEXT OF RULE)

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

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10/22/01