

CR92-97

**CERTIFICATE**

**STATE OF WISCONSIN**

**DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:**

**I, Ramona Weakland Warden, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Optometry Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Optometry Examining Board on the 4th day of December, 1992.**

**I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.**

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**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 4th day of December, 1992.**

*Ramona Weakland Warden*  
**Ramona Weakland Warden, Director  
Bureau of Health Service Professions  
Department of Regulation and  
Licensing**

2-1-93

DEC 7 1992

STATE OF WISCONSIN  
OPTOMETRY EXAMINING BOARD

Revisor of Statutes  
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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 92-97)

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ORDER

An order of the Optometry Examining Board to amend Opt 6.04 (2), (4) and (5); to repeal and recreate Opt 6.06; and to create Opt 6.07, 6.08 and ch. Opt 7 of the administrative code relating to the renewal of TPA certificates, and the initial grant and renewal of certificates of registration.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227. 11 (2) and 449.18 (7), Stats., and s. 440.08 (3) (b), Stats., as created by SECTION 3305 of 1991 Wisconsin Act 39.

Statutes interpreted: ss. 440.08 (3) (b), 449.06 (1) and 449.18 (4) and (7), Stats.

These rules are being proposed as a result of amendments to ch. 440, Stats., as affected by 1991 Wisconsin Act 39, which authorize the Department of Regulation and Licensing to implement a uniform procedure for renewal of credentials issued under chs. 440 to 459, Stats. The statute also authorizes the board to adopt rules relating to renewal of credentials.

Subsections Opt 6.04 (2), (4) and (5) relate to continuing education requirements for optometrists certified under s. 449.18, Stats., to use therapeutic pharmaceutical agents and to remove foreign bodies from an eye or from an appendage to the eye. Optometrists are required to provide proof of completion of continuing education coursework at the time of renewal of a TPA certificate. Subsections Opt. 6.04 (2) and (4) are being amended to delete the references in the rules to s. Opt 6.06, and to include instead references to s. Opt 6.08. Section Opt 6.06 is being repealed and recreated to identify the general requirements for renewal of credentials, and s. Opt 6.08 is being created to identify specific requirements for late renewal.

Subsection Opt 6.04 (5) permits an optometrist who is granted a TPA certificate within a biennium to submit proof of completion of one hour of continuing education per month or partial month of certification. The rule as amended will make it clear that the reporting procedures in s. Opt 6.04 (5) relate only to initial certification, and do not apply to credential renewal.

Section Opt 6.06 is being repealed and recreated to specify the general requirements for renewal of TPA certificates. The procedure contained in s. Opt 6.06 relating to reinstatement of a lapsed certificate is being revised and will be set forth in proposed s. Opt 6.08.

Section Opt 6.07 is being created to inform credential holders who fail to renew their TPA certificates by the renewal date that they may not practice under the certificate until the certificate is restored in accordance with the procedure proposed in s. Opt 6.08.

Section Opt 6.08 is being created to identify specific requirements for late renewal of a TPA certificate. The rule incorporates the procedure for renewal set forth in s. 440.08 (3), Stats., as affected by 1991 Wisconsin Act 39.

Chapter Opt 7 is being created to specify the procedure for renewal of the certificate of registration issued to optometrists pursuant to s. 449.06, Stats. The rule incorporates the procedure for late renewal of credentials set forth in s. 440.08 (3), Stats., as affected by 1991 Wisconsin Act 39.

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TEXT OF RULE

SECTION 1. Opt 6.04 (2), (4) and (5) are amended to read:

Opt 6.04 (2) Continuing education hours may be applied only to the biennial registration period in which the continuing education hours are acquired, ~~unless permission has been granted by the board under conditions specified in~~ except as provided under s. Opt ~~6.06~~ 6.08, to apply credits to the previous biennium to satisfy requirements for reinstatement of a certificate which has lapsed.

(4) A TPA certificate holder ~~as specified in s. Opt 6.02 (4)~~ who fails to meet the continuing education requirements by the renewal deadline may not use therapeutic pharmaceuticals or remove superficial foreign bodies from the eye or from an appendage to the eye after the renewal deadline until the certificate is reinstated ~~as defined in~~ under s. Opt ~~6.06~~ 6.08 ~~and as referenced in s. 449.07, Stats.~~

(5) Optometrists initially certified under s. 449.18, Stats., within a biennium, ~~must~~ shall submit to the board proof of completion of one hour of board approved continuing education per month or partial month of certification reported on or before January 1 of the biennium. A minimum of one-quarter of the continuing education hours must be in the diagnosis and management of glaucoma.

SECTION 2. Opt 6.06 is repealed and recreated to read:

Opt 6.06 RENEWAL OF CERTIFICATE. TPA certificates expire on January 1 of each even-numbered year. Renewal applications shall be submitted on a form provided by the department on or before the renewal date specified in s. 440.08 (2) (a) 54, Stats., along with proof of completion of the continuing education requirements specified in s. Opt 6.04.

SECTION 3. Opt 6.07 and 6.08 are created to read:

Opt 6.07 FAILURE TO RENEW. An optometrist who fails to renew a TPA certificate by the renewal date may not use therapeutic pharmaceutical agents or remove foreign bodies from an eye or from an appendage to the eye until the certificate is restored under s. Opt 6.08.

Opt 6.08 LATE RENEWAL OF CERTIFICATE. An optometrist who fails to renew a TPA certificate by the renewal date may restore the TPA certificate by submitting an application on a form provided by the department, and satisfying the following requirements:

(1) If applying less than 5 years after the renewal date, submit proof of completion of 30 hours of continuing education coursework as required under s. Opt. 6.04.

(2) If applying 5 years or more after the renewal date, submit proof of completion of 30 hours of continuing education coursework as required under s. Opt 6.04, and proof of:

(a) Successful completion of educational coursework required by the board to ensure protection of the public health, safety and welfare, and

(b) Successful completion of an examination required by the board to ensure protection of the public health, safety and welfare.

SECTION 4. Chapter Opt 7 is created to read:

CHAPTER OPT 7 (title)

CERTIFICATE OF REGISTRATION

Opt 7.01 DEFINITIONS. In this chapter, "department" means the department of regulation and licensing.

Opt 7.02 CERTIFICATE OF REGISTRATION. Persons practicing optometry are required to hold a valid certificate of registration.

Opt 7.03 RENEWAL OF CERTIFICATE. Persons practicing optometry shall on or before January 1 of each even-numbered year renew their certificates of registration by registering with the department and paying the renewal fee specified in s. 440.08 (2) (a), Stats.

Opt 7.04 FAILURE TO RENEW. An optometrist who fails to renew a certificate of registration by the renewal date may not practice optometry, until the certificate is restored under s. Opt. 7.05.

Opt 7.05 LATE RENEWAL. An optometrist who fails to renew a certificate of registration by the renewal date may restore the certificate by satisfying the following requirements:

(1) If applying less than 5 years after the renewal date, submit an application on a form provided by the department and pay the renewal fee specified in s. 440.08 (2) (a), Stats.

(2) If applying 5 years or more after the renewal date, submit an application on a form provided by the department, pay the renewal fee specified in s. 440.08 (2) (a), Stats., and submit proof of:

(a) Successful completion of educational coursework required by the board to ensure protection of the public health, safety and welfare, and

(b) Successful completion of an examination required by the board to ensure protection of the public health, safety and welfare.

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(END OF TEXT OF RULE)

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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 12/4/92

Agency Lynnda J. Jurek, OD  
Chairperson  
Optometry Examining Board

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**CORRESPONDENCE/MEMORANDUM**

**STATE OF WISCONSIN**

**DATE:** December 7, 1992

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela Haack, Administrative Assistant  
Department of Regulation and Licensing

**SUBJECT:** Final Rulemaking Order

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**Agency: OPTOMETRY EXAMINING BOARD**

**Clearinghouse Rule: 92-97**

Attached is a copy and a certified copy of a final order adopting rules.  
Would you please publish these rules in the code.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.