

## Chapter Opt 5

### UNPROFESSIONAL CONDUCT

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**History:** Chapter Opt 7 as it existed on January 31, 1971 was repealed, and a new chapter Opt 7 was created, Register, January, 1971, No. 181, effective 2-1-71; chapter Opt 6, Issuance of License as it existed on August 31, 1985 was repealed and chapter Opt 7 was repealed and recreated as chapter Opt 6, Register, August, 1985, No. 356, effective 9-1-85; Chapter Opt 6 was renumbered Chapter Opt 5, effective April 1, 1989.

**Opt 5.01 Intent.** The intent of the board in adopting the rules in this chapter is to establish minimum standards of conduct for optometrists and to specify reasons for taking disciplinary action against a licensee.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; r. (1), renum. (2) to be Opt 5.01, Register, September, 1997, No. 501, eff. 10-1-97.

**Opt 5.02 Definitions.** As used in this chapter:

(1) "Extended-wear contact lenses" means contact lenses which have received federal food and drug administration approval for marketing for extended wear and are prescribed for use on an extended wear or overnight schedule.

**Note:** Extended-wear contact lenses require premarket approval under section 515 of the Federal Food, Drug and Cosmetic Act, 21 USC 360e (1985). A copy of this provision is available at the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

(1m) "Grossly incompetent" as that term is used in s. 449.07 (1) (b), Stats., means the failure of a licensee or certificate holder to exercise that degree of care and skill which is exercised by the average practitioner who holds the same type of license or certificate, acting in the same or similar circumstances. Grossly incompetent specifically includes the inability to proficiently operate equipment and instruments described in s. Opt 5.07.

(2) "Lens prescription" means a written order which 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.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; emerg. cr. (1), eff. 12-17-85; renum. (1) to (3) to be (2) to (4), cr. (1), Register, June, 1986, No. 366, eff. 7-1-86; renum. Register, March, 1989, No. 399, eff. 4-1-89; renum. (1), (3) and (4) to be Opt 1.02 (1), (4) and (5), (2) to be (1), cr. (2), Register, June, 1990, No. 414, eff. 7-1-90; cr. (intro.) and (1), renum. (1) to be (1m) and am., Register, September, 1997, No. 501, eff. 10-1-97.

**Opt 5.04 Improper use of title.** It shall be unprofessional conduct for an optometrist to use the title "Doctor", or the initials "Dr.", in printed form unless the optometrist has been granted the title of doctor of optometry by an optometric college and unless the optometrist indicates in print in the same communication that he or she is an optometrist.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; am. Register, September, 1997, No. 501, eff. 10-1-97.

**Opt 5.05 Change of address.** An optometrist shall inform the board of any change in address or change in location of practice. It shall be unprofessional conduct to fail to comply with this section.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89.

**Opt 5.06 Inspection.** It shall be unprofessional conduct for an optometrist to fail to furnish to the board upon request information concerning the mode and location of practice. Every optometrist shall permit the board or a board representative to inspect his or her office, equipment and records during regular office hours.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; am. Register, September, 1997, No. 501, eff. 10-1-97.

**Opt 5.07 Adequate equipment.** It shall be unprofessional conduct for an optometrist to fail to have in good working order adequate equipment and instruments as are necessary to perform the minimum eye examination specified in s. Opt 1.02 (5).

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; correction made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1986, No. 366; renum. Register, March, 1989, No. 399, eff. 4-1-89; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1989, No. 399; am. Register, June, 1990, No. 414, eff. 7-1-90; am. Register, September, 1997, No. 501, eff. 10-1-97.

**Opt 5.08 Performing minimum eye examination.** (1) Except as provided in sub. (2), it shall be unprofessional conduct for an optometrist to fail to perform the minimum eye examination at any of the following:

- The patient's initial examination with the optometrist.
- Any examination conducted more than one year after a minimum eye examination.
- An examination for the fitting of contact lenses.

(2) It shall not be unprofessional conduct to fail to perform the minimum eye examination in the following instances:

- Where the patient refuses or is unable to participate in any procedure of the minimum eye examination.
- At an examination for the diagnosis and management of eye disease or for the removal of superficial foreign bodies from an eye or from an appendage to the eye.
- Where written verification of all examination findings has been received from a licensed optometrist or an ophthalmologist stating that he or she has performed a minimum eye examination, as defined in s. Opt 1.02 (5), for the patient within the 90 day period immediately preceding the date of the patient's visit.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; renum. Register, March, 1989, No. 399, eff. 4-1-89; r. and recr. Register, April, 1996, No. 484, eff. 5-1-96; am. (1) (intro.), (b), (2) (intro.) and (a), cr. (2) (c), Register, September, 1997, No. 501, eff. 10-1-97.

**Opt 5.09 Performing minimum examination for fitting of contact lenses.** Except in cases where the patient is unable to participate, it shall be unprofessional conduct for an optometrist to fail to perform an examination as defined in s. Opt 1.02 (4) in the fitting of contact lenses for a patient.

**History:** Cr. Register, August, 1985, No. 356, eff. 9-1-85; correction made under s. 13.93 (2m) (b) 7, Stats., Register, June, 1986, No. 366; renum. Register, March, 1989, No. 399, eff. 4-1-89; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1989, No. 399; am. Register, June, 1990, No. 414, eff. 7-1-90.