

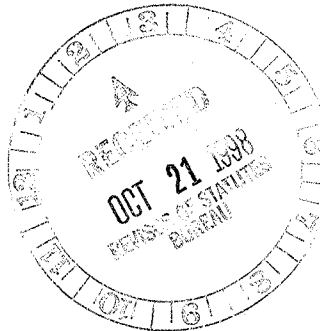
CERTIFICATE

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Kimberly Nania, 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 19th day of October, 1998.

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.



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 19th day of October, 1998.

Kimberly Nania PhD

**Kimberly Nania, Director, Bureau of
Health Service Professions, Department
of Regulation and Licensing**

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 98-075)

ORDER

An order of the Optometry Examining Board to *repeal* Opt 3.03 (title) and (1), 3.07 (2) (a) and 3.10 (1); to *renumber* Opt 3.03 (2); to *renumber and amend* Opt 3.07 (2) (b) and 4.03 (2); to *amend* ch. Opt 3 (title), 3.02 (1) (b) and the Note following 3.02 (1) (b), 3.04, 3.05, the Note following 3.07 (2), 3.10 (2) and (3), 4.01 (2), (4) and the Note following 4.01 (7), the Notes following 4.02 (1) (d) and (e), 4.03 (1) and the Note following 6.03 (2); to *repeal and recreate* Opt. 3.12; and to *create* Opt 4.03 (2), relating to credential applications and examination requirements for individuals applying for a license to practice optometry.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

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

Statutes interpreted: ss. 449.04 and 449.05 (2), Stats.

In this proposed rule-making order the Optometry Examining Board amends several provisions contained in chs. Opt 3 and 4, relating to examination requirements for initial and reciprocal credential applicants.

In general, individuals applying for a license to practice optometry are required to pass Parts I, II and certain components of Part III of the examination administered by the National Board of Examiners in Optometry. Similar requirements are contained in the rules relating to reciprocal applicants. Until recently, applicants were also required to pass a practical examination administered by the board, because the board did not accept the results of the practical component of Part III of the national examination. As a result, applicants were required to pass two practical examinations, the practical component of Part III and the practical examination given by the board. After further review, the board determined that the practical component of Part III is equivalent to its practical examination. Thereafter, the board discontinued its practical examination and elected to accept the practical component of Part III instead. The proposed amendments to chs. Opt 3 and 4, will reflect this change.

TEXT OF RULE

SECTION 1. Chapter Opt 3 (title) is amended to read:

CHAPTER OPT 3 (title)

EXAMINATION OF APPLICANTS FOR LICENSURE

SECTION 2. Opt 3.02 (1) (b) and the Note following 3.02 (1) (b) are amended to read:

Opt 3.02 (1) (b) Verification of the applicant's successful completion of parts I, II and III of the national board examination submitted directly to the board by the national board of examiners in optometry.

Note: It is the responsibility of the applicant to contact the National Board of Examiners in Optometry to request that it forward verification of the applicant's successful completion of the requisite examination to the board. An application will not be considered complete until after the board receives the examination verification and other ~~essential~~ required information.

SECTION 3. Opt 3.03 (title) and (1) are repealed.

SECTION 4. Opt 3.03 (2) is renumbered Opt 3.03.

SECTION 5. Opt 3.04 and 3.05 are amended to read:

Opt 3.04 RULES OF CONDUCT. An applicant who gives or receives unauthorized assistance, violates rules of conduct of the examination or otherwise acts dishonestly during the written ~~or practical~~ examination may be denied licensure by the board. Future consideration of the applicant shall be at the discretion of the board.

Opt 3.05 CONTROLS. Time limits and other necessary controls may be ~~announced~~ provided by the board chairperson or examiner prior to the examinations.

SECTION 6. Opt 3.07 (2) (a) is repealed.

SECTION 7. Opt 3.07 (2) (b) is renumbered Opt 3.07 (2) and Opt 3.07 (2) (title), as renumbered, is amended to read:

Opt 3.07 (2) (title) STATE LAW EXAMINATION.

SECTION 8. The Note following Opt 3.07 (2) is amended to read:

Note: The passing grades for the state ~~board~~ law examinations will be determined by the board after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics.

SECTION 9. Opt 3.10 (1) is repealed.

SECTION 10. Opt 3.10 (2) and (3) are amended to read:

Opt 3.10 (2) An applicant who fails a the state board law examination may request a review of ~~that~~ the examination. The applicant shall file a written request to the board within 30 days of the date on which examination results were mailed.

Note: The board office is located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(3) The time for review shall be limited to ~~4 hours~~ one hour.

SECTION 11. Opt 3.12 is repealed and recreated to read:

Opt 3.12 REEXAMINATION. An applicant who fails the state law examination shall be required to retake the examination.

Note: A list of all current examination fees may be obtained at no charge from the Department of Regulation and Licensing, Office of Examinations, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

Note: The procedures for license denial are covered in ch. RL 1.

SECTION 12. Opt 4.01 (2), (4) and the Note following 4.01 (7) are amended to read:

Opt 4.01 (2) Has passed the examination of the national board of examiners in optometry as provided in s. Opt 4.03, or a licensing examination in another state.

(4) Has passed the required state ~~board examinations~~ law examination administered by the board as set forth in s. Opt 4.03.

Note: Applicants who engaged in the practice of optometry for at least 5 years prior to 1996 are required to take and pass Parts I and II of the national board examination. Applicants who engaged in the practice of optometry for less than 5 years prior to 1996 and applicants who graduated from an approved college of optometry after December 31, 1995 are required to take and pass Parts I, II and III of the national board examination. It is the responsibility of the applicant to contact the national board to request that verification of the applicant's successful completion of the requisite examination be forwarded to the board. An application will not be considered complete until after the board receives the examination verification and other essential required information.

SECTION 13. The Note following Opt 4.02 (1) (d) and the Note following Opt 4.02 (1) (e) are amended to read:

Note: The board annually reviews for approval the colleges of optometry accredited by the council on optometry education of the American optometric association or other accrediting bodies. A list of board approved colleges of optometry is available from the board upon request. It is the responsibility of the applicant to contact the appropriate college to request that the college forward a certified transcript to the board office. An application will not be considered complete until after the board receives a copy of the transcript and other essential required information.

Note: It is the responsibility of the applicant to contact the appropriate state licensing agencies to request that verification of the applicant's licensure be forwarded to the board. An application will not be considered to be complete until after the board receives verification of licensure from all state licensing agencies and other essential required information.

SECTION 14. Opt 4.03 (1) is amended to read:

Opt 4.03 (1) An applicant for a license by reciprocity under this chapter shall take and pass the state ~~board examinations~~ law examination as set forth in s. Opt 3.03.

SECTION 15. Opt 4.03 (2) is renumbered Opt 4.03 (3) and amended to read:

Opt. 4.03 (3) The passing ~~grades~~ grade for the examinations shall be as specified in s. Opt 3.07.

SECTION 16. Opt 4.03 (2) is created to read:

Opt 4.03 (2) An applicant for a license by reciprocity under this chapter shall successfully complete a licensing examination in another state or one of the following:

(a) Parts I and II of the national board examination, if the applicant has engaged in the practice of optometry for at least 5 years prior to January 1, 1996.

(b) Parts I, II and III of the national board examination, if the applicant has engaged in the practice of optometry for less than 5 years prior to January 1, 1996, or if applicant graduated from an approved college of optometry after December 1, 1995.

SECTION 17. The Note following Opt 6.03 (2) is amended to read:

Note: The Colleges of Optometry which offer the 100 hours of approved study and qualifying examinations required for approval for TPA certification are approved annually by the board. A list of 100 hours of board approved study and examinations colleges may be obtained from the board office at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

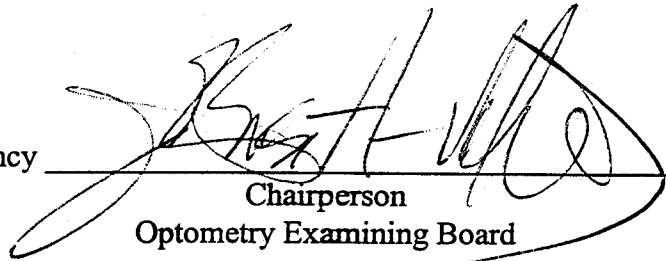
(END OF TEXT OF RULE)

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

9 October 1998

Agency


Chairperson
Optometry Examining Board

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10/8/98

