



OPTOMETRY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
October 29, 2015

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-3)

B. Approval of Minutes – September 10, 2015 (4)

C. Administrative Matters

- 1) 2016 Meeting Dates
 - a) February 4, 2016
 - b) March 31, 2016
 - c) June 2, 2016
 - d) October 26, 2016
- 2) Training Needs

D. 9:00 A.M.: Public Hearing on Clearinghouse Rule 15-078 Relating to Exam, Unprofessional Conduct, and Renewal (5)

- 1) Review and Respond to Clearinghouse Report and Public Hearing Comments

E. 9:00 A.M.: Public Hearing on Clearinghouse Rule 15-079 Relating to Organization of the Board (6)

- 1) Review and Respond to Clearinghouse Report and Public Hearing Comments

F. Legislative and Administrative Rule Matters – Discussion and Consideration (7-8)

- 1) Proposals for Opt 8 Relating to Continuing Education
- 2) Update on Opt 6 and SPS 10 Relating to Pharmaceutical Agents
- 3) Update on SPS 10 Relating to Prescribing Hydrocodone Combination Products
 - a) Legislative Public Hearing on 2015 Wisconsin Act 34
- 4) Update on Legislation and Pending or Possible Rulemaking Projects

G. Unlicensed Practice Jurisdiction – Discussion and Consideration (9)

H. Speaking Engagement(s), Travel, or Public Relation Request(s)

- 1) Association of Regulatory Boards of Optometry (ARBO) Annual Meeting Travel Report

I. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Administrative Updates
- 3) Education and Examination Matters
- 4) Credentialing Matters
- 5) Practice Matters
- 6) Legislation/Administrative Rule Matters
- 7) Liaison Reports
- 8) Informational Items
- 9) Disciplinary Matters
- 10) Presentations of Petitions for Summary Suspension
- 11) Presentation of Proposed Stipulations, Final Decisions and Orders
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Orders
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Orders
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

K. Education and Examination Matters

- 1) Request for Continuing Education Extension Due to Illness or Hardship – D.L.K. **(10-12)**

L. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Order
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Case Closings
- 12) Case Status Report
- 13) Proposed Interim Orders
- 14) Petitions for Assessments and Evaluations
- 15) Petitions to Vacate Orders
- 16) Remedial Education Cases

- 17) Motions
- 18) Petitions for Re-Hearing
- 19) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

N. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

O. Open Session Items Noticed Above not Completed in the Initial Open Session

ADJOURNMENT

**OPTOMETRY EXAMINING BOARD
TELECONFERENCE/ VIRTUAL MEETING MINUTES
September 10, 2015**

PRESENT: Ann Meier Carli, Richard Foss, Mark Jenkins, Robert Schultz, Victor Connors

EXCUSED: Brian Hammes (*arrived at 12:20 p.m.*)

STAFF: Brittany Lewin, Executive Director; Nifty Lynn Dio, Bureau Assistant; Sharon Henes, Rules Coordinator, and other department staff

CALL TO ORDER

Ann Meier Carli, Chair, called the meeting to order at 12:04 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Mark Jenkins moved, seconded by Robert Shultz, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Mark Jenkins moved, seconded by Victor Connor, to approve the minutes of June 4, 2015 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS – DISCUSSION AND CONSIDERATION

(Brian Hammes arrived at 12:20 p.m.)

Draft of OPT 3, 5, 7 Relating to Licensure and Conduct

MOTION: Richard Foss moved, seconded by Brian Hammes, to approve the preliminary rule draft of revisions to Opt 3, 5, 7 relating to Licensure and Conduct for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Scope Amending Opt, 6 Relating to Pharmaceutical Agents

MOTION: Victor Connors moved, seconded by Mark Jenkins, to approve the Scope Statement on Opt 6 relating to Pharmaceutical Agents for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

ADJOURNMENT

MOTION: Brian Hammes moved, seconded by Ann Meier Carli, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:12 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 16 October 2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 29 October 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing on Clearinghouse Rule 15-078 relating to exam, unprofessional conduct and renewal Review and respond to Clearinghouse Report and Public Hearing comments	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Hold Public Hearing at 9:00 a.m. Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.			
11) Authorization			
<i>Sharon Henes</i>		<i>16 October 2015</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 16 October 2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 29 October 2015	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Public Hearing on Clearinghouse Rule 15-079 relating to organization of the Board Review and respond to Clearinghouse Report and Public Hearing comments	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Hold Public Hearing at 9:00 a.m. Discuss any public hearing comments. Review, discuss and respond to any Clearinghouse comments.			
11) Authorization			
<i>Sharon Henes</i>		<i>16 October 2015</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 16 October 2015 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Optometry Examining Board			
4) Meeting Date: 29 October 2015	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Proposals relating to Opt 8 Relating to Continuing education 2. Update on Opt 6 and SPS 10 Relating to Pharmaceutical Agents 3. Update on SPS 10 Relating to Prescribing Hydrocodone Combination Products 4. Update on Legislation and Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Sharon Henes</i>			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

Chapter Opt 8

CONTINUING EDUCATION

Opt 8.01 Definitions.
Opt 8.02 Continuing education.

Opt 8.03 Approval of continuing education courses.

Note: Chapter Opt 8 was created as an emergency rule effective November 8, 2006.

Opt 8.01 Definitions. As used in this chapter:

(1) “Biennium” means a 2-year period beginning December 16 of odd-numbered years.

(2) “COPE” means the council on optometric practitioner education.

(3) “Hardship” means serious illness, as determined by a licensed health care provider, or some other personal adversity, as determined by the board.

History: CR 06-116: cr. Register May 2007 No. 617, eff. 6-1-07.

Opt 8.02 Continuing education. (1) A licensee shall complete 30 hours of approved continuing education in each biennial registration period. A minimum of 7 of the 30 hours shall be approved glaucoma education.

(2) Except as provided in sub. (4), approved continuing education hours required for optometrists who are allowed to use diagnostic and therapeutic pharmaceutical agents shall relate to the diagnosis and management of eye disease or the removal of superficial foreign bodies from an eye or from an appendage to the eye.

(3) Except as provided in sub. (4), approved continuing education hours required for optometrists who are not allowed to use diagnostic and therapeutic pharmaceutical agents shall relate to the diagnosis and management of eye disease.

(4) No more than a combined total of 6 hours of continuing education per biennium may be claimed for course work that relates to one or more of the following subject matter:

- (a) Contact lens.
- (b) Functional vision.
- (c) General optometry.
- (d) Low vision.
- (e) Jurisprudence.
- (f) Practice management.

(5) Except for purposes of obtaining continuing education in order to satisfy the requirements for late renewal under s. Opt 7.05, continuing education hours may be applied only to the biennial registration period in which the continuing education hours are acquired.

(6) To obtain credit for completion of continuing education hours, an optometrist shall, at the time of each renewal of registration, sign a statement certifying that the course work has been completed. If audited, an optometrist shall submit certificates of attendance issued by each course provider or other evidence of attendance satisfactory to the board.

(7) An optometrist who fails to meet the continuing education requirements by the renewal date may not engage in the practice of optometry until his or her registration is renewed under s. Opt 7.05.

(8) Optometrists initially licensed within a biennium shall complete one hour of board approved continuing education per month or partial month of licensure reported on or before December 15 of the second year of the biennium. A minimum of one-quarter of the continuing education hours shall be in the diagnosis and management of glaucoma.

(9) Except as provided in sub. (10), no more than a combined total of 6 hours of continuing education per biennium may be claimed for course work obtained through alternative delivery methods such as home-study courses, self-study packages, computer courses, televideo conferencing, or other delivery methods approved by the board under s. Opt 8.03 (4).

(10) The board may permit a certificate holder to claim more than 6 hours of continuing education per biennium for course work obtained through alternative delivery methods such as home-study courses, self-study packages, computer courses, televideo conferencing, or other delivery methods approved by the board, if the credential holder submits evidence satisfactory to the board of hardship.

History: CR 06-116: cr. Register May 2007 No. 617, eff. 6-1-07; correction in (9) made under s. 13.93 (2m) (b) 7., Stats., Register December 2007 No. 624.

Opt 8.03 Approval of continuing education courses. (1) Except as provided in sub. (5), to apply for approval of a continuing education course, a course provider shall submit to the board office an application on forms provided by the department and shall include the title, general description and an outline of the course, the dates, the location, the name and qualifications of the instructor of the course, and the sponsor of the course.

Note: An application for continuing education course approval may be obtained from the board office at the Department of Safety and Professional Services, Office of Education and Examinations, P.O. Box 8366, Madison, Wisconsin, 53708, or from the department’s website at: <http://dps.wi.gov>.

(2) A continuing education course must meet all of the following criteria to be approved as a continuing education course:

- (a) The subject matter of the course pertains to the practice of optometry.
- (b) The provider of the continuing education course agrees to monitor the attendance and furnish a certificate of attendance to each participant. The certificate of attendance shall certify successful completion of the course.
- (c) The provider of the course is approved by the board.
- (d) The course content and instructional methodologies are approved by the board.

(3) Except as provided in sub. (5), a separate application shall be submitted for each continuing education course approval request.

(4) The board may approve alternate delivery method continuing education courses such as home-study courses, self-study packages, computer courses, televideo conferencing and other methods.

(5) A continuing education course approved by COPE, or sponsored by a state optometric association, the American Optometric Association, the American Academy of Optometry, or an accredited school or college of optometry, which satisfies the criteria established under sub. (2), shall be approved by the board without receipt of a course approval application from the course provider.

Note: The Council on Optometric Practitioner Education (COPE), which is a committee of the Association of Regulatory Boards of Optometry (ARBO), may be contacted at 1750 South Brentwood Boulevard, Suite 503, St. Louis, Missouri 63144, (314) 785-6000. The American Optometric Association may be contacted at 243 N. Lindbergh Blvd., 1st Floor, St. Louis, MO 63141, (800) 365-2219. The American Academy of Optometry may be contacted at 6110 Executive Blvd., Suite 506, Rockville, MD 20852, (301) 984-1441.

History: CR 06-116: cr. Register May 2007 No. 617, eff. 6-1-07.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Brittany Lewin Executive Director		2) Date When Request Submitted: Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting										
3) Name of Board, Committee, Council, Sections: Optometry Examining Board												
4) Meeting Date: 10/29/15	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Unlicensed Practice Jurisdiction - Discussion										
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:										
10) Describe the issue and action that should be addressed: Board Legal Counsel will provide an overview regarding unlicensed practice jurisdiction with examples and guidelines, and answer questions from the Board regarding the topic.												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">11) Signature of person making this request</td> <td style="width: 20%; text-align: center;">Authorization</td> <td style="width: 20%; text-align: right;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Supervisor (if required)</td> <td></td> <td style="text-align: right; border-top: 1px solid black;">Date</td> </tr> <tr> <td style="border-top: 1px solid black;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td></td> <td style="text-align: right; border-top: 1px solid black;">Date</td> </tr> </table>				11) Signature of person making this request	Authorization	Date	Supervisor (if required)		Date	Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date
11) Signature of person making this request	Authorization	Date										
Supervisor (if required)		Date										
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date										
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.												