

Report From Agency

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
DEPARTMENT OF SAFETY AND : CR 19-028
PROFESSIONAL SERVICES :
:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The Department is amending ch. SPS 10 in order to fully enact 2005 Wisconsin Act 297. The definitions for “adverse drug reaction,” “adverse drug reaction referral plan,” “approved institution,” “classroom hour,” and “course of study in pharmacology” have been removed from ch. SPS 10 and inserted into the proposed order for ch. Opt 6, CR 19-027.

In order to conform the chapter to drafting standards, the definitions for “diagnostic pharmaceutical agent” and “therapeutic pharmaceutical agent” were repealed and recreated as substantive provisions. The specific continuing education provisions, formerly included in s. SPS 10.02 (1) (a), have been repealed. Continuing education requirements have been consolidated into ch. Opt 8.

The content formerly included in ss. SPS 10.02 (1) (b) and (2) has been inserted in the proposed order for ch. Opt 6. The requirements of s. SPS 10.03 are addressed in the proposed order for ch. Opt 6. Since the authority for issuing DPA certificates has shifted from the Department to the Optometry Examining Board, s. SPS 10.04 has been repealed.

The Optometry Examining Board and the Department have opened chs. Opt 6 and SPS 10, respectively, concurrently to accurately and consistently implement this legislative shift. This order will become effective on the same date as the proposed order for ch. Opt

6, CR 19-027. Revisions were reviewed by the Optometry Examining Board and Department staff to ensure accuracy.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department held a public hearing on May 30, 2019. The following people either testified at the hearing, or submitted written comments:

- In favor: Dr. Ann Meier Carli, Chairperson, Optometry Examining Board
- In favor: Peter Theo, Executive Vice President, Wisconsin Optometric Association

The Department made no modifications to its rule-making proposal prompted by public comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 2. f.

Response: The Department consulted with the delegated liaison of the Optometry Examining Board on whether this change would be beneficial or useful for licensees. The recommendation was to reject the recommendation to avoid unnecessary confusion for licensees and that the change is unnecessary from a scientific perspective. The Department accepted the recommendation of the liaison.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A