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CERTIFICATE


STATE OF WISCONSIN )  
 ) SS  
OPTOMETRY EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Barbara Livingston, director of the Bureau of Health Professions in the Department of Regulation and Licensing, and custodian of the official records of the Optometry Examining Board, do hereby certify that the annexed rules, relating to optometry practice, unprofessional conduct and unprofessional advertising, were duly approved and adopted by the Optometry Examining Board on July 13, 1985.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of the 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 15 day of July, 1985.

  
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Barbara Livingston, Director  
Bureau of Health Professions  
Department of Regulation and Licensing

9/1/85

STATE OF WISCONSIN  
BEFORE THE OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULEMAKING : ORDER OF THE OPTOMETRY  
PROCEEDINGS BEFORE THE : EXAMINING BOARD REPEALING,  
OPTOMETRY EXAMINING BOARD : AMENDING OR ADOPTING RULES  
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ORDER

Pursuant to authority vested in the optometry examining board in ss. 15.08(5)(b), 227.014(2)(a), 449.01 and 449.07, Stats., the optometry examining board hereby renumbers, repeals and recreates and adopts rules, interpreting ss. 449.01 and 449.07, Stats., as follows:

SECTION 1. Opt 1.01 is created to read:

Opt 1.01 AUTHORITY. The rules in this chapter are adopted under authority in ss. 15.08(5)(b), 227.014(2)(a), 449.01 and 449.07, Stats., to define the scope of practice of optometry in Wisconsin.

SECTION 2. Opt 1.02 is repealed and recreated to read:

Opt 1.02 DEFINITIONS. (1) "Fitting contact lenses" means any of the following procedures:

- (a) Determining whether a patient may safely and comfortably wear contact lenses;
- (b) Measuring and evaluating the curvature of the cornea through any means including photographic, mechanical or reflected light methods;
- (c) Using a spectacle prescription or a prescription determined through the use of a vertometer or its equivalent on a pair of spectacles, as a basis for designing, manufacturing or duplicating a contact lens;
- (d) Prescribing a schedule of wearing contact lenses;
- (e) Placing a contact lens upon the eye of a patient for diagnostic purposes;
- (f) Evaluating the physical fit of the contact lens;
- (g) Using a phoropter, hand-held lens or any automated instrument for the purposes of determining the prescription or change in prescription of a contact lens; and,
- (h) Any procedure listed in s. Opt 6.02(2).

(2) "Immediate supervision" means to coordinate, direct and inspect the practice of another at first hand.

(3) "Ophthalmic lens" means a spectacle lens.

(4) "Routine visual screening" means an examination limited to any of the following tasks:

- (a) Obtaining and recording a case history;
- (b) Measuring far and near visual acuities;
- (c) Measuring stereopsis;
- (d) Testing color vision;
- (e) Testing visual fields; and,
- (f) Performing non-contact tonometry.

SECTION 3. Opt 1.03 is repealed and recreated to read:

Opt 1.03 RESPONSIBILITY AND SUPERVISION. An optometrists may direct an unlicensed person working under the optometrist's immediate supervision to perform routine visual screening. The optometrist shall be responsible for the evaluation of the results of any routine visual screening.

SECTION 4. Ch. Opt 7 is renumbered ch. Opt 6.

SECTION 5. Ch. Opt 6, as renumbered, is repealed and recreated to read:

#### Chapter Opt 6

#### UNPROFESSIONAL CONDUCT

Opt 6.01 AUTHORITY AND INTENT. (1) The rules in this chapter are adopted under authority in ss. 15.08(5)(b), 227.014(2)(a) and 449.07, Stats.

(2) The intent of the optometry examining board in adopting the rules is to establish minimum standards of conduct for optometrists and to specify reasons for taking disciplinary action against a licensee.

Opt 6.02 DEFINITIONS. (1) "Gross incompetence" as that term is used in s. 449.07, Stats., means the failure to exercise that degree of care and skill which is exercised by the average practitioner in the class to which the optometrist belongs, acting in the same or similar circumstances. Gross incompetence specifically includes the inability to proficiently operate equipment and instruments described in s. Opt 6.07.

(2) "Minimum examination for the fitting of contact lenses" means the performance of all the following procedures:

- (a) Performing a minimum visual examination;
- (b) Determining lens specifications;
- (c) Evaluating the physical fit of diagnostic and prescribed lenses by means of a slit lamp;
- (d) Prescribing a time schedule for a patient's wearing the contact lenses; and,
- (e) Performing progress evaluations and recording in the patient record the recommended date of the patient's next visit.

(3) "Minimum visual examination" means the performance of all the following procedures:

- (a) Recording a complete case history of the patient;
- (b) Measuring far and near visual acuity;
- (c) Conducting an ophthalmoscopic and external examination;
- (d) Measuring corneal curvature;
- (e) Performing retinoscopy;
- (f) Evaluating convergence and accommodation;
- (g) Obtaining far and near subjective findings;
- (h) Evaluating muscle balance;
- (i) Measuring intraocular pressure; and,
- (j) Recording prescription and far and near visual acuity obtained;

Opt 6.03 DELEGATION. Portions of the minimum visual examination, which are included in the definition of routine visual screening specified in s. Opt 1.02(4), may be delegated to an unlicensed person working under the immediate supervision of the optometrist conducting the examination. The examining optometrist shall evaluate the findings of all tests delegated in the minimum visual examination.

Opt 6.04 IMPROPER USE OF TITLE. It shall be unprofessional conduct for an optometrist to use the title "Doctor" in printed form unless the optometrist has been granted the title of doctor of optometry by an optometric college and unless the optometrist indicates that he or she is an optometrist.

Opt 6.05 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.

Opt 6.06 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 inspection by a board member or representative of his or her office, equipment and records during regular office hours.

Opt. 6.07 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 visual examination specified in s. Opt 6.02(3).

Opt 6.08 PERFORMING MINIMUM VISUAL EXAMINATION. Except in cases where the patient refuses or is unable to participate in any procedure of the minimum visual examination, it shall be unprofessional conduct for an optometrist to fail to perform the minimum visual examination:

- (1) At the patient's initial examination with the optometrist;
- (2) At any examination following a minimum visual examination by one year or more; or,
- (3) At an examination for the fitting of contact lenses.

Opt 6.09 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. 6.02(2) in the fitting of contact lenses for a patient.

Opt 6.10 PATIENT RECORDS. (1) It shall be unprofessional conduct to fail to record and include in each patient's record the following information:

- (a) Name and date of birth of the patient;
- (b) Date of examination and examination findings, including a clear and legible record of the tests performed, the results obtained, the prescription ordered and the patient's far and near visual acuity obtained with the prescription ordered;
- (c) Date of the prescription;
- (d) Lens verification of lenses dispensed, including the date of verification and identification of the person verifying the lenses; and,
- (e) Name, signature and license number of the examining optometrist.

(2) It shall be unprofessional conduct to fail to maintain patient records for at least 6 years.

(3) It shall be unprofessional conduct for an optometrist to provide a patient with a copy of a prescription without considering whether the prescription may have changed, is outdated or may become outdated. In any of these instances, it shall be unprofessional conduct to fail to print or stamp across the face of the record copy, "Warning: This prescription may be outdated and may not be relied upon for proper fit and correction" or, "Warning: This prescription expires on \_\_\_\_\_, and may not be relied upon after this date for a proper fit or correction" or, "Expired".

Opt 6.11 VERIFICATION. (1) It shall be unprofessional conduct for an optometrist to fail to verify, or fail to ascertain that a delegate of the optometrist's verified, before delivery, the accuracy with which the prescription of the lenses dispensed by the optometrist or the optometrist's employer is compounded and to record the verification as required in s. Opt 6.10(1)(d). In the case of contact lenses, it shall be unprofessional conduct to fail to include in the record the parameters and any available lot number.

(2) It shall be unprofessional conduct for an optometrist to deliver ophthalmic lenses if the lenses do not meet requirements set forth in Table 1, ANSI Z80.1-1972, requirements for first-quality prescription ophthalmic lenses, approved November 1, 1971, by the American national standards institute, inc.

Note: The standard incorporated above as reference may be obtained from the Standards Institute located at 1430 Broadway, New York, NY 10018.

Opt 6.12 SUPERVISION. It shall be unprofessional conduct for an optometrist to fail to exercise immediate supervision over individuals to whom the optometrist has delegated the task of routine visual screening.

Opt 6.13 UNPROFESIONAL ADVERTISING. (1) Unprofessional advertising means any false, fraudulent, misleading or deceptive statement made to the public by an optometrist, including statements that:

- (a) Create false, fraudulent or unjustified expectations of favorable results;
- (b) Make comparisons with other optometrists which are false, fraudulent, misleading or deceptive; or,
- (c) Contain representations that would be likely to cause a reasonable person to misunderstand or be deceived.

(2) No licensed optometrist may:


- (a) Seek to obtain patients by advertising or other forms of solicitation in a manner that is false, fraudulent, misleading or deceptive.

- (b) Maintain a professional relationship with any other person or firm advertising in a manner that is false, fraudulent, misleading or deceptive.

The rules revised in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026(1) (intro.), Stats.

Dated this 13<sup>th</sup> day of July, 1985.

By

  
Lloyd Milavitz, Chairman  
Optometry Examining Board

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ADMRUL-M  
7/12/85