CR 85-167

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 the definition of ophthalmic lens, were duly approved and adopted by the board on February 7, 1986.

I further certify that the attached 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 7 day of March, A. D. 1986.

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

5-1-86

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

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

AN ORDER to repeal Opt. 1.02(3), relating to the definition of ophthalmic lens.

ANALYSIS

In this order, the Optometry Examining Board repeals s. Opt 1.02(3), which defines the term, "ophthalmic lens" to mean a spectacle lens. The rule interprets s. 449.01(2), Stats., relating to the practice of dispensing opticians.

Section 449.01(2), Stats., defines "optical dispensing" to include "...the filling of prescriptions of duly licensed physicians or optometrists for ophthalmic lenses." The opinion of the Attorney General in 60 OAG 371 states "the determination of the need for visual correction, the fitting of the lens to the eye, the optometric refraction, and the writing of a prescription are all part of the practice of optometry and may be done only by licensed optometrists or licensed physicians or surgeons" (emphasis added). The reference to ophthalmic lenses in s. 449.01(2), Stats., may not be construed, therefore, to include contact lenses. For this reason, the definition of "ophthalmic lens" in s. Opt 1.02(3) is superfluous and repeal is in order.

The proposed rule repeal was adopted by the board as an emergency rule which became effective October 18, 1985.

ORDER

Pursuant to authority vested in the Optometry Examining Board in s. 15.08(5)(b), 227.014(2)(a), and 449.01(1)(a)2., Stats., the Optometry Examining Board hereby repeals and adopts rules, interpreting s. 449.01(2), Stats., as follows:

SECTION 1. Opt 1.02(3) is repealed.

The repeal of rulesin 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 7th day of March, 1986.

By: Lloyd Milavitz
Lloyd Milavitz, Chair
Optometry Examining Board

FISCAL ESTIMATE

There is no statewide or local fiscal effect.

REGULATORY FLEXIBILITY ANALYSIS

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.016(1)(a), Stats.