

CR 85-171

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF REGULATION AND LICENSING)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William L. Dusso, administrator of the Division of Administrative Services in the Department of Regulation and Licensing, and custodian of the official records of the Division, do hereby certify that the annexed rules, relating to certification of optometrists to use diagnostic pharmaceutical agents, time limits for approval or denial of applications for optometrists, private detectives and charitable organizations and designation of hearing examiners, were duly approved and adopted by the secretary of the Department of Regulation and Licensing on September 15, 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 department at 1400 East Washington Avenue, Madison, Wisconsin, this 16th day of September, A.D. 1986.

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Bureau

William L. Dusso
William L. Dusso, Director
Administrative Services
Department of Regulation & Licensing

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12-1-86

STATE OF WISCONSIN
BEFORE THE
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULEMAKING : ORDER OF THE DEPARTMENT OF
PROCEEDINGS BEFORE THE DEPARTMENT : REGULATION AND LICENSING REPEALING,
OF REGULATION AND LICENSING : AMENDING OR ADOPTING RULES

AN ORDER to repeal RL 10.01(7); to renumber RL 10.01(8) and (9); to amend RL 10.02; to repeal and recreate RL 2.10(1) and, to create RL 3.40(3) and 5.05(6), relating to certification of optometrist to use diagnostic pharmaceutical agents, time limits for approval or denial of applications for optometrists, private detectives and charitable organizations and designation of hearing examiners.

Analysis prepared by the department of regulation and licensing.

ANALYSIS

In this order of the department of regulation and licensing:

1. Section RL 2.10(1) is repealed and recreated to revise a provision relating to the designation of a hearing examiner in accordance with current department procedures. Since the adoption of the current rule, the procedure for assigning examiners has changed. The revised rule describes a procedure for assigning hearing examiners appropriate to the current method of department operations. The rule interprets s. 440.03(1), Stats., relating to uniform procedures for conducting hearings.
2. Sub. (3) in s. RL 3.40 and sub. (6) in s. RL 5.05 are created and s. RL 10.02 is amended to conform the rules to s. 227.0105(1), Stats., which requires that an applicant for a license, permit, certificate or registration be informed of the time limit by which a state agency will approve or deny an application for a license, permit, certificate or registration. The rules created or amended interpret s. 227.0105(1), Stats., as described above. And specifically, s. RL 2.40(1) interprets s. 440.26(2)(c) and (3), Stats., relating to special professional training and education requirements for private detectives; s. RL 5.05(6) interprets s. 440.41, Stats., relating to registration requirements for charitable organizations; and, s. RL 10.02 interprets s. 449.17, Stats., relating to certification requirements for optometrists' use of diagnostic pharmaceutical agents.
3. Section RL 10.01(7) is repealed to eliminate a provision, relating to a semi-annual report required of optometrists prior to the repeal of the requirement in s. 449.17, Stats. With

the repeal of sub. (7), subs. (8) and (9) are renumbered to place the subsections in numerical order.

ORDER

Pursuant to authority vested in the department of regulation and licensing in ss. 227.014(2)(a), 440.03(1), 440.26, 440.41 and 449.17, Stats., the department of regulation and licensing hereby repeals, amends and adopts rules, interpreting ss. 440.03(1), 440.26, 440.41 and 449.17, Stats., as follows:

SECTION 1. RL 2.10(1) is repealed and recreated to read:

RL 2.10(1) DESIGNATION. In any disciplinary proceeding a board may, and in proceedings commenced as the result of a decision made by one or more officials of a board, a board shall designate that the proceedings be presided over by a hearing examiner. Unless a board designates otherwise, disciplinary hearings shall be presided over by a hearing examiner employed by the department and assigned as hearing examiner to that board. If the regularly assigned examiner is unavailable, the examiner shall be an attorney in the department designated by the department secretary, an employe borrowed from another agency pursuant to s. 20.901, Stats., or a person employed as a special project or limited term employe by the department, except that the examiner may not be an employe in the division.

SECTION 2. RL 3.40(3) is created to read:

RL 3.40(3) The department shall, within 30 business days of receipt of a certificate of proficiency required under s. RL 3.41, notify the person filing the certificate if the certificate fails to meet requirements in that section.

SECTION 3. RL 5.05(6) is created to read:

RL 5.05(6) An application for registration shall be granted or denied within 30 business days after receipt of a completed registration.

SECTION 4. RL 10.01(7) is repealed.

SECTION 5. RL 10.01(8) and (9) are renumbered 10.01(7) and (8).

SECTION 6. RL 10.02 is amended to read:

RL 10.02 STATEMENT OF APPROVAL REQUIRED. A licensed optometrist may not use diagnostic pharmaceutical agents in the practice of optometry unless the optometrist has completed an application for and received a DPA certificate from the department. An application for a certificate shall be granted or denied within 15 business days after receipt of a completed application.

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 16th day of September, 1986.

By: Barbara Nichols
Barbara Nichols, Secretary
Department of Regulation and Licensing

FISCAL ESTIMATE

There is no statewide or local fiscal effect.

REGULATORY FLEXIBILITY ANALYSIS

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

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