

CR 90-109

CERTIFICATE

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Ramona Weakland Warden, Director, Bureau of Health Service Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Optometry Examining Board do hereby certify that the annexed rules were duly approved and adopted by the Optometry Examining Board on the 19th day of October, 1990.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such 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 19th day of October, 1990.

Ramona Weakland Warden
**Ramona Weakland Warden, Director
Bureau of Health Service Professions
Department of Regulation and
Licensing**

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STATE OF WISCONSIN
OPTOMETRY EXAMINING BOARD

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IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	OPTOMETRY EXAMINING BOARD
OPTOMETRY EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 90-109)

ORDER

An order of the Optometry Examining Board to create chapter Opt 6 of the administrative code relating to requirements for licensed optometrists who wish to obtain certificates to use therapeutic pharmaceutical agents and to remove superficial foreign bodies from an eye or from an appendage to the eye, continuing education requirements and reinstatement of lapsed certificates for licensed optometrists certified to use therapeutic pharmaceutical agents.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) (a), and 449.18, Stats., as affected by 1989 Wisconsin Act 31.

Statutes interpreted: s. 449.18, Stats., as affected by 1989 Wisconsin Act 31.

These proposed rules result from changes in the law enacted as part of 1989 Wisconsin Act 31. This law amended the definition of the practice of optometry to permit optometrists to prescribe and administer drugs for ocular therapeutic purposes and to remove superficial foreign bodies from the eye or an appendage to the eye.

The law requires the Optometry Examining Board to promulgate rules outlining requirements for optometrists to gain a certificate permitting them to use therapeutic pharmaceutical agents and to remove superficial foreign bodies from an eye or from an appendage to the eye, as well as procedures for renewing this certificate.

The law also requires the Optometry Examining Board to promulgate rules requiring applicants for renewal of a certificate to use therapeutic pharmaceuticals and to remove superficial foreign bodies from an eye or from an appendage to the eye to attend continuing education courses approved by the board, to establish the criteria for approved courses, and the number of continuing education hours required in each biennial registration period.

The material cross-referenced in s. Opt 6.02 (2) and (3), "has the meaning given under s. RL 10.01" (Clearinghouse Rule 90-76), is in the process of rule promulgation and Clearinghouse Rule 90-109 will not be promulgated until the referenced material also is promulgated.

TEXT OF RULE

SECTION 1. Chapter Opt 6 is created to read:

CHAPTER OPT 6 (title)

CERTIFICATION TO USE
THERAPEUTIC PHARMACEUTICAL AGENTS
AND TO REMOVE SUPERFICIAL FOREIGN BODIES
FROM AN EYE OR FROM AN APPENDAGE TO THE EYE

Opt 6.01 AUTHORITY. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11 (2) and 449.18, Stats.

Opt 6.02 DEFINITIONS. (1) "Adverse drug reaction referral plan" has the meaning given under s. RL 10.01.

(2) "Biennium" means a two year period beginning January 1 of even-numbered years.

(3) "Board" means the optometry examining board.

(4) "100 hours of approved study" means a course of study offered on or after January 1, 1987 by an institution approved by the board in accordance with s. 449.18, Stats.

(5) "TPA certificate" means a certificate granted by the optometry examining board as defined in s. RL 10.01.

(6) "TPA" or "therapeutic pharmaceutical agent" means the agents as defined in s. RL 10.01.

Opt 6.03 APPLICATION FOR CERTIFICATION. To obtain a TPA certificate an optometrist shall:

(1) Submit evidence satisfactory to the board that the optometrist has complied with the following requirements in accordance with s. 449.18, Stats.:

(a) Has obtained certification under s. 449.17, Stats., to use DPA's;

(b) Has successfully completed 100 hours of approved study in the use of TPA's and removal of superficial foreign bodies from an eye or from an appendage to the eye; and

(c) Has passed an examination conducted or approved by the board.

(2) Submit an updated adverse drug reaction referral plan revised to reflect planning for use of therapeutic pharmaceutical agents.

NOTE: 100 hour postgraduate courses and qualifying examinations for approval for TPA certification are approved annually by the board. A list of approved 100 hour postgraduate courses and examinations may be obtained from the board office at P. O. Box 8935, Madison, Wisconsin 53708.

Opt 6.04 CONTINUING EDUCATION. (1) A certificate holder as specified in s. Opt 6.02 (4) shall complete 30 hours of approved continuing education in the use of therapeutic pharmaceuticals and the removal of superficial foreign bodies from an eye or from an appendage to the eye in each biennial registration period. Seven of the 30 hours must be in the diagnosis and management of glaucoma.

(2) Continuing education hours may be applied only to the biennial registration period in which the continuing education hours are acquired, unless permission has been granted by the board under conditions specified in s. Opt. 6.06, to apply credits to the previous biennium to satisfy requirements for reinstatement of a certificate which has lapsed.

(3) To obtain credit for completion of continuing education hours, an optometrist shall submit to the board certificates of attendance from the provider of the board-approved course.

(4) A certificate holder as specified in s. Opt 6.02 (4) who fails to meet the continuing education requirements by the renewal deadline may not use therapeutic pharmaceuticals or remove superficial foreign bodies from the eye or from an appendage to the eye after the renewal deadline until the certificate is reinstated as defined in s. Opt 6.06 and as referenced in s. 449.07, Stats.

(5) Optometrists certified under s. 449.18, Stats., within a biennium, must submit to the board proof of completion of one hour of board approved continuing education per month or partial month of certification reported on or before January 1 of the biennium. A minimum of one-quarter of the continuing education hours must be in the diagnosis and management of glaucoma.

Opt 6.05 APPROVAL OF CONTINUING EDUCATION COURSES. (1) 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 board 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.

(2) The following criteria will be considered in the approval process:

(a) The subject matter of the course pertains to therapeutic pharmaceuticals and removal of superficial foreign bodies from the eye or from an appendage to the eye;

(b) The provider of the continuing education course agrees to monitor the attendance and furnish to each participant a certificate of attendance;

(c) The provider of the course is approved by the board; and

(d) The course content and instructional methodologies.

(3) A separate application shall be submitted for each continuing education course approval request.

(4) If a continuing education course includes subject matter other than that related to therapeutic pharmaceuticals and removal of superficial foreign bodies from the eye or from an appendage to the eye, only the board-approved portions of the course which relate to therapeutic pharmaceuticals and removal of superficial foreign bodies from the eye or from an appendage to the eye qualify as continuing education required under this chapter.

(5) Alternate delivery method continuing education courses such as home-study courses, self-study packages, computer courses, televideo conferencing and other methods may be approved by the board.

Opt 6.06 REINSTATEMENT OF A LAPSED CERTIFICATE. A TPA certificate which is not renewed by January 1 of an even-numbered year lapses. A certificate holder who allows the certificate to lapse may apply to the board for reinstatement of the certificate by fulfilling the continuing education requirements, passing a board-approved examination and paying the appropriate renewal and examination fees.

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro), Stats.

Dated 10/19/90

Agency Lynda Farnan, C.D.
Chairperson
Optometry Examining Board

RULES-269
10/19/90

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CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: October 22, 1990

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela Haack, Administrative Assistant
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

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Agency: OPTOMETRY EXAMINING BOARD

Clearinghouse Rule: 90-109

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code.

Thank you.