

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis
 Original Updated Corrected

2. Administrative Rule Chapter, Title and Number
Opt 3, 5, 7

3. Subject
Exam, unprofessional conduct and renewal

4. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	5. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
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6. Fiscal Effect of Implementing the Rule
 No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)
 State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?
 Yes No

9. Policy Problem Addressed by the Rule
The Board updated and reorganized the chapters to remove obsolete provisions, reflect current practices and technologies and clarified provisions. In addition, the board implemented 2013 Act 114 which addresses the ability to take the exam prior to the completion of post-secondary education and 2013 Act 345 which addresses informed consent standard.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.
This rule was posted for economic impact comments and none were received.

11. Identify the local governmental units that participated in the development of this EIA.
None. This rule does not affect local governmental units.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)
This rule will not have an economic impact on specific businesses, business sectors, public utility rate payers, local governmental units or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule
The benefit is updated rule chapters which have not had a comprehensive review in at least 15 years. Provisions which are obsolete have been removed and other provisions have been consolidated for clarity. In addition, the renewal and reinstatement procedures have been clarified.

14. Long Range Implications of Implementing the Rule
The long range implication is to have a rule which is consistent with today's practices.

15. Compare With Approaches Being Used by Federal Government
The only federal regulation related to this rule is the Federal Trade Commission Rules 16 CFR 315.3 and CFR 456.02 requires the release of spectacle and contact lens prescriptions to the patient at no cost.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)
Illinois lists the requirements for licensure (and not the requirements for examination). Illinois lists grounds for discipline including conviction, misrepresentation, professional incompetence or gross negligence, fraud, addiction to

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alcohol or drugs, discipline by another state, practice outside the scope, immoral conduct, failure to perform a minimum eye examination, gross and willful overcharging for professional services, and misleading advertising. Renewal of a license after three years requires payment of fees, proof of current certification in cardiopulmonary resuscitation, completion of continuing education requirements, and evidence of education or experience of fitness to practice or passage of Part III of the national examination.

Iowa lists the requirements for licensure (and not the requirements for examination). Iowa lists the grounds for discipline including fraud, professional incompetency, practice outside the scope of the profession, misleading advertising, habitual intoxication or addiction, diversion of drugs, falsification of records, negligence, conviction of a crime related to the profession, disciplinary action in another state; violation of board orders, and unethical conduct. A late renewal for five years or less requires verification of license in other jurisdictions and completion of 50 of continuing education within 2 years preceding renewal. A late renewal more than 5 years requires verification of license in other jurisdiction, completion of 100 hours of continuing education with 2 years of renewal or current CELMO certification and 50 hours of continuing education within 2 years of renewal. A license which has been revoked, suspended or surrendered must meet any unmet disciplinary requirements, provide evidence of facts sufficient to enable the board to determine that the basis no longer exists and it is the public interest for the license to be reinstated.

Michigan lists the requirements for licensure (and not the requirements for examination). Michigan does not list unprofessional conduct activities. After a license has lapse, it can be renewed with the submission of fees, 40 hours of continuing education completed within the 2 year period immediately preceding renewal and a minimum score of 75 on the Michigan laws and rules.

Minnesota lists the requirements for licensure (and not the requirements for examination). Minnesota does not list unprofessional conduct activities. Reinstatement of an expired license (late renewal) requires payment of renewal and penalty fees and proof of completion of continuing education. Reinstatement of a revoked or suspended license requires evidence of full rehabilitation from the offense and complies with all other reasonable conditions imposed by the board.

17. Contact Name Sharon Henes	18. Contact Phone Number (608) 261-2377
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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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