

Approved

Date

Stephen R. Cloud
2-26-75

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:09 a.m. ~~pm~~ on Tuesday, February 19, 1985 in room 522-S of the Capitol.

All members were present except:

Representative Brown - Excused

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.
Jackie Brey Meyer - Committee Secretary

Conferees appearing before the committee:

Representative Patterson - Bill Sponsor
Gary Robbins - Executive Director, Kansas Optometric Association
Dr. Charles Beier - Vice President, State Board of Examiners in Optometry

The meeting of the House Governmental Organization Committee was called to order at 9:09 a.m. by Representative Stephen R. Cloud, Chairman. The minutes of the February 12 meeting were approved. February 14 minutes were distributed. The chairman explained why HB 2423 had been removed from the day's agenda. The bill was referred to the Pensions and Investments Committee. The chairman will appear before that committee at a future date to give testimony that has come out of the Subcommittee 2 review of the treasurer's office.

The agenda for the meeting was HB 2282, relating to the board of examiners in optometry. Representative Patterson, bill sponsor, distributed two handouts which showed the composition of Boards of Optometry in selected other states (See Attachment A) and Parts One and Two of the operating budget summary of the Board of Optometry Examiners (See Attachment B). He explained the bill would increase the number of lay persons on the Board from one to two. Currently three doctors and one layperson serve on the board. He said more lay persons are being put on these types of boards across the country to increase public awareness and attention to these kinds of boards and their operations. This is a fee fund agency and the money for an extra lay person was not included in the budget request.

The chairman thanked Representative Patterson and called on Gary Robbins, Executive Director, Kansas Optometric Association. Mr. Robbins read from his attachment, copies of which were distributed to the committee (See Attachment C). The attachment contained several boards that showed total membership, number of public members and the percentage of these members. He is opposed to HB 2282 in its current form and is not convinced it is needed. Currently the Board has 25% public representation which is higher than many boards. Copies of the "Composition of Selected Regulatory Boards", prepared by the Kansas Legislative Research Department were distributed. (See Attachment D).

Dr. Beier, Vice President, State Board of Examiners in Optometry, distributed copies of his testimony. (See Attachment E), and stated that the bill would have a \$1,018 fiscal note. He said the Board is functioning well under the current structure. He does not feel the additional expense of adding another member is justified. He stated that Dr. McDowell from the Southeast Kansas area is the lay person on the board. Dr. McDowell has a Ph.D. in education. There are currently 380 licensed optometrists in the state. The Board meets on an average of once a month, or twelve times a year.

As there were not other persons to speak to the bill, the chairman concluded hearings on HB 2282. He went over the agenda for the rest of the week and asked subcommittee chairpersons to get their agendas ready by the noon Wednesday deadline. Representative Aylward's bill, HB 2231, will be heard Thursday. The meeting adjourned at 9:34 a.m.

SRE

RICHARD W. RYAN,
DIRECTOR
BEN F. BARRETT,
ASSOCIATE DIRECTOR
MARLIN L. REIN,
CHIEF FISCAL ANALYST



STAFF--
LEGISLATIVE COORDINATING COUNCIL
INTERIM COMMITTEES
STANDING COMMITTEES
LEGISLATIVE INQUIRIES

THE LEGISLATIVE RESEARCH DEPARTMENT

ROOM 545-N, STATEHOUSE
PHONE: (913) 296-3181
TOPEKA, KANSAS 66612

September 12, 1983

Representative Jim Patterson
2612 North Tenth Street
Independence, Kansas 67301

Dear Representative Patterson:

In response to your request, I am pleased to provide the following information regarding the composition of Boards of Optometry in selected other states.

<u>California</u>	6 Licensees <u>3</u> Public 9 Total	<u>Colorado</u>	5 Licensees <u>2</u> Public 7 Total
<u>Connecticut</u>	4 Licensees <u>3</u> Public 7 Total	<u>Iowa</u>	5 Licensees <u>2</u> Public 7 Total
<u>Missouri</u>	5 Licensees <u>1</u> Public 6 Total	<u>Texas</u>	6 Licensees <u>3</u> Public 9 Total

Kansas increased the membership of its Board of Examiners in Optometry from three to four in 1975 when a public member was added to the three licensees then making up the Board.

I hope this information will be of assistance to you.

Sincerely,

William G. Wolff
Principal Analyst

WGW/sdp

2/19/85
Attachment A

BOARD OF OPTOMETRY EXAMINERS

Budget Page No. 1-205
 Approp. Bill Sec. 15

<u>Expenditure Summary</u>	<u>Agency Est. FY 85</u>	<u>Governor's Rec. FY 85</u>	<u>Agency Req. FY 86</u>	<u>Governor's Rec. FY 86</u>
State Operations:				
All Funds	\$ 20,869	\$ 20,405	\$ 22,466	\$ 21,870
State General Fund	—	—	—	—
Percentage Change	69.0%	65.3%	7.7%	7.2%
F.T.E. Positions	.3	.3	.3	.3

Part One: Operating Budget Summary

<u>Item</u>	<u>Governor's Recommendation</u>
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Fiscal Year 1985 Revisions

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| <p>1. <u>Summary.</u> Expenditures estimated by the Board equal the expenditure limitation of \$20,869.</p> | <p>1. The Governor recommends \$20,405, a reduction of \$464 from the agency estimate. Reductions are in the areas of communication and travel.</p> |
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Fiscal Years 1985 and 1986 Budget Summary

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| <p>1. <u>Summary.</u> Actual expenditures for FY 1984 were \$12,372, unusually low because there were no disciplinary hearings. However, estimated expenditures for FY 1985 are \$20,869 due to anticipated hearings on two pending complaints. The requested budget for FY 1986 is \$22,466, an increase of \$1,597 over the current year estimate. The main reason for the increase is the printing of the rules and roster booklets which are prepared biennially. Individual items in the operating budget are discussed below.</p> <p>a. <u>Salaries.</u> Salaries requested for FY 1986 total \$9,103, which represents no increase over FY 1985 estimated expenditures except for the 5.5 percent salary adjustment for the part-time (.3 F.T.E.) classified employee. Thirteen meeting days for three board members are included in this amount at a rate of \$35 per meeting, in addition to the salaries of the Board member serving as Secretary-Treasurer and the part-time Clerk Typist II.</p> <p>b. <u>Communication.</u> The Board requests \$1,500 for postage and phone, an amount equal to FY 1985 estimated expenditures. Actual expenditures in FY 1984 were \$938.</p> <p>c. <u>Printing and Advertising.</u> The FY 1986 request for printing and advertising is \$1,680, an increase of \$1,230 over the FY 1985 estimate and an increase of \$280 over the actual FY 1984 expenditures. The rules and roster booklet, published biennially, will be printed in FY 1986. This accounts for the large increase over current fiscal year expenditure estimates. The booklet was last published in FY 1984; the current request is 20 percent over the amount expended in that year.</p> | <p>1. The Governor recommends \$21,870 for FY 1986, a reduction of \$596 from the agency request. The reduction includes the deletion of the salary adjustment and reductions in communication and travel expenditures.</p> <p>a. The Governor recommends \$8,895 for salaries and wages, down \$208 from the agency request. This reduction includes the salary adjustment deletion (\$187), and an adjustment to the unemployment compensation (\$21).</p> <p>b. The Governor recommends \$1,150 for FY 1985, a reduction of \$350 from the agency estimate. For FY 1986, the Governor recommends \$1,350 for communication, a reduction of \$150 from the agency request.</p> <p>c. The Governor concurs with the estimate for FY 1985 and the request for FY 1986.</p> |
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 Attachment B

- d. Travel and Subsistence. The Board requests \$2,238, an increase of \$124 over the current year estimate and an increase of \$965 over the actual FY 1984 expenditures. This increase reflects both the increase allowed in subsistence rates, and an increase in miles traveled due to the location of the State Optometric Convention in Wichita (it was in Lawrence last year). Subsistence and travel expenses for three board members for seven days are requested for the state convention and exams. Travel expenses are requested for five other days of board meetings or hearings.
- e. Legal Expenses. The request for legal expenses is \$7,500, an amount equal to the estimated expenditures for the current fiscal year. This amount is \$7,042 more than the actual expenditures for FY 1984 when there were no disciplinary hearings. To date, the Board has received two complaints over which it has jurisdiction.
- d. The Governor recommends \$2,000 in travel for FY 1985, a reduction of \$114 from the agency estimate. For FY 1986 the Governor again recommends \$2,000, a reduction of \$238 from the agency request.
- e. The Governor concurs with the estimate for FY 1985 and the request for FY 1986 for legal expenses in connection with disciplinary hearings.

Part Two: Other Information

The Board of Examiners in Optometry receives the bulk of its revenue from license renewal fees collected annually (\$75.00 per applicant). Other revenue is collected from exam fees, new license fees, and corporation certificates. The Board estimates \$29,615 in gross receipts (\$28,275 from renewal fees, \$1,200 from exam fees, \$130 from new license fees and \$10 from corporation certificates). Twenty percent of this amount, or \$5,923, is credited to the State General Fund, resulting in receipts to the fee fund in FY 1986 of \$23,692. Shown below is an analysis of the Board's fee fund, based upon the Governor's recommendations for FY 1985 and FY 1986.

<u>Resource Estimate</u>	<u>Actual FY 84</u>	<u>Gov. Rec. FY 85</u>	<u>Gov. Rec. FY 86</u>
Beginning Balance	\$ 25,244	\$ 36,379	\$ 39,650
Net Receipts	23,507	23,676	23,692
Total Funds Available	\$ 48,751	\$ 60,055	\$ 63,342
Less: Expenditures and Refunds	12,372	20,405	21,870
Ending Balance	\$ 36,379	\$ 39,650	\$ 41,472

Kansas Optometric Association

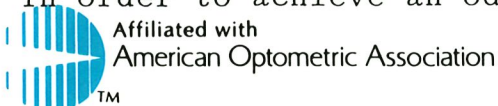
400 Kansas Ave. Suite A, Topeka, KS 66603
913-232-0225

Mr. Chairman and Members of the Committee:

I am Gary Robbins, Executive Director of the Kansas Optometric Association. I appreciate the opportunity to discuss House Bill 2282 with the committee this morning. House Bill 2282 would increase the number of members on the State Board of Examiners in Optometry from 4 to 5 members by adding a public member to the board. We believe that public representation has been a beneficial practice that should be continued. However, our concern in regard to House Bill 2282 is that the percentage of public members on the Board of Examiners in Optometry should be comparable with other professional licensing boards in Kansas. In researching the number of public members on several other professional licensing boards, I discovered that only one board has a higher percentage of public membership than the State Board of Examiners in Optometry.

	TOTAL MEMBERSHIP	NUMBER OF PUBLIC MEMBERS	PERCENTAGE OF PUBLIC MEMBERS
Board of Healing Arts	13	1	7%
Board of Technical Professionals (Architects and Engineers)	9	1	11%
Accounting	7	1	14%
Board of Pharmacy	6	1	16%
Board of Nursing	11	2	18%
Dental Board	5	1	20%
Optometry Board	4	1	25%
Behavioral Sciences (Psychologists and Social Workers)	7	3	43%

In order to achieve an odd number of members and maintain adequate



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Attachment C

public representation, it might be desirable to have four optometrists and one public member which would be 20% public representation. If the intent of the committee is to have two public members, we would request that an additional two optometrists be added to the board. This would make the State Board of Examiners in Optometry into a seven member board. However, this approach would have a rather significant fiscal impact on expenses for the board and would probably not be economically feasible. We are opposed to H.B. 2282 in its current form and are not convinced that it is needed. Currently, the board has 25% public representation which is higher than many licensing boards. The board's functions do require professional and technical expertise to test applicants and evaluate professional standards. This is expertise which is obtained in a four year curriculum in a school of optometry beyond undergraduate work. For these reasons, we are opposed to H.B. 2282.

COMPOSITION OF SELECTED REGULATORY BOARDS

<u>Board</u>	<u>Regulated Professions</u>	<u>Membership (Public Members as a Percent of Total)</u>
Optometry Examiners	Optometrists	Three Optometrists One Public Member (25 percent)
Healing Arts	Medical, Osteopathic, and Chiropractic Doctors; Physician's Assistants; Physical Therapists; and Podiatrists	Five Medical Doctors Three Osteopaths Three Chiropractors One Podiatrist One Public Member (8 percent)
Examiners for Hearing Aids	Fitters of Hearing Aids	Three Examiners and Fitters of Hearing Aids Two Public Members (40 percent)
Pharmacy	Pharmacists	Five Pharmacists One Public Member (17 percent)
Dental	Dentists and Dental Hygienists	Three Dentists One Dental Hygienist One Public Member (20 percent)
Nursing	Registered Professional Nurses, Licensed Practical Nurses, and Licensed Mental Health Technicians	Five Registered Professional Nurses Two Licensed Practical Nurses Two Licensed Mental Health Technicians Two Public Members (18 percent)
Behavioral Sciences	Psychologists and Social Workers	Two Psychologists Two Social Workers Three Public Members (43 percent)
Embalming	Embalmers, Funeral Directors, and Assistant Funeral Directors	Three Embalmers Two Public Members (40 percent)
Veterinary Examiners	Veterinarians	Four Veterinarians One Public Member (20 percent)
Technical Professions	Engineers, Land Surveyors, Architects, and Landscape Architects	Three Engineers One Land Surveyor Three Architects One Licensed Landscape Architect One Public Member (11 percent)

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Attachment D

<u>Board</u>	<u>Regulated Professions</u>	<u>Membership (Public Members as a Percent of Total)</u>
Barber Examiners	Barbers	One Master Barber One Journeyman Barber Two Public Members (40 percent) One Unspecified Member (Position is presently filled by a barber)
Cosmetology	Cosmetologists	Two Registered Cosmetologists Two Registered Cosmetologists who are licensed operators of a shop One Public Member (20 percent)
Real Estate Commission	Real Estate Agents and Brokers	At Least Three Real Estate Brokers At Least One Public Member (20 percent) One Unspecified Member
Abstracters' Examiners	Abstracters	Three Abstracters

MEMBERS OF THE BOARD

DR. REX W. GIBSON
PRESIDENT
111 W. 1ST
LYONS, KANSAS 67554

DR CHARLES G. BEIER
VICE-PRESIDENT
2400 W. 29TH, SUITE 131
TOPEKA, KANSAS 66611

MS. JO ANN C. MCDOWELL
PUBLIC REPRESENTATIVE
P.O. BOX 708
INDEPENDENCE, KANSAS 67301

DR. HAROLD A. FRIEDEN
SECRETARY-TREASURER
727 COMMERCIAL
ATCHISON, KANSAS 66002

KANSAS STATE BOARD OF EXAMINERS
IN OPTOMETRY

February 19, 1985

Mr. Chairman and Members of the Committee:

I am Dr. Charles Beier. I am currently serving as the Vice-President of the State Board of Examiners in Optometry. I would like to make several comments regarding H.B. 2282. It might be helpful for the committee if I briefly outline the major functions of the board. The functions include the administration of examination to applicants for licensure, enforcement of the optometry law and investigation of complaints received from the public, optometrists and the attorney general alleging violation of the law. We handle between ten to fifteen inquiries annually of this nature.

We are opposed to the bill because we believe that the current board is functioning in an effective manner under the current structure. We are not sure that the additional expense of another public member is justified. We believe that public representation has been very positive and that the current public member is adequate. In many instances, to thoroughly understand the issues confronting the board requires an optometric background.

I appreciate the opportunity to appear before the committee and would be glad to answer any questions that the committee might have regarding this bill.

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Attachment E