

Approved: 2-3-03
Date

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE.

The meeting was called to order by Chairperson Jim Morrison at 1:34 p.m. on January 29, 2003 in Room 243-N of the Capitol.

All members were present except Representatives Landwehr, Neighbor, Long, and Kirk, all of whom were excused.

Committee staff present:

Bill Wolff, Legislative Research Department
Renaë Jefferies, Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Penny Keelan Bowie, Executive Director, Kansas Board of Examiners in Optometry.

Others attending: See Guest List.

The Chair announced that the hearing on the Kansas Dental Association temporary license bill, though it had not yet been assigned a number, would occur Thursday, February 6. He reminded the Committee that a staff briefing on bills would always precede a hearing by one day. He requested that Representatives Patterson and Hill consult with staff Renaë Jefferies in preparation for leading the bill hearing.

A motion was properly made and seconded to approve the minutes for the January 27 meeting.

The Chair welcomed Penny Bowie, Executive Director, Kansas Board of Examiners in Optometry, who requested the Committee sponsor a bill to change K.S.A. 65-1505 and 65-1509 to allow an increase in the limits of fees that the Board collects, to change license renewal from annually to biannually, and to add an inactive license status. (Attachment 1) A motion was properly made and seconded to sponsor the legislation.

The meeting was adjourned at 1:40 p.m. The next meeting is scheduled for Thursday, January 30, a joint meeting with the Senate Health and Public Welfare Committee in Room 231-N.



January 27, 2003

The Honorable Jim Morrison, Chairperson
House Health and Human Services Committee
Statehouse, Room 171 W
Topeka, Kansas 66612

Dear Representative Morrison,

The Kansas Board of Examiners in Optometry (the "Board") is proposing amendments to K.S.A. 65-1505 and K.S.A. 65-1509. The proposed amendments to K.S.A. 65-1505 would increase the maximum fees the Board could charge for licensing examinations and initial licensing by either examination or reciprocity. The proposed amendments to K.S.A. 65-1509 would provide for an inactive status, change the license renewal for optometrists from annually to biennial and increase the maximum fee that the Board could charge for license renewals. The statutory maximum for the license renewal fee has not been increased in 10 years. Under either of these statutes, any change in the actual fees charged would have to be made by regulations subsequently adopted by the Board. Currently, the board has set all fees at the maximum allowed by the statutes as they presently exist.

The current limit on fees prevents the Board from generating enough revenue to meet its annual budget. Because of this revenue short fall, the Board has had to use its fee fund to supplement revenues. It is anticipated that without additional revenues from fees, the fee fund will be totally exhausted by May 1, 2004.

The Board does not intend to immediately increase fees to the statutory maximums proposed, but the Board hopes to set the maximums high enough to avoid the necessity of returning to the Legislature in the near future for additional increases.

The proposed change to biennial renewal is intended to facilitate more efficient operations. Under biennial renewal, half the licensed optometrist will renew in even numbered years and the other half in odd numbered years. This system will require only about half the staff time during each renewal process.

Prior to proposing these changes, efficiency measures implemented by the Board include:

- Funding the Executive Officer position at a reduced level of 0.8 FTE;
- Using electronic means of communications rather than long distance, US Postage and delivery service, wherever possible;
- Using the Board website instead of paper copy to provide information and forms;
- Using electronic files instead of paper copy, wherever possible.

Sincerely,

Penny Keelan Bowie,
Executive Officer

Email: kssbeo@terraworld.net

Telephone: 785-832-9986

Fax: 785-832-9986 *51

Attachment 1
HHS 1-29-03



January 27, 2003

The Honorable Jim Morrison, Chairperson
House Health and Human Services Committee
Statehouse, Room 171 W
Topeka, Kansas 66612

Dear Representative Morrison,

The following fiscal note concerning licensing fee increases and biennial renewal is respectfully submitted to your committee.

K.S.A. 65-1509 (c) provides authorization for the Kansas State Board of Examiners in Optometry (the "Board") to determine the amount of funds needed for the ensuing fiscal year, and to fix the amount of fees to be collected for license renewal. K.S.A. 65-1505 provides authorization for the Board to determine the amount of fees for licensing by examination or reciprocity. The current limit of fees prevents the Board from generating enough revenue to meet its annual budget.

The Board does not intend to immediately increase fees to the statutory maximum propose, but the Board hopes to set the maximums high enough to avoid the necessity of returning to the Legislature in the near future for additional increases.

All fees are remitted to the State Treasurer who deposits 80% of those fees into the Optometry Fee Fund, and 20% to the State General Fund (SGF). The table describes the current collection of renewal fees of \$150 annually (FY03) and the outcome of anticipated renewal fees of \$450 biennially (FY04 & 05).

<i>FY</i>	<i>Fees Collected</i>	<i>SGF</i>	<i>Optometry Fee Fund</i>	<i>Proposed Board Budget</i>	<i>Fee Fund Balance</i>
03	\$ 91,587	\$18,284	\$ 73,303	\$111,120	\$(37,817)
04	227,222	45,442	181,770	108,516	35,437
05	166,540	33,306	133,224	123,077	45,584

The fiscal effect resulting from the change to the statute is reflected in Governor's Budget Proposal.

Sincerely,

Penny Keelan Bowie,
Executive Officer

_____ **BILL NO.** _____

AN ACT concerning the Kansas board of examiners in optometry; relating to the fees charged and collected by the board; amending K.S.A. 65-1505.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-1505 is hereby amended to read as follows:

65-1505. Qualifications of practitioners; examinations; fees; reciprocal licensure; rules and regulations criteria for approval of schools or colleges.

(a) Persons entitled to practice optometry in Kansas shall be those persons licensed in accordance with the provisions of the optometry law. A person shall be qualified to be licensed and to receive a license as an optometrist: (1) Who is of good moral character; and in determining the moral character of any such person, the board may take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure; (2) who has graduated from a school or college of optometry approved by the board; and (3) who successfully meets and completes the requirements set by the board and passes an examination given by the board. All licenses issued on and after the effective date of this act, to persons not licensed in this state or in another state prior to July 1, 1996, shall be diagnostic, therapeutic and glaucoma licenses.

(b) All applicants for licensure or reciprocal licensure, except as provided in subsection (a) and (f), in addition to successfully completing all other requirements for licensure, shall take and successfully pass an examination required by the board before being certified by the board as a diagnostic and therapeutic licensee.

(c) All persons before taking the examination required by the board to be certified as a

diagnostic and therapeutic licensee shall submit evidence satisfactory to the board of having successfully completed a course approved by the board in didactic education and clinical training in the examination, diagnosis and treatment of conditions of the human eye and its adnexae, totaling at least 100 hours.

(d) All applicants for glaucoma licensure, in addition to successfully completing all other requirements for licensure, shall submit evidence satisfactory to the board of: (1) Professional liability insurance in an amount acceptable to the board, (2) completion of a course of instruction approved by the board after consultation with the interprofessional advisory committee which includes at least 24 hours of training in the treatment and co-management of adult open-angle glaucoma and (3) co-management for a period of at least 24 months and not less than 20 diagnoses of suspected or confirmed glaucoma, except that the board may eliminate or shorten the co-management period, and eliminate or reduce the number of diagnoses of suspected or confirmed glaucoma for applicants for glaucoma licensure who graduate from approved optometric schools or colleges after July 1, 1998.

(e) Any person applying for examination by the board shall fill out and swear to an application furnished by the board, accompanied by a fee fixed by the board by rules and regulations in an amount of not to exceed ~~\$150~~ 450, and file the same with the secretary of the board at least 30 days prior to the holding of the examination. At such examinations the board shall examine each applicant in subjects taught in schools or colleges of optometry approved by the board, as may be required by the board. If such person complies with the other qualifications for licensing and passes such examination,

such person shall receive from the board, upon the payment of a fee fixed by the board by rules and regulations in an amount of not to exceed ~~\$30~~ 150, a license entitling such person to practice optometry. In the event of the failure on the part of the applicant to pass the first examination, such person may, with the consent of the board, within 18 months, by filing an application accompanied by a fee fixed by the board by rules and regulations in an amount of not to exceed ~~\$75~~ 150, take a second examination; for the third and each subsequent examination a fee fixed by the board by rules and regulations in an amount of not to exceed ~~\$45~~ 150. Any examination fee and license fee fixed by the board under this subsection which is in effect on the day preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(f) Any applicant for reciprocal licensure may in the board's discretion be licensed and issued a license without examination in the category of licensure under the optometry law for which application is made if the applicant has been in the active practice of optometry in another state for at least the three- year period immediately preceding the application for reciprocal licensure and the applicant: (1) Presents a certified copy of a certificate of registration or license which has been issued to the applicant by another state where the requirements for licensure are deemed by the board to be equivalent to the requirements for licensure in the category of licensure under this act for which application is made, if such state accords a like privilege to holders of a license issued by the board; (2) submits a sworn statement of the licensing authority of such other state that the applicant's license has never been limited, suspended or revoked and that the applicant has never been

censured or had other disciplinary action taken; and (3) successfully passes an examination of Kansas law administered by the board and such clinical practice examination as the board deems necessary. If such applicant was first licensed in another state prior to July 1, 1987, the applicant shall be required to satisfy only the requirements of the category of licensure under the optometry law for which application is made and which existed in this state at the time of the applicant's licensure in such other state; or, if such requirements did not exist in this state at the time of the applicant's licensure in such other state, the applicant shall be required to satisfy only the requirements of the category of licensure under the optometry law for which application is made which originally were required for that category of licensure. If such applicant was first licensed in another state on or after July 1, 1987, the applicant shall apply to initially be issued a diagnostic and therapeutic license and shall be required to satisfy all the requirements of that category of licensure under this act. The fee for licensing such applicants shall be fixed by the board by rules and regulations in an amount of not to exceed ~~\$150~~ 450. The reciprocal license fee fixed by the board under this subsection which is in effect on the day preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(g) The board shall adopt rules and regulations establishing the criteria which a school or college of optometry shall satisfy in meeting the requirement of approval by the board established under subsection (a). The board may send a questionnaire developed by the board to any school or college of optometry for which the board does not have sufficient information to determine whether the school or college meets the requirements for

approval and rules and regulations adopted under this act. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school or college to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools or colleges. In entering such contracts the authority to approve schools or colleges shall remain solely with the board.

History: L. 1923, ch. 220, § 9; R.S. 1923, 65-1505; L. 1939, ch. 240, § 2; L. 1951, ch. 360, § 1; L. 1975, ch. 318, § 3; L. 1979, ch. 192, § 1; L. 1987, ch. 235, § 3; L. 1988, ch. 243, § 6; L. 1990, ch. 223, § 3; L. 1996, ch. 95, § 3; L. 1999, ch. 23, § 3; Apr. 1; amended P-_____.

_____ **BILL NO.** _____

AN ACT concerning the Kansas board of examiners in optometry; relating to the license renewal requirements; amending K.S.A. 65-1509.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 65-1509 is hereby amended to read as follows:

65-1509. Notification of registered location of practice; annual renewal, fee; expiration of license, notice; cancellation of license; reinstatement, fee; *inactive practice license.*

(a) Before engaging in the practice of optometry in this state, it shall be the duty of each licensed optometrist to notify the board in writing of the address of the office or offices where such licensee is to engage or intends to engage in the practice of optometry and of any changes in the licensee's location of practice. Any notice required to be given by the board to any licensed optometrist may be given by mailing to such address through the United States mail, postpaid.

(b) Any license to practice optometry issued by the board shall expire on May 31 of each year and may be renewed annually upon request of the licensee *the year specified by the board for the expiration of the license and shall be renewed on a biennial basis in accordance with this section.* The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid no later than the expiration date of the license.

(c) *Commencing with the renewal of licenses that expire on May 31, 2004, each license shall be renewed on a biennial basis. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed*

may expire less than two years from the date of issuance or renewal. On or before May 1 each year, the board shall determine the amount that may be necessary for the next ensuing fiscal year to carry out and enforce the provisions of the optometry law, and shall fix by rules and regulations the renewal fee and the fees provided for in K.S.A. 65-1505 and amendments thereto, in such amounts as may be necessary for that purpose. The *biennial* renewal fee shall not exceed ~~\$150~~ *\$800*. Upon fixing such fees, the board shall immediately notify all licensees of the amount of such fees for the ensuing ~~year~~ *biennial renewal period*. In every *renewal* year hereafter, every licensed optometrist shall pay to the board of examiners a fee for a renewal of such license for each ~~year~~ *biennial renewal period*. The license renewal fee fixed by the board under this subsection which is in effect on the day preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(d) The payment of the renewal fee by the person who is a holder of a license as an optometrist but who has not complied with the continuing education requirements fixed by the board, if no grounds exist for denying the renewal of the license other than that the person has not complied with the continuing education requirements fixed by the board, shall entitle the person to inactive status licensure by the board. No person holding an inactive status license from the board shall engage in the practice of optometry in this state. A person holding an inactive status license from the board shall be entitled to cancellation of the inactive status license and to renewal of licensure as an optometrist upon furnishing satisfactory evidence to the board that such person has obtained the equivalent of all missed continuing education requirements to date, and payment of an

additional fee fixed by the board through rule and regulation in an amount not to exceed \$450.00.

(de) At least 30 days before the expiration of the licensee's license, the board shall notify each licensee of the expiration by mail addressed to the licensee's last known address. If the licensee fails to pay the annual fee or show proof of compliance with the continuing education requirements by the date of the expiration of the license, the licensee shall be mailed a second notice that the licensee's license has expired, that the board shall suspend action for 30 days following the date of expiration, that upon receipt of the annual fee together with an additional fee not to exceed \$500, within the thirty-day period, no order of cancellation will be entered and that, if both fees are not received within the thirty-day period, the license shall be canceled.

(ef) Any licensee who allows the licensee's license to lapse or be canceled by failing to renew as herein provided, may be reinstated by the board upon payment of the renewal fees then due and upon proof of compliance with the continuing education requirements established by the board. As an additional requirement of reinstatement, in cases in which the board deems it appropriate, the licensee may be required to successfully pass the examination given by the board to applicants for licensure or such other competency examination as the board may choose.

History: L. 1923, ch. 220, § 13; R§ 1923, 65-1509; L. 1951, ch. 360, § 2; L. 1960, ch. 50, § 1; L. 1975, ch. 317, § 1; L. 1975, ch. 318, § 6; L. 1979, ch. 192, § 2; L. 1990, ch. 223, § 5; L. 1999, ch. 23, § 4; Apr. 1; amended P-_____.