Approved: March 26, 2003
Date

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 12, 2003 in Room 231-N of the Capitol.

All members were present except: Senator David Haley
Senator Chris Steineger

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Assistant

Conferees appearing before the committee: Ms. Penny Bowie, Executive Officer,
Board of Examiners in Optometry
Mr. Gary Robbins, Executive Director
Kansas Optometric Association

Others attending: See attached guest list

Hearing on HB2169 - an act concerning the Kansas Board of Examiners in optometry relating to the fees charged and collected by the board

Upon calling the meeting to order, the Chair announced there would be a hearing on **HB2169** and asked Mr. Norm Furse, Revisor of Statutes, to explain the bill. Mr. Furse stated that the bill was introduced by Health and Human Services and referred the Committee to page 2, for the first change in the bill, relating to the increase in fees that these are set by rules and regs and not by statute. (Those fees affected are the application, licensing, second exam, and subsequent exam fees.) On page three, beginning with line 6, outlines the requirements if an applicant was first licensed in another state prior to July 1, 1987. Page four, subsection (b), addresses the expiration of the license, the year being specified by the Board and subsection ©), line nine, addresses the biennial renewal fee commencing with the renewal of licenses that expire on May 31, 2004. And lastly, subsection (d) beginning on line 28, is new to the law and relates to the payment of the renewal fee by a person who has not complied with the continuing education requirements fixed by the Board entitling the person to inactive status licensure. Mr. Furse stated that there are several other Boards that have this available in other laws.

As there were no questions of Mr. Furse, the Chair called on the first proponent, Ms. Penny Bowie, Executive Officer, Board of Examiners in Optometry, who:

1.) listed two changes that she felt would improve the efficiency and loser costs of board operations;

2) stated that the bill proposes to increase the statutory limits of licensing fees; and

3) lists the proposed fee limits and how these fees are remitted.

A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

As she stood before the Committee for questions and comments, Senators Barnett and Salmans and Mr. Furse and Ms. Correll asked a range of questions from charity care, current annual license fee, inactive status, 24 hours of credit maintained each year, how many people involved (active licenses today), fee fund reserve, are you on a cycle, are you interested in changing this cycle to spread the dollars (staggering licenses), TORK provisions, to are you interested in any of the types of clinics similar to the dental work in Garden City?

The second and final proponent recognized was Mr. Gary Robbins, Executive Director of the Kansas Optometric Association, who offered an overview of what happened last season when the Board was advised by the House Appropriations Committee and the Senate Ways and Means Committee that Kansas' State Board of Examiners in Optometry fee fund would be depleted within several years of the statutory limit on licensure fees was not increased. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Questions from Senators Wagle and Salmans and Ms. Correll for Mr. Robbins ranged from competency issue, someone who is inactive still performing education, to Board of Nursing approaching this differently.

Adjournment

As there was no opponent or neutral testimony, the Chair closed the hearing and stated that the Committee would be doing some research on the nurse's act. She then adjourned the meeting. The time was 2:10 p.m.

The next meeting is scheduled for March 13, 2003.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

GUEST LIST

DATE: Wednesday, March 12, 2003

NAME	REPRESENTING
Amy Campbell	KS State Ophthalmological Society
Lori Siebert	KS Optometric Assoc.
Rosie Brungardt	
Kristin Suttle	
[illegible]	
Penny Bevis	KS Bd of Optometry
GARY Robbins	KS Opt Assn

Senate Public Health & Welfare Committee
March 12, 2003

Penny Bowie, Executive Officer
Board of Examiners in Optometry

RE: HB2169

- Two changes will improve the efficiency and lower costs of board operations.
  - *Biennial license renewal* will reduce the workload and cost of paper, printing, and postage by half each year.
  - *Inactive license status* will reduce auditing continuing education by about 20 percent.
    - Kansas natives practicing in other states,
    - Optometrists who wish to retire from practice,
    - Optometrists who need to take a leave of absence.
  - License is maintained without submitting evidence of continuing education. Unable to practice while license is inactive.

- HB 2169 proposes to increase the *statutory limits of licensing fees*.
  - The last increase in limits was 13 years ago.
  - License fees have not increased in a decade. Adding to operations costs are:
    - Number of licensees has increased by 2% each year.
    - Two additional levels of licensing have been added.
    - Increases in the cost of goods and services.
    - Enforcement activity increased dramatically in FY2003
  - HB2169 proposes the following fee limits:

Type of Fee	*Current Limit*	**Proposed Limit*
License Exam Fee	$150	$450
Second Try Exam Fee	75	150
Third Try Exam Fee	45	150
License Fee	30	150
Reciprocal License Fee	150	450
Biennial License Renewal (current $150/yr)	300	800

**These limits are proposed to avoid using valuable legislative time for repeated and frequent requests for limit increases.*

  - If passed, Board plans to collect $450 biennial renewal fees in 2004. The 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.

Senate Public Health + Welfare Committee
Date: March 12, 2003
Attachment 1-1

KANSAS OPTOMETRIC ASSOCIATION

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TESTIMONY BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE ON HOUSE BILL 2169
March 12, 2003

I am Gary Robbins, Executive Director of the Kansas Optometric Association. I am appearing in support of House Bill 2169. Last session, the Kansas State Board of Examiners in Optometry was advised by the House Appropriations Committee and the Senate Ways and Means Committee that their fee fund would be seriously depleted within several years if the statutory limit on licensure fees was not increased. The current $150 limit has been in place for over a decade. Over the last 10 years, the SBEO has been given additional responsibilities for glaucoma licensure and expanded oral prescriptive drug authority which has required additional testing and administrative expenses.

The profession recognizes the advantages of biennial licensing. We support raising the statutory limits on the various licensing and testing fees to more accurately reflect the cost of operation. We recognize that the State Board of Examiners in Optometry needs to increase fees, but the amounts will not approach the proposed statutory limits. Hopefully, the statutory limits reflected in this legislation will last for another 10-15 years. We are also in support of the language on inactive licenses. Thank you for considering our views on this legislation.

Senate Public Health & Welfare Committee
Date: March 12, 2003
Attachment 2-1