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February 23, 2021

TO: Senate Commerce Committee
FROM: Todd Fleischer, CAE
Executive Director
RE: Testimony Regarding Senate Bill 137

My name is Todd Fleischer. I am the Executive Director of the Kansas Optometric Association, which represents optometrists across Kansas. Thank you for the opportunity to submit testimony regarding Senate Bill 137.

Doctors of optometry are independent primary health care providers who examine, diagnose, treat and manage diseases and disorders of the visual system, the eye and associated structures as well as diagnose related systemic conditions. They examine the internal and external structure of the eyes to diagnose eye diseases like glaucoma, cataracts and retinal disorders; systemic diseases like hypertension and diabetes; and vision conditions like nearsightedness, farsightedness, astigmatism and presbyopia. Optometrists also perform testing to determine the patient's ability to focus and coordinate the eyes, and to judge depth and see colors accurately. They prescribe eyeglasses and contact lenses, low vision aids, vision therapy and medicines to treat eye diseases as well as perform minor emergency procedures.

As primary eye care providers in all corners of the state, optometrists are an integral part of the health care team and an entry point into the health care system. They are skilled in the co-management of surgical eye care, such as cataract, glaucoma or retinal procedures, which affects the eye health and vision of their patients and an excellent source of referrals to other health care professionals.

Doctors of optometry are licensed by the Kansas State Board of Examiners in Optometry (KSBE). Because the scope of practice of optometry is determined legislatively in each state, the practice acts vary across the country. When an applicant seeks licensure in Kansas, the KSBE determines if their license is on par with the practice act in Kansas to make sure that the optometrist is able to provide safe care that is equivalent to the care expected of all Kansas optometrists as outlined in the practice act. If their current license level is equal and they have met education requirements, there is a path to licensure in a very timely manner through reciprocity. If it is not, the KSBE offers options for that individual to meet the requirements of licensure.

We are supportive of efforts to expedite the licensure process, but believe it is important to allow the appropriate health care regulatory boards like the KSBE the opportunity to make sure that applicants meet the equivalent standards established to ensure consistent patient care. We encourage consideration of broadening the language on page 7 of the bill related to the Board of Healing Arts to include other health care provider regulatory boards, like the KSBE, to allow the board to deny the application if the applicant's qualifications are not substantially equivalent to those established by that board.



The bill also addresses telemedicine and provides language for an applicable licensing body to extend the provisions to other out-of-state healthcare professionals. This allows licensing agencies to make sure that the care delivered is consistent with standard of care. There is some confusion in Section (5) though, as the language seems to put the recipient of the telemedicine waiver under the professional practice acts administered by the Board of Healing Arts. We believe that this language would lead to confusion caused by a licensee being under the oversight of two different agencies. We encourage language to be developed that would allow the appropriate health care provider regulatory board to have oversight of the telemedicine waiver recipient under their purview. We also encourage provisions to make sure that out-of-state providers of telemedicine are held to the same standard of care as in-state health care providers, as well as the same standards for maintenance of health care records, etc.

An amended version of the telemedicine language was included with HB 2208. The language addresses many of the concerns of our organization as it provides oversight by the appropriate regulatory agencies.

Thank you for your consideration of our comments in reference to Senate Bill 137. We would be happy to work with the authors of the bill and any other interested parties to discuss clarifying language.

