

SESSION OF 2003

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2169

As Amended by Senate Committee on
Public Health and Welfare

Brief*

HB 2169 concerns the licensure of optometrists by the Board of Examiners in Optometry. The bill creates a new category of license, changes licensure from annual to biennial, and increases the statutory maximums governing the fees the Board may charge. The bill allows the Board to provide for conversion to a biennial licensing schedule, beginning with the renewal of licenses that expire May 31, 2004, by specifying the year the license expires and, through rules and regulations, providing for license expiration less than two years from the date of issue. The Senate Committee amendments allow the Board to prorate fees when the license expires less than two years from the date it is issued.

The actual licensure fees charged by the Board are established by rules and regulations and may not exceed the maximum dollar amounts established in statute. HB 2169 makes the following changes in the maximum fee schedule: initial license examination from \$150 to \$450; licensure by examination from \$30 to \$150; first retaking of license examination from \$75 to \$150; subsequent retaking of the licensing examination from \$45 to \$150; license by reciprocity from \$150 to \$450; and biennial license renewal \$800.

HB 2169 creates a new license category—inactive status. Any optometrist who renews a license to practice optometry, but who has not completed required continuing education, may apply for an inactive status license. No person holding an inactive status license shall engage in the practice of optometry. Should the holder of an inactive status license choose to return to full licensure, completion of the total number of continuing education hours not completed during the period

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/kldr>

of inactive licensure and payment of an additional fee (\$450) would allow such person to receive a renewal license and to resume the practice of optometry.

Background

HB 2169 was recommended by the Board of Examiners in Optometry whose representative explained the change to biennial licensure will improve the efficiency of the Board and lower the operational costs of the agency. Implementation of an inactive license status also will reduce the workload of the Board as it will not have to audit the continuing education status of a number of licensees who practice in another state but who wish to retain a link to Kansas. Finally, the last increase in fee limits was 13 years ago. The switch to biennial licensure requires that fees reflect that change and, additionally, reflect the increased operating and enforcement costs arising from the regulation of a larger number of licensees, including two additional licensure levels added by the Legislature. Current fee limits are inadequate to fund the Board's required activities.

The bill is supported by the Kansas Optometric Association.

The Senate Committee amendment is technical and allows the Board to prorate fees during the period of change from annual to biennial licenses.

The fiscal note prepared by the Division of the Budget indicates passage of the bill would allow for an increase in fees that would generate an additional \$135,635 in FY 2004. Of that amount, \$27,127 would be deposited in the State General Fund, and the balance would be deposited in the Optometry Fee Fund. The Board notes that it will not increase fees to the maximum amounts proposed in the bill. Rather, estimates for the increased revenues use a \$450 biennial renewal fee. Any fiscal effect resulting from enactment of HB 2169 would be in addition to amounts included in *The FY 2004 Governor's Budget Report*.