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Topeka, KS 66603  
785.232.0225  
kansasoptometric.org



March 12, 2025

TO: House Health and Human Services Committee

FROM: Todd Fleischer, CAE  
Executive Director

RE: House Bill 2223

I am Todd Fleischer. I am the executive director of the Kansas Optometric Association, which represents Kansas optometrists. Thank you for the opportunity to submit testimony in support of House Bill 2223, which seeks to modernize the optometric scope of practice to reflect education and training of optometrists.

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 test 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 vision conditions and eye disease.

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 affect the eye health and vision of their patients, and they are an excellent source of referrals to other health care professionals. Optometrists have been licensed to provide care for patients in Kansas for more than 100 years. As advancements in treatment options, training and education have occurred, optometrists have gradually increased the level of care they can provide for their patients. However, there have been no significant changes to the optometric practice act for more than 20 years.

Because optometry is a legislated profession and scope of practice is determined by each state legislature, the optometric practice acts vary from state to state. The current scope of practice in Kansas is more restrictive than an increasing number states, including our neighboring states of Oklahoma, Colorado, Wyoming and Arkansas, making Kansas a less-desirable option for optometric students to choose to practice in upon graduation, at a time when the numbers of ophthalmologists are decreasing nationwide, particularly in rural areas.



Currently, there are optometrists licensed in Kansas who are also licensed in Oklahoma, Colorado or other states where these procedures are allowed. It is unfortunate that they are unable to provide the same services in Kansas that they would be able to provide across the state line. Their education and training haven't changed. Nor has their desire to deliver the best care possible for their patients. It's just that Kansas law restricts their ability to practice to the level of their education and training.

Each time the profession (or another other health care provider group who are not physicians) comes to the legislature seeking an update to the practice act, the opposition cites safety concerns and lack of training and education. Doctors of optometry are trained, educated and certified and have a history of safely the procedures outlined in the bill in the states where the scope has been modernized to reflect contemporary education and training.

We have met with representatives of the Kansas Society of Eye Physicians and Surgeons as well as the Kansas Medical Society on several occasions to share the need for the practice act to be modernized to reflect current education and training. During these conversations, it has been made clear that these organizations were unwilling to support the changes our organization believes are needed. During these conversations, our representatives also came away with the understanding that some of the opponents didn't have a clear picture of the depth and breadth of contemporary optometric education and training, nor the specifics of the current practice act that allows optometrists to prescribe topical and oral pharmaceuticals, treat eye disease like glaucoma, remove foreign bodies, etc.

To clear up some of these misunderstandings and to help address concerns from the opponents, HB 2223 includes language specifically addressing the additional procedures added as well as exclusionary language to make it very clear that optometrists are *not* seeking to do procedures outside of their education and training. We have heard discussion that optometrists will be wanting to do cataract surgery, retinal surgery, LASIK or use injections directly into the eye. That is simply not the case. These procedures, and many more, are specifically prohibited by guard rails built into HB 2223.

While we recognize that scope of practice is not a favorite topic for discussion in the statehouse, we believe that scope modernization for optometrists in Kansas is long overdue. It is an unnecessary barrier limiting a provider's ability to be able to practice to the level of his or her training and quite frankly is a disservice to Kansas patients to not allow them to receive safe, appropriate care from the provider of their choice who is educated, trained and certified to deliver that care. It is also increasingly putting Kansas at a disadvantage when optometric students are determining where to practice upon attaining their Doctor of Optometry degree.

We ask for your support to pass HB 2223.

Thank you for your consideration.



## **House Bill 2223: Optometric Scope of Practice**

### **Why is the bill needed:**

- The optometric scope of practice in Kansas has not significantly changed since 1999, despite changes to technology and treatment options.
- Allowing optometrists to perform these in-office procedures would enable them to provide additional treatment options for their patients, reducing wait times and eliminating the burden of travelling out of town or even out of state for procedures optometrists are trained, educated and certified to perform.
- Contemporary optometric education includes education, training and certification on these procedures. Every optometry school or college in the country includes these procedures as part of its curriculum. Students are considering whether or not they will be able to practice to the extent of their education and training when they are deciding upon where to practice after graduation, and many are not choosing Kansas based on our antiquated practice act.
- There are 12 states that currently allow the procedures outline in the bill, with several other states actively pursuing legislation this year. In the states where these procedures are allowed, optometrists

### **What is included:**

- In-office eyelid procedures to remove lesions like cysts, styes and skin tags
- Use of injectable medication (except intraocular)
- In-office adaption of light-adjustable lenses following cataract surgery
- Laser capsulotomy, Selective laser trabeculoplasty (SLT), Laser peripheral iridotomy

### **What is *not* included:**

- Retinal surgery, cataract surgery, penetrating keratoplasty or corneal transplant
- Administration of or surgery performed under general anesthesia
- Surgery related to the removal of the eye from a living human being
- Surgical extraction of the crystalline lens, surgical intraocular implants
- Incisional or excisional surgery of the extraocular muscles
- Surgery of the bony orbit
- Laser assisted in situ keratomileusis (LASIK), photorefractive keratectomy (PRK)
- YAG laser vitreolysis
- Surgery of the eyelid for cosmetic or mechanical repair of blepharochalasis, ptosis and tarsorrhaphy
- Intraocular injections



March 6, 2025

TO: House Committee on Health and Human Services, Chairman Will Carpenter

RE: Support for HB 2223

Mr. Chairman,

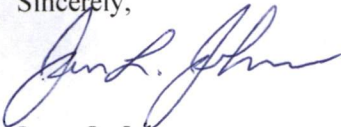
I am writing in support of HB 2223. I have been made aware by my Optometrist, Dr. Chad Thompson in Beloit, that a bill will be before your committee granting Optometrists the scope to perform certain procedures not currently allowed to do in Kansas.

I have personal interest in this topic because I have been required to miss days of work and drive to Manhattan on multiple occasions to have my eyelid condition addressed. I understand that Dr. Thompson has been trained to perform the procedure that I need, but that he cannot currently perform this procedure in Kansas. I'm frustrated to find out that not only is Dr. Thompson trained to do this, but in neighboring states Optometrist's are licensed to perform the very procedure that I need.

I urge you to pass HB 2223 to get me and the citizens of Kansas access to the care we need and deserve.

If you have questions or require additional information, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason L. Johnson".

Jason L. Johnson  
1218 N. Campbell Ave.  
Beloit, KS 67420  
785-569-1249

**ANDREW M. DELANEY**  
**404 WOODBURY LANE**  
**HIAWATHA, KANSAS 66434**

**PHONE NUMBER (785) 742-7600**  
**FACSIMILE (785) 742-7800**  
**E-MAIL: [delaneylaw@rainbowtel.net](mailto:delaneylaw@rainbowtel.net)**

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March 7, 2025

Will Carpenter, Chairman  
House Committee on Health and Human Services  
300 SW 10<sup>th</sup> Street  
Topeka, Kansas 66612

Re: Letter in Support of House Bill 2223

Mr. Carpenter:

Please accept this letter as my support for House Bill 2223, which would expand the scope of practice for optometrists in the State of Kansas, and feel free to disseminate the same to the members of your committee.

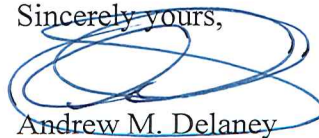
By way of a brief background, I am a fourth-generation Kansan and small business owner who has held a residence in the City of Hiawatha since birth. My parents have resided in the State of Kansas for over 80 years. Both my parents and I visit the same optometrist, Dr. Eric McPeak of Hiawatha, and have done so since he opened his office in Hiawatha. We have come to know Dr. McPeak, are familiar with his abilities, and have the utmost trust in his expertise.

Recently, my father underwent a procedure called YAG Capsulotomy. Unfortunately, this procedure cannot be performed by a local optometrist, even though our local optometrist is educated and trained to perform the procedure. My family had to travel out of state to the closest provider to obtain the procedure for my father. The follow-up appointments are also out of state. Traveling to appointments requires either my brother or I to take time away from work to drive my parents into another state.

With the passage of House Bill 2223, people such as my parents would be able to obtain a YAG Capsulotomy or similar procedures from their local optometrist, in whom they know and trust. Follow-up care would be readily accessible without the need to schedule half a day for travel. We all benefit from saving those hours of productivity lost to travel and waiting rooms. There is no need for the burden of all the travel and accompanying anxiety when procedure can be done just down the street by a skilled provider.

For these reasons, I would encourage your committee to pass House Bill 2223. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Andrew M. Delaney", is written over a horizontal line.

Andrew M. Delaney

March 7, 2025

The Honorable Will Carpenter, Chair  
House Committee on Health and Human Services  
Room 352-S  
300 SW 10th Street  
Topeka, KS 66612

Dear Chair Carpenter and Members of the Committee,

I am Diane Montgomery Cox, a 78-year-old resident living in Rawlins County, Kansas. I urge you to support HB 2223, which would allow optometrists to perform certain laser and minor office procedures.

Recently, I underwent a YAG Capsulotomy to correct a film that had developed behind my lens implant, which was causing blurry vision and making daily activities like reading and driving difficult. Although my optometrist diagnosed the issue, I had to wait for an available ophthalmologist to perform the procedure, leading to unnecessary delays in my care.

The ophthalmologist who ultimately performed my procedure was from Colorado, as I was unable to get an appointment with a Kansas ophthalmologist, after multiple calls and referrals to more than one Kansas location. I had to drive an additional 33 miles each way to receive the care I needed as optometrists are not able to perform this procedure in Colby, KS where I would have preferred to go for this type of care.

Had my optometrist been permitted to perform this procedure, I would have received treatment sooner and avoided the inconvenience of scheduling with a distant, out of state, specialist. Like many others in our state, I believe improving access to timely eye care is essential, particularly for seniors who rely on these procedures to maintain their independence and quality of life.

There are too few ophthalmologists available to meet patient needs, forcing many of us to travel long distances and endure wait times that can negatively impact our vision and daily functioning. I respectfully ask for your support of HB 2223 to improve access to essential eye care services.

Thank you for your time and consideration.

Sincerely,

Diane Montgomery Cox  
10001 Road L  
McDonald, KS 67745

March 7, 2025

The Honorable Will Carpenter, Chair  
House Committee on Health and Human Services  
Room 352-S  
300 SW 10th Street  
Topeka, KS 66612

Dear Chair Carpenter and Members of the Committee,

I am Shelly Holle, a 63-year-old resident of Atwood, Kansas, writing to share my experience with eye care access in our state. I recently underwent a Selective Laser Trabeculoplasty (SLT) procedure to manage my eye pressure due to Glaucoma.

However, accessing this care required significant travel. I had to travel 2 hours and 15 minutes each way for evaluations and for the SLT procedure to be done. This trip had to be done 4 separate times, costing me a total of over 18 hours of travel time. This journey placed a burden not only on my time but also my energy and resources. I am a pastor serving 2 churches and want to keep doing my job for years to come.

My experience highlights the challenges many rural Kansans face in accessing timely eye care. Due to current regulations, patients often must travel long distances and wait extended periods for essential procedures that optometrists could otherwise perform. This delay can impact daily life, from living independently to driving safely.

I urge you to support legislative efforts, such as HB 2223, that would allow optometrists to perform specific laser and minor office procedures. By expanding access to care, we can ensure that Kansans receive timely treatment without unnecessary hardship.

Thank you for your time and consideration. I appreciate your commitment to improving healthcare access in our state.

**Sincerely,**

Shelly Holle  
Atwood, KS 67730



Dana McNutt  
2808 Kris Place  
Garden City, KS 67846

March 3, 2025

House Committee on Health and Human Services  
Chairman Will Carpenter

I would like to express my support for House Bill 2223. By passing this bill it would allow my optometrist to cauterize eye lashes. This is a persistent issue that requires me to see my local optometrist about every six weeks. Allowing my local optometrist to perform minor procedures would stop my recurring issue, save me time and money. We are a rural community that requires our citizens to travel for many treatments. Passing HB 2223 would be very beneficial to all rural communities in Kansas.

Sincerely,



Dana McNutt



March 7, 2025

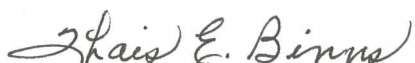
To: House Committee on Health and Human Services  
Attn: Chairman Will Carpenter

From: Thais E. Binns, Patient

Subject: HD 2223

I am a long time patient of Matthew Gerstberger, OD and I support the passage of HD 2223. I have a condition called Posterior Capsular Opacification and will need a YA6 Laser Capsulotomy treatment in a couple of years. As an elderly patient it is very stressful to go to another eye surgeon if this is something that Dr. Gerstberger could do. I like and trust Dr. Gerstberger very much.

Thank you for your kind consideration.

A handwritten signature in cursive script that reads "Thais E. Binns".

Thais E Binns  
916 E Edwards Street  
Garden City, KS 67846  
620.276.1441

March 4, 2025

John Weingart  
217 Sioux Ave  
Hiawatha, KS 66434

Chairman Will Carpenter  
House Committee on Health & Human Services  
Kansas State House  
Topeka, KS

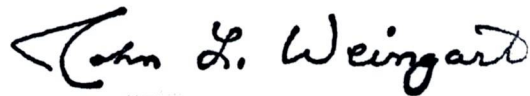
Dear Representative Carpenter,

I rise at this time to seek your support for HB2223. I am confident that the expanded procedures granted by HB2223 would be safe and sound. Oklahoma allows this service and has for many years.

I support this to help practitioners expand their service and revenue. I deal with issues of loss of professional services in a rural area.

Thank you for your kind consideration.

Sincerely Yours,

A handwritten signature in black ink that reads "John L. Weingart". The signature is written in a cursive style with a large, stylized initial "J".

John L. Weingart

To Whom This May Concern,

I am writing this to advocate the expansion of optometrists' scope of practice to include performing a YAG after cataract surgery. I personally needed a YAG. It was frustrating to me experiencing the long wait time for an appointment, the travel time of two and half hours for a procedure that was quick, painless and effective. While I waited for months before I was scheduled with an ophthalmologist for my YAG, I struggled at work and at home. I had difficulty focusing, along with eye strain and glare. I am still amazed that the procedure was quick, painless and instantly effective. If my primary eye care doctor was allowed to do this procedure, it would have reduced the delay in eye care by months and eliminate five hours of travel time to the ophthalmologist. I urge you to consider this change and I strongly feel this will benefit patient care in a timelier manner.

Thank You,

Lori Green

Will Carpenter, Chairman  
House Committee on Health and Human Services

3/7/2025

Dear Mr. Carpenter,

I am writing to you in support of House Bill 2223.

I am a lifelong Kansan. My family and I reside in De Soto. Six members of my family are long-time patients of optometrist Dr. Jason Rogers of Gardner, KS.

Currently I have an ocular condition that could be treated with a laser procedure referred to as SLT. My Doctor has received training that has prepared him to treat my condition. Unfortunately, the current law restricts him from providing me with the laser treatment and restricts me from receiving care where I choose. The current law also increases my waiting time for a referral and the costs associated with seeing another doctor.

For these reasons I request your support for House Bill 2223.

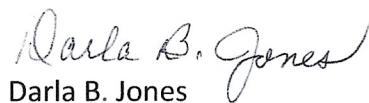
Sincerely,

A handwritten signature in black ink that reads "Barry Zimmerman". The signature is written in a cursive style with a large, stylized "B" and "Z".

Barry Zimmerman  
32215 West 91<sup>st</sup> Street  
De Soto, KS 66018  
913/484-8155

February 7, 2025

Monday, February 3, 2025 I had an appointment with a local ophthalmologist at 4:30 p.m. I was scheduled for a procedure to clear my eye that I had cataract surgery on almost four years ago. His waiting room and hall had many patients. I didn't see him until 5:25. After he dilated my eye, I waited until 6:55 before he moved me to another room and performed the procedure. That only took a few minutes—less than 10. I later found out that I could have had the procedure done in my optometrist's office by a new doctor who recently graduated. However, in the state of Kansas, that is not allowed. That procedure is now taught in optometry school. I never have to wait at my optometrists. I finally walked out of the office at 7:15. I needed the procedure or I would have left. It is extremely annoying that I was in that office for 2 1/4 hours for a 10-minute procedure. He is an excellent doctor and deals with many complicated issues. This was not that complicated and he could have spent that time with someone else instead of a simple procedure like mine. Something needs to change.



Darla B. Jones

Salina, KS