

Re: Testimony in Support of HB 2223

Written Testimony Only

Wayne Gilmore, O.D.

March 1, 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,

Please accept this letter in support of House Bill 2223, which modernizes the scope of practice for Kansas optometrists—something that has not been updated in over 25 years. After completing my education, I returned home to Southeast Kansas to practice in Parsons, taking over from my partner’s retiring father, who had served the community since 1958. In rural Kansas, we practice full-scope optometry and provide emergency eye care at Labette Health, where I have served on the Board of Trustees since 2013.

Rather than simply restating the merits of this bill, I highlight excerpts from past testimony on Kansas optometry scope expansions. These show how opposition arguments have remained unchanged for nearly five decades—despite being repeatedly disproven.

In 1987, during testimony in support of SB 113, which allowed optometrists to prescribe topical drugs, Dr. Pete Brungardt noted:

“It is worth remembering that Kansas Ophthalmologists testified in 1977 that patients would be harmed with these drugs.”

Former KOA Executive Director Gary Robbins, in 1987 written testimony, recalled opposition to the 1977 bill permitting optometrists to use diagnostic drugs:

“At the time, ophthalmologists and the Kansas Medical Society opposed the legislation on three basic grounds: lack of education, dramatic increase in malpractice claims for optometrists, and a fear for public safety. ... These concerns have proved to be unfounded. The State Board of Examiners of Optometry has not received a single complaint involving the misuse of a diagnostic drug. ... The scenario facing you today is

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identical. We don't believe that requesting an update in our practice act every ten years is unrealistic. It is needed to reflect the changes in optometric education and training."

The same is true for HB 2223. Every procedure Kansas optometrists seek to add has been performed safely in Oklahoma for nearly 30 years—directly refuting opposition claims, just as history has time and time again.

Opponent testimony will likely include individuals with both MD and OD degrees attempting to discredit optometric education. Optometrists are not seeking to become "junior ophthalmologists" but to modernize our scope to reflect current training.

In 1987, Dr. Frank Griffith, who held both MD and OD degrees, opposed SB 113, arguing:

"It is not in the best interest of our citizens to have potent medications prescribed by non-medical practitioners who will be unable to detect, diagnose, and treat their side effects. Do not allow political pressure to provide a short cut to education. This is an untried area and other states do not have a long enough track record to document the safety of allowing optometrists to treat eye disease. Do not let the citizens of Kansas have their eyesight placed at risk by an unproven practice of allowing non-medical practitioners to treat eye disease. "

He also predicted:

"Any time a profession expands its scope of practice, their malpractice cost rises after a short grace period."

However, real-world data contradicts these claims. Malpractice insurers assess risk without bias, using actuarial science. If optometrists were unqualified for these procedures, insurance rates would reflect it. Yet, today, Oklahoma optometrists—who have performed these procedures for three decades—pay the **same** malpractice rates as those in Kansas. Attached is a 2024 rate sheet from Lockton-Affinity, a major malpractice insurer, to confirm this statement.

History repeats itself. Opposition arguments remain the same, and each time, Kansas optometrists have proven them wrong—delivering safe, high-quality care to our patients. Every quote in this letter is sourced from Kansas Legislative archives.

Thank you for your time and for your service to our state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Gilmore', with a long horizontal flourish extending to the right.

Wayne Gilmore, O.D.

Lockton Optometry Rates \$1 million / \$3 million												
State	2011	2012	2013	2014	2015	2016	2017	2018	2019	2022	2023	2024
AK	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
AL	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
AR	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$519	\$519	\$519
AZ	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
CA	\$420	\$420	\$420	\$420	\$420	\$420	\$420	\$420	\$462	\$462	\$462	\$462
CO	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$638	\$734	\$734	\$734
CT	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,660	\$1,909	\$1,909	\$1,909
DC	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,509	\$1,660	\$1,909	\$1,909	\$1,909
DE	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
FL	\$710	\$710	\$710	\$710	\$710	\$710	\$710	\$710	\$781	\$898	\$898	\$898
GA	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$545	\$545	\$545
HI	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
IA	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
ID	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
IL	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$663	\$762	\$762	\$762
IN	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
KS	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
KY	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
LA	\$957	\$957	\$957	\$957	\$957	\$957	\$957	\$957	\$1,053	\$1,211	\$1,211	\$1,211
MA	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$663	\$762	\$762	\$762
MD	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
ME	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
MI	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$663	\$762	\$762	\$762
MN	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$638	\$734	\$734	\$734
MO	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$638	\$734	\$734	\$734
MS	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
MT	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
NC	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
ND	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
NE	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
NH	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
NJ	\$540	\$540	\$540	\$540	\$540	\$540	\$540	\$540	\$594	\$683	\$683	\$683
NM	\$420	\$420	\$420	\$420	\$420	\$420	\$420	\$420	\$462	\$531	\$531	\$531
NV	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$580	\$638	\$734	\$734	\$734
NY	\$420	\$420	\$420	\$420	\$420	\$420	\$420	\$420	\$462	\$531	\$531	\$531
OH	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
OK	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
OR	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
PA	\$540	\$540	\$540	\$540	\$540	\$540	\$540	\$540	\$594	\$683	\$683	\$683
RI	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
SC	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$525	\$525	\$525
SD	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
TN	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
TX	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$603	\$663	\$762	\$762	\$762
UT	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
VA	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
VT	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
WA	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
WI	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
WV	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570
WY	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$451	\$496	\$570	\$570	\$570