

MINUTES

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS

December 11, 2024
Room 582-N—Statehouse

Committee Members Present

Senator Kellie Warren – Chairperson
Representative Barb Wasinger – Vice-chairperson
Senator Oletha Faust-Goudeau – Ranking Minority Member
Senator Marci Francisco
Senator Caryn Tyson
Representative John Carmichael
Representative Patrick Penn
Representative Tom Sawyer
Representative Bill Sutton
Representative Paul Waggoner

Members Absent

Senator Carolyn McGinn
Representative Valdenia Winn

Staff Present

Luke Drury, Kansas Legislative Research Department (KLRD)
Jordan Milholland, KLRD
Jill Shelley, KLRD
Jenna Moyer, Office of Revisor of Statutes
Jessie Pringle, Office of Revisor of Statutes
Jackie Gutierrez, Committee Assistant

Conferees

Scott Gordon, General Counsel, State Department of Education
Kate Langworthy, Staff Attorney, Department of Agriculture
Jan Murray, Executive Officer, Board of Examiners in Optometry

**Wednesday, December 11
All-day Session**

Welcome; Approval of Minutes

Chairperson Warren called the meeting to order at 9:05 a.m. The Chairperson welcomed a motion for approval of the minutes from the October 28, 2024 meeting.

Vice-chairperson Wasinger moved to approve the minutes as presented, seconded by Representative Penn; motion carried.

The authorization memorandum was provided by the Office of the Revisor of Statutes. ([Attachment 1](#))

State Department of Education

Scott Gordon, General Counsel, State Department of Education (KSDE), spoke before the Committee on proposed changes to the following regulation:

- KAR 91-31-35, graduation requirements. ([Attachment 2](#))

Mr. Gordon stated the proposed change to graduation requirements removes the requirement for graduating seniors to complete the Free Application for Federal Student Aid (FAFSA) or to obtain a waiver from doing so. He stated the requirement had been put in place earlier in the year.

Mr. Gordon stood for questions from the Committee. The Chairperson thanked Mr. Gordon for taking the Committee's comments of concern on the FAFSA requirement to the State Board of Education. In response to a question from a Committee member, Mr. Gordon stated the KSDE accreditation team will be working with school districts to ensure information about the FAFSA is available to families.

Department of Agriculture

Chairperson Warren recognized Kate Langworthy, Staff Attorney, Department of Agriculture, who presented proposed changes to the following rules and regulations:

- KAR 9-15-2, ear marks; limited recognition; and
- KAR 9-15-4, brand registration and renewal fees. ([Attachment 3](#))

Ms. Langworthy stated the amended rules and regulations are being proposed due to amendments made to KSA 47-417 by legislation enacted in 2024. She stated the changes are necessary to meet the increasing operational costs of the program and to meet the industry needs and expectations. Ms. Langworthy stated the agency solicited feedback from several stakeholder groups while drafting the proposal.

Ms. Langworthy stood for questions from the Committee. In response to a question, Ms. Langworthy reviewed the differences between a non-permanent ear tag and a permanent cattle brand.

Board of Examiners in Optometry

Jan Murray, Executive Officer, Board of Examiners in Optometry, spoke before the Committee regarding proposed changes to the following rules and regulations:

- KAR 65-5-2, application for licensure by examination; and
- KAR 65-8-4, content of prescription. ([Attachment 4](#))

Ms. Murray explained the proposed change to KAR 65-5-2 would update the current application requirements for licensure, and the proposed change to KAR 65-8-4 would update the rule and regulation to reflect current technology and terminology. She included in her documents the comments received from licensees ([Attachment 5](#)).

Ms. Murray stood for questions. Committee members expressed concerns regarding comments submitted to the Board from a practitioner regarding the use of the word “shall” in KAR 65-8-4 (a), (c), and (d). Committee members orally summarized the submitted comments, noting a submitted concern that not every prescription will specify cylinder power, axes location, and prism power. Committee members asked whether or why an optometrist would need to comply with the requirement that all three be included in each prescription. Committee members further discussed submitted comments regarding interpupillary distance, noting the absence of that measurement could keep patients from obtaining prescription glasses online or from another provider. Following the discussion, Committee members expressed concerns with not receiving a full technical explanation in response to their comments and questions during the hearing. Committee members expressed a desire for a practitioner or other person who could answer practice-related questions to attend future Committee hearings.

Committee Discussion and Comments on Proposed Rules and Regulations

Chairperson Warren opened the discussion and comment period.

The Committee made one additional statement to be provided to agencies ahead of future meetings:

- The Committee expects an agency to provide individuals, such as staff, witnesses, or conferees, who are knowledgeable about the subject matter and financial impact so that the Committee has the opportunity to properly hear and review the rules and regulations with understanding.

There were no additional comments for:

- State Department of Education; and
- Department of Agriculture.

In regards to the Board of Examiners in Optometry, the Committee requested that the report to the Board include the following information:

- The Committee expressed a concern that it was unable to fully review KAR 65-8-4 because answers to specific practice-related questions could not be provided during the hearing, and the Board is asked to provide a representative who can answer such questions at future hearings;
- The Committee asks the Board to ensure that the word “shall” be limited only to those requirements that are expected on every prescription; and
- The Committee requests that interpupillary distance be included on all prescriptions so that a patient has the choice of opticians for fulfilling that prescription.

Adjourn

The Chairperson adjourned the meeting at 9:54 a.m. The next meeting is tentatively scheduled for January 15, 2025, at 12:00 p.m.

Prepared by: Jackie Gutierrez

Edited by: Jordan Milholland and Jill Shelley

Approved by the Committee on:

February 5, 2025

(Date)