

KANSAS STATE BOARD OF EXAMINERS IN OPTOMETRY

Notice of Public Hearing on Proposed Administrative Regulations

The Kansas State Board of Examiners in Optometry will conduct a public hearing on Wednesday, January 8, 2025, at 8:00 a.m., in the Kansas State Capitol, Committee Room 218-N, 300 SW 10th Ave., Topeka, KS 66612, to consider the adoption of the proposed regulations K.A.R. 65-5-2 and 65-8-4 of the Kansas State Board of Examiners in Optometry on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing by mailing them to the Kansas State Board of Examiners in Optometry, 3109 W 6th St., Suite A, Lawrence, KS 66049 or by email to kssbeo@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and economic impact statement may be found on the Board's website: <https://kssbeo.ks.gov/> or by contacting Jan Murray, jan.murray@ks.gov.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Jan Murray at 785-832-9986.

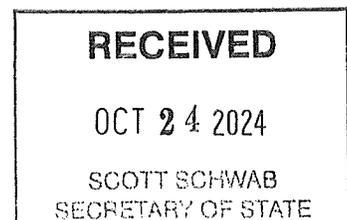
Summaries of the proposed regulations and their economic impacts are as follows:

K.A.R. 65-5-2 – Application for licensure by examination: K.A.R. 65-5-2 is an amended permanent regulation that updates application requirements.

Economic Impact: The adoption of this regulation has no economic impact. There is no environmental impact.

K.A.R. 65-8-4 – Content of prescription: K.A.R. 65-8-4 is an amended permanent regulation that modernizes the regulation to meet current technology and terminology.

Economic Impact: The adoption of this regulation has no economic impact. There is no environmental impact.



65-5-2. Application for licensure by examination. (a) An application for licensure by examination shall be forwarded to the ~~board office~~~~secretary-treasurer~~ at least 30 days prior to the scheduled examination. The applicant shall submit with the application:

(1) the applicant's academic transcript, proof of receipt of degree, and proof of completion of an optometric program;

(2) the appropriate, non-refundable fee; and

(3) fingerprints for a criminal history check;

(4) proof of successful completion of all parts of national board examination; and

(35) three written references.

(A) two references shall be from optometrists familiar with the applicant's work.

(B) if the applicant is a student or a recent graduate, one reference shall be from the academic supervisor. For all other applicants, one reference shall be from the current or most recent work supervisor.

(C) references from individuals other than optometrists may be accepted under extenuating circumstances and shall address the applicant's moral character.

(b) Any application found to be insufficient for lack of qualifications may be held by the board for a period up to one year. If the applicant has not supplemented the application to make it sufficient by the end of that year, the application shall expire. Upon expiration, an application may be renewed through submission of a new application, fee and all supporting documents. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. ~~1991 Supp.~~ 65-1505, as amended by L. 2024, ch. 15, sec. 48; effective May 18, 1992; effective P - _____.)

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65-8-4. Content of prescription. (a) Any prescription issued by a licensee for spectacle lenses shall include:

- (1) the sphere power;
- (2) the cylinder power;
- (3) the axes location;
- (4) the prism power and base direction; and
- (5) the ~~type, size, and power of multifocal;~~ and
- (6) the ~~interpupillary distance, far and near.~~

(b) No prescription for spectacle lenses shall include instructions to obtain the specifications from existing lenses without examination.

(c) Any prescription issued by a licensee for rigid contact lenses shall include:

- (1) the lens material and design;
- (2) the base curve;
- (3) the ~~back-vertex~~ power;
- (4) the prism power;
- (5) the ~~overall~~ diameter;
- (6) the ~~optic zone~~ diameter;
- (7) peripheral curve radii and widths; and
- (8) the center thickness;
- (9) the tint.

~~(10) the edge shape.~~

(d) Any prescription issued by a licensee for flexible soft contact lenses shall include:

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- (1) the base curve;
- (2) the power;
- (3) the diameter, ~~when necessary;~~
- (4) the manufacturer and lens design; and
- ~~(5) the water content, where necessary;~~
- ~~(6) the type, spherical, toric, or extended wear;~~
- ~~(7) the color;~~
- ~~(8) the manufacturer's suggested sterilization method.~~

(e) No prescription issued by a licensee for rigid or ~~flexible~~soft contact lenses shall include instructions to obtain the specifications from:

- (1) existing lenses, without examination; or
- (2) conversion of a spectacle lens prescription.

(f) In addition, the following information shall be included on any prescription issued by a licensee for any ophthalmic lenses:

- (1) the printed name and license registration number of the prescribing licensee;
- (2) the address and telephone number of the prescribing licensee~~at which the patient's records are maintained and at which the prescribing licensee can be reached for consultation;~~
- (3) the name and address of the patient;
- (4) the signature of the prescribing licensee;
- (5) the date the prescription was issued, the date of the examination, and expiration date, ~~if~~
appropriate;
- (6) any instructions necessary for the fabrication or use of the ophthalmic lenses; and

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(7) any special instructions.

(g) Any prescription issued by a licensee for spectacle lenses which does not include the requirements for ~~flexible~~ soft or rigid contact lens prescriptions shall not become an adequate prescription for contact lenses by any comment on the prescription indicating it can be used for contact lenses.

(h) Any prescription issued by a licensee for a topical pharmaceutical drug shall include:

(1) the printed name and license registration number of the prescribing licensee;

(2) the address and telephone number of the prescribing licensee ~~at which the patient's records are maintained and at which the prescribing licensee can be reached for consultation;~~

(3) the name and address of the patient;

(4) the name and quantity of the drugs prescribed;

(5) directions for use;

(6) the number of refills permitted;

(7) the date of issue and expiration; and

(8) the signature of the prescribing licensee. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. ~~1991 Supp. 65-1501;~~ K.S.A. 2024 Supp. 65-1501a; effective May 18, 1992; effective

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**Kansas Administrative Regulations
Economic Impact Statement (EIS)**

KS Board of Examiners in Optometry
Agency

Jan Murray
Agency Contact

785-832-9986
Contact Phone Number

65-5-2 & 65-8-4
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.

No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.

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Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

^z

K.A.R. 65-5-2 Application for licensure by examination: updates requirements.

K.A.R. 65-8-4 Content of prescription: modernizes regulation to meet current technology and terminology.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

N/A

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

K.A.R 65-5-2 and 65-8-4 would have no impact on business growth or activities

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

There will be no costs associated with implementation of the proposed regulations.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

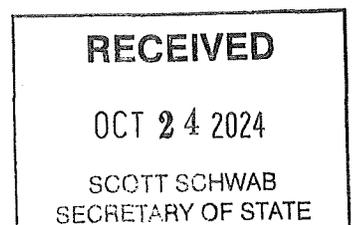
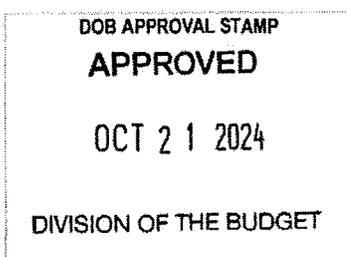
Optometrists

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There will be no costs associated with the proposed regulations

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

None taken



F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Individuals – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

K.A.R. 65-5-2: The updated exam application requirements have largely been implemented. Applicants have been paying the fee for the criminal background check since K.S.A. 65-1505 was revised in 2012. National board scores are sent free of charge to the Board upon confirmation of graduation to NBEO by the institution and successful completion of all parts.

K.A.R. 65-8-4: The regulation revises prescription content using current technology and terminology. The Board sent out a survey to optometrists inquiring about any expenses related to this regulatory update. Respondents indicated that their Electronic Health Records (EHR) systems would automatically update at no cost. One respondent mentioned potential staff time but couldn't determine a specific dollar amount. Another one stated: 'It would not cost us anything, our current EHR has the requirements in its current form'. Another one said that it would not cost anything to update other than maybe 30 minutes of his time to get into the settings and figure out how to change things. The Board emailed all 743 current licensees. Only 8 responded.

- Yes
 - No
 - Not Applicable
- If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

There would be no effect on state revenues or expenditures

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Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The proposed regulations would not have an economic impact.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Would not decrease or increase revenues of cities, counties, or school districts or impose functions or responsibilities on cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

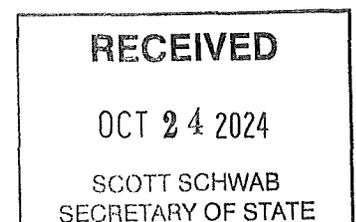
The proposed regulations were drafted after consulting with the Kansas Optometric Association. Additionally, the Board has posted the draft of the regulations on their website and sent an email to licensees requesting comments.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.
- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.



- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

