

State of Kansas

**KANSAS STATE BOARD OF EXAMINERS IN OPTOMETRY**

**Notice of Public Hearing on Proposed Administrative Regulation**

The Kansas State Board of Examiners in Optometry will conduct a public hearing on Wednesday, February 22, 2023, at 7:00 p.m., via Microsoft Teams, to consider the adoption of the proposed regulation K.A.R. 65-4-3 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 regulation. All interested parties may submit written comments prior to the hearing by mailing them to the Kansas Board of Examiners in Optometry, 3109 W 6<sup>th</sup> St, Suite A, Lawrence, KS 66049 or by email to [kssbeo@ks.gov](mailto: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.

All interested parties may participate at the Microsoft Teams meeting by emailing [kssbeo@ks.gov](mailto:kssbeo@ks.gov) and the link will be emailed.

Complete copies of the proposed regulation 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](mailto: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 regulation 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.

A summary of the proposed regulation and its economic impact are as follows:

K.A.R. 65-4-3 – Fees. K.A.R. 65-4-3 is an amended permanent regulation that will increase biennial renewal fee to \$550.

Economic Impact: The adoption of this regulation will only impact licensed optometrists. It is not anticipated to have an economic impact on Kansas State Board of Examiners in Optometry, any other government entity or the general public. There is no environmental impact.

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65-4-3. Fees. The following fees shall be collected by the board:

(a) Initial license examination \$150.00

(b) ~~First~~ Subsequent retaking of license examination \$75.00

~~(c) The second and each subsequent retaking of license examination ..... \$ 45.00~~

~~(d)~~ License issued by examination \$30.00

(ed) Reciprocal license \$150.00

(fe) (1) Biennial renewal of license ~~\$450.00~~ \$550.00

(2) Additional fee to obtain license renewal upon the failure to renew license before expiration date \$500.00

(gf) Conversion of license status from inactive to active \$100.00 (Authorized by K.S.A. 74-1504; implementing K.S.A. 65-1505; effective May 18, 1992; amended June 7, 1993; amended Sept. 4, 1998; amended Feb. 22, 2002; amended June 25, 2004; amended July 2, 2010; effective P - \_\_\_\_\_)

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DEPT. OF ADMINISTRATION

APPROVED

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Kansas Board of Examiners in Optometry  
Agency

Jan Murray  
Agency Contact

785-832-9986  
Contact Phone Number

65-4-3  
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 over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ 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, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget 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. 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.

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**Section I**

Brief description of the proposed rule(s) and regulation(s).

K.A.R. 65-4-3 Fees – increasing biennial renewal fee to \$550

**Section II**

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

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;

To the extent that the fee increase impacts optometrists, the impact is nominal and the Board does not expect the increase to have any impact on business activities and growth of optometrists.

- 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 would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The only economic impact is the increase in the fee; \$100 per licensee every other year. It is nominal

- 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;

The costs are the increase in fees. While there is a nominal increase, the benefits of the modernization will allow the Board to be more efficient, and more secure in its handling of business.

- 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

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- 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 members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$36000

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$36000**

(sum of above amounts)

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

The estimate is based on the number of license renewals – biennial renewals with half renewing each year

- ☐ Yes      If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), 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.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

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.

FY2023: revenue would increase \$40,000 with \$4,000 to SGF. No expenditures are expected for FY2023.  
 FY2024: revenue would increase \$36,000 with \$3,600 to SGF. Expenditures are estimated to be \$21,000 for FY2024

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 regulation would only affect licensed optometrists \$100 per licensee every two years

- 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

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Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Will 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, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

This was discussed at an open board meeting with the Kansas Optometric Association in attendance.

## 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 persons who would bear the costs.

Click here to enter agency response.

- 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 persons who would bear the costs.

Click here to enter agency response.

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

Click here to enter agency response.

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

Click here to enter agency response.

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