

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, October 18, 2023, at 1:00 p.m., in the Kansas State Capitol, Committee Room 218-N, 310 SW 10th St., Topeka, KS 66612, to consider the adoption of the proposed regulations K.A.R. 65-4-4 and 65-5-4 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 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 statements 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 regulations and their economic impacts are as follows:

K.A.R. 65-4-4 – Notice to the Board. K.A.R. 65-4-4 is an amended permanent regulation that updates notifications made to the Board.

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

K.A.R. 65-5-4 – Approved schools or colleges of optometry. K.A.R. 65-5-4 is an amended permanent regulation that updates requirements for an approved school or college of optometry.

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

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65-4-4. Notice to board. A licensee shall provide notice to the board, in writing, within 20 days of the following:

(a) The licensee's conviction of a felony, whether or not related to the practice of optometry;

(b) the revocation, suspension or limitation of a licensee's license to practice optometry in another state, territory, nation or the District of Columbia;

(c) the censure of the licensee by the proper licensing authority of another state, territory, nation or the District of Columbia;

(d) a finding by a court of competent jurisdiction that the licensee is mentally ill, disabled, not guilty by reason of insanity or incompetent to stand trial;

(e) sanctions or disciplinary actions taken against the licensee by a peer review committee, medical care facility or professional association or society;

(f) adverse action for acts or conduct ~~similar to acts or conduct~~ which would constitute grounds for disciplinary action pursuant to K.S.A. 65-1517, and amendments thereto, under the optometry law taken against the licensee by another state or licensing jurisdiction, a peer review body, a medical care facility, a professional association or society, a governmental agency, by a law enforcement agency, or a court;

(g) surrender of the licensee's license or authorization to practice optometry in another state, territory, nation or the District of Columbia, ~~or jurisdiction~~ or surrender of the licensee's membership on any professional staff, or in any professional association or society;

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(h) an adverse judgment, award, or settlement against the licensee resulting from a medical liability claim;

(i) any change in contact information to receive notifications from the Board including physical address, electronic mail address, and phone number. (Authorized by and ~~implementing~~ K.S.A. 74-1504(a)(6); and implementing K.S.A 65-1509; effective May 18, 1992; amended June 7, 1993; amended P - _____.)

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65-5-4. Approved schools or colleges of optometry. An approved school or college of optometry shall be a school or college ~~that has been determined by the board to~~ accredited by the Accreditation Council on Optometric Education (ACOE), ~~at least meet the standard of the University of Missouri-St. Louis school of optometry as they existed on January 1, 1991.~~ (Authorized by K.S.A. 74-1504(a)(6) and K.S.A. 65-1505; implementing K.S.A. ~~1991 Supp.~~ 65-1505; effective May 18, 1992; amended P - _____.)

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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

65-4-4, 65-5-4

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 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. 65-5-4 updates approved schools of optometry; 65-4-4 updates notifications to the board

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;
65-4-4 and 65-5-4 will 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 would 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 implantation 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

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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 – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$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.

N/A

- ☐ 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.

It will have no effect on state revenues or expenditures

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 have no 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.

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

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- 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).

[Click here to enter agency response.](#)

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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