

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, January 3, 2024 at 1:00 p.m., in the Kansas State Capitol, Committee Room 218-N, 300 SW 10th Avenue, Topeka, KS 66612, to consider the adoption of the proposed regulation K.A.R. 65-5-14 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 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 regulation 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 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.

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 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 regulation and its economic impact is as follows:

K.A.R. 65-5-14 Biennial Renewal. K.A.R. 65-5-14 is a permanent regulation that updates the biennial renewal schedule. Even license numbers will renew in the even numbered years and odd number license numbers will renew in the odd numbered years.

Economic Impact: The adoption of this regulation will affect revenue for the Kansas State Board of Examiners in Optometry. Revenue will decrease the first year of implementation but will level out over time. There is no environmental impact.

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65-5-14 Biennial renewal. (a)(1) Commencing with license renewals occurring in 2024, all licensees with an odd numbered license that is scheduled to be renewed by May 31, 2024, shall renew the license for a one year period ending on May 31, 2025. The licensee shall pay a license renewal fee equal to one-half the amount of the biennial license renewal fee specified in K.A.R. 65-4-3 and any applicable additional fees.

(2) Each subsequent license renewal for any licensee specified in paragraph (a)(1) shall be for a two (2) year period ending on the second May 31 following the applicable renewal date. The licensee shall pay the biennial license renewal fee specified in K.A.R.65-4-3 and any applicable additional fees.

(b)(1) Commencing with license renewals occurring in 2025, all licensees with an even numbered license that is scheduled to be renewed by May 31, 2025, shall renew the license for a one year period ending on May 31, 2026. The licensee shall pay a license renewal fee equal to one-half the amount of the biennial license renewal fee specified in K.A.R. 65-4-3 and any applicable additional fees.

(2) Each subsequent license renewal for any licensee specified in paragraph (b)(1) shall be for a two (2) year period ending on the second May 31 following the applicable renewal date. The licensee shall pay the biennial license renewal fee specified in K.A.R.65-4-3 and any applicable additional fees.

(c)(1) For initial licenses issued on or after January 1, 2024, all licensees with an odd numbered license shall renew their license by May 31 of each odd numbered year. The licensee shall pay a license renewal fee prorated to the time period of licensure and based upon the

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amount of the biennial license renewal fee specified in K.A.R. 65-4-3 and any applicable additional fees.

(2) Each subsequent renewal for odd numbered licenses shall be for a two (2) year period ending on the second May 31 following the applicable renewal date. The licensee shall pay the biennial license renewal fee specified in K.A.R.65-4-3 and any applicable additional fees.

(d)(1) For initial licenses issued on or after January 1, 2024, all licensees with an even numbered license shall renew their license by May 31 of each even numbered year. The licensee shall pay a license renewal fee prorated to the time period of licensure and based upon the amount of the biennial license renewal fee specified in K.A.R. 65-4-3 and any applicable additional fees.

(2) Each subsequent renewal for even numbered licenses shall be for a two (2) year period ending on the second May 31 following the applicable renewal date. The licensee shall pay the biennial license renewal fee specified in K.A.R.65-4-3 and any applicable additional fees. (Authorized by K.S.A. 74-1504 and K.S.A. 65-1509; implementing K.S.A. 65-1509; effective 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

65-5-14
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. 65-4-14 Biennial renewal requiring even numbered licenses renew in the even numbered years and the odd number licenses to renew in the odd number years.

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;

The Board does not expect the renewal change 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 that half of the license renewals for 2024 and 2025 would only be for one year instead of two.

- 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 benefits would be yearly revenue would be level.

- 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.

There is no cost associated with the regulation

- ☐ 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.

FY2024, Revenue would be approximately \$44,000 less but it would even out in 2025. There would be no change to 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.

No long range 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).

This has been posted on the Board's website and email has been sent to all 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 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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