

Narrative Information for Biennial Agencies—DA 400

Division of the Budget
State of Kansas

Agency: 488 KS Board of Examiners in Optometry
Program: Administration and Regulation

September 10, 2024

Mr Adam Proffitt, Director
Division of the Budget
900 SW Jackson Ste 504
Topeka, Kansas 66612

Dear Mr. Proffitt:

For your consideration, I hereby submit the Fiscal Years 2025, 2026 and 2027 budget document for the Kansas Board of Examiners in Optometry. It has been prepared in accordance with the instructions transmitted with your letter of July 9, 2024. To the best of my knowledge and belief, the information and explanation included in this budget request are correct and complete.

I am prepared to provide any additional information which you or your budget analyst may require.

Sincerely,

Jan Murray
Executive Officer

cc: Amanda Prosser, MPH / Fiscal Analyst
Legislative Research Department
Room 68-West, State Capitol Building
300 SW Tenth Avenue
Topeka, KS 66612-1504

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Mission

The Kansas Board of Examiners in Optometry (KSSBEO) shall administer and enforce the provisions of Kansas Optometry Law for the benefit of public trust so that the highest quality of eye health and vision care is provided to the citizens of Kansas.

Philosophy

The Kansas Board of Examiners in Optometry shall act in accordance with the highest standards of ethics, accountability, efficiency, and openness. We believe that by the vigorous enforcement of the law, we protect the public and ensure that the highest quality of comprehensive eye health and vision care is available to the citizens of Kansas and that it is delivered by qualified optometric practitioners.

Statutory History

The Board of Optometry was created in 1909. Three members constituted the Board. In 1909, approximately 70 licenses were held. There are 730 actively licensed optometrists today; 600 of these are practicing in Kansas, 104 maintain licensure in Kansas but practice in another state. There are 23 licensees with an inactive license. The sections of the law governing optometry are found in K.S.A. 65-1501 to 65-1526, as amended. Rules and regulations relative to these statutes have been promulgated. The law has had six major changes:

- In 1977, qualified optometrists were allowed to utilize pharmaceutical agents for diagnosis.
- In 1987, qualified optometrists were permitted to treat certain eye diseases with topical (i.e., drops or ointments) pharmaceutical agents and remove embedded foreign bodies that do not penetrate into the eyeball.
- In 1996, qualified optometrists were permitted to treat Adult Open Angle Glaucoma. Other changes which this law effected include a requirement for minimum of \$1,000,000 in professional liability insurance coverage.
- In 1999, therapeutic licensees were allowed to prescribe oral drugs for ocular conditions, some in consultation with an ophthalmologist.
- In 2005, licensees were required to obtain a therapeutic license by 2008 and a glaucoma license by 2010.
- In 2012, one level of licensure, require FBI background checks, require new graduates of optometry to have 24 hours of CE their first year, and established a litigation fund.

Goals: To license qualified optometrists.
To investigate reports of infractions of the law and administer appropriate resolutions.

1.0 Goal-To license qualified optometrists.

1.1 Objective-Assure a level of minimum skills for new graduates applying for KS licensing.

Strategies:

- Require applicants to meet standards for license application.
- Require criminal background check.
- Update exam each year to assure that current laws are included and to assure a minimum level of practical skills.

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Performance Measures

	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Actual	'25 Goal	'26 Goal	'27 Goal
Number of applicants	23	20	16	18	18	25	25	25
Number of passing scores	21	18	15	16	18	23	23	23
% passing exam	91	90	94	88	100	90	90	90

1.2 Objective-Assure qualifications of optometrists licensed in other states who are applying for reciprocal licensing.

Strategies:

- Require documentation of education, testing and current practice in good standing.
- Require passing an exam on Kansas Optometry Law.
- Require professional references for reciprocal license applicants.
- Require criminal background check.

Performance Measures

	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Actual	'25 Goal	'26 Goal	'27 Goal
Total no. applicants	6	7	9	9	11	10	10	10
Number meeting requirements	4	5	6	9	9	9	9	9
Number incomplete	2	2	1	0	1	1	1	1
% meeting requirements	80	71	67	100	82	90	90	90

2.0 Goal-To investigate reports of infractions of Optometry Law and administer an appropriate resolution

2.1 Objective-Respond promptly to complaints from consumers.

Strategies:

- Call, email or write an acknowledgement of receipt to consumer complaints within one working day from the time received.
- Follow up promptly with appropriate strategy to resolve complaint.

Performance Measures

	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Actual	'25 Goal	'26 Goal	'27 Goal
No of complaints	14	8	5	16	12	NA	N/A	N/A
Response time to initial complaint	1.0 day	1.0 day	1.0 day	1.0 day	1.0 day	1.0 day	1.0	1.0
Average Time to closure	20 days	139 days	37 days	48 days	72 days	90 days	90	90

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2.3 Objective-Respond promptly to reports of cosmetic contact lens sales without a prescription.*Strategies:*

- Letter from attorney to seller of contact lenses about K.S.A. 65-1504b.
- Investigation at site of contact lens sale.
- Latest trend is selling cosmetic contact lenses on Facebook and internet.
- Become proactive with Public Service Announcements (PSAs) about the dangers of using cosmetic contact lenses without a prescription. Posters have been mailed out yearly to all Kansas middle and high schools beginning in October 2017.

Performance Measures

	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Actual	'25 Goal	'26 Goal	'27 Goal
No. of reports	1	0	0	0	0	0	0	0
Response time to initial report	1.0 week	NA	NA	NA	NA	NA	NA	NA
Time to closure	NA*	NA	NA	NA	NA	NA	NA	NA

*Halloween store that had already closed for the season by the time report was received.

3.0 Goal-To complete online renewals promptly.**3.1 Objective-**Complete online renewals and email renewal certificate.*Strategies*

- KSSBEO paid licensees' subscription for the OE Tracker (Optometric Education Tracker Database) beginning in FY2018. All continuing education should be in licensing database and licensee should only have to update information and pay renewal fee.
- The Board also receives a 40% group discount which saves the licensees over \$7,000 if they had to pay the subscription fees themselves.
- Starting in 2025, biennial renewals will be determined by license number. Licenses with odd numbers will renew in odd years, while those with even numbers will renew in even years. FY2025 and FY2026 will serve as transitional years. From FY2027 onward, renewals will be evenly distributed between the years.
- Beginning in FY2025, the Board will transition to the Accela licensing platform. Renewals will be expedited, and renewal certificates will be issued electronically in accordance with SB66.

Performance Measures

	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Actual	'25 Goal	'26 Goal	'27 Goal
Number of Renewals	330	382	338	381	342	420	560	400
Average days to complete renewal	2 days	1 day	1 days	1 days	2 days	1 days	1 day	1
% Renewals completed in one day	88	87	72	86	92	100	100	100
% CE requirements in OE Tracker	86.7	89.7	92.2	92.7	91.1	90	95	95

4.0 Goal-To ensure quality of non-COPE CE meets Boards standards.

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4.1 Objective—Ensure that all continuing education that is not COPE (Council on Optometric Practitioner Education) approved meets the generally accepted optometric body of knowledge and must be pertinent to the clinical practice of primary care optometry and/or optometric sub-specialties.

- All non-COPE approved CE providers must submit a comprehensive program package that includes:
 - Course Outline
 - Curriculum vita and/or biographical sketches of instructors

Performance Measures

	'20	'21	'22	'23	'24	'25	'26	'27
	Actual	Actual	Actual	Actual	Actual	Goal	Goal	Goal
Number of non-COPE CE hours approved	103.5	49	48	47	41	50	50	50

Overview of Agency Budget at Each Request Level

Current Year

Current year budget will be temporarily increasing staff. This will allow the retiring executive office to train the incoming executive office during renewals, fiscal year-end, annual exam, and budget.

FY2025, FY2026, FY2027 Resources

Current licensing fees are adequate to fund FY2025, FY2026 and FY2027.

Expenditure Justification

Object Code 100—Salaries and Wages. The agency has 1.0 FTE positions. This includes a Board Appointed Secretary/Treasurer who receives a fixed annual salary as an unclassified state employee. A 1.0 FTE Executive Officer who manages the daily activity of the office and assists the Board in their regulatory affairs.

FY2025 - \$103,242. This also includes salary of \$20,350 for a successor for the retiring Executive Officer. It allows for the replacement to train with the current Executive Officer for 3 months.

FY2026 - \$119,145. This includes salary of \$26,661 for the retiring executive officer to train the replacement for an additional 3 months.

FY2027: \$93,977. This is a reduction from previous two years when staffing levels returns to normal levels

Object Codes 200-290 Contractual Services. The agency's major expenditures in this category are for rent, communications, travel for board meetings, administering exams, attending the national meeting of optometry board members, licensees' subscription to the OE Tracker, and contractual services for legal assistance. The contracted attorney represents and advises the Board on legal matters, including the investigation of complaints.

FY2025 Current Resources - \$130,0320. The Board is working with OITS for a new licensing database. The current licensing database is becoming antiquated, and it will be costing the Board more to keep it up with the everchanging technologies. The new program, in addition to renewing licenses, will also be capable accepting online applications, be mobile compliant, easily configurable, and will increase efficiencies in the office. It will also enable the Board to comply with SB 66 to provide verified electronic credentials to all credential holders based on their credentials from other jurisdictions and requiring licensing bodies to use centralized electronic credential data management systems capable of providing instantaneous credential verification. The new program will further ensure that the agency remains at 1.0 FTE positions as the number of licensees continues to grow. The Board

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continues to pay for the licensees' subscription to the OE Tracker and continues with the PSA. It also includes travel to the national conference for the Board and staff which will be held in Minneapolis, MN. Adjustments have been made to increase hospitality from \$650 to \$1,000 and an additional \$1,000 for a cellphone for the Board use.

2717 Optometry Fee Fund:	\$127,820
2565 Criminal History and Fingerprint Fund:	\$ 2,500

FY2026 Future Resources - \$155,859 This does include moneys for the new licensing database. It also allocates an additional \$4,976 for rent in the event the Board office is relocated to Topeka with the new executive officer. Additionally, there are increases for legal counsel and OITS The Board continues to pay for the licensees' subscription to the OE Tracker and continues with the PSA. It also includes travel to the national conference for the Board and staff which will be held in Phoenix, AZ

2717 Optometry Fee Fund:	\$153,359
2565 Criminal History and Fingerprint Fund:	\$ 2,500

FY2027 Future Resources - \$162,192. This does include moneys for the new licensing database. It also includes travel to the national conference for the Board and staff which is anticipated to be held in Boston, MA.

2717 Optometry Fee Fund:	\$159,692
2565 Criminal History and Fingerprint Fund:	\$ 2,500

Object Codes 300-390 Commodities. The agency has expenditures in this category for supplies that are primarily necessary for new and current licensing and the annual examination.

FY2025 Future Resources - \$2,200 for FY2025 represents funds necessary to maintain existing program.

FY2026 and FY2027 Future Resources - \$1,200 for each year represents funds necessary to maintain existing programs. This is a reduction for \$1,000 from current budgeted amount.

Object Code – 400 Capital Outlay.

FY2025, FY2026, and FY2027 Current Resources – No Capital outlay is anticipated for FY2025, FY2026, or FY2027.

Items Affecting Fee Fund Balance.

In FY2016, \$100,000 was swept from the Optometry Fee Fund (2717) and \$50,000 from the Optometry Litigation Fund (2547). The Board also paid the Board of Pharmacy a total of \$21,095 to help fund the K-TRACS program in FY2018, FY2019 and FY2020. In FY2024, \$93,000 was transferred back to the Optometry Fee Fund (2717) from the Optometry Litigation fund (2547).

Starting in 2025, biennial renewals will be determined by license number. Licenses with odd numbers will renew in odd years, while those with even numbers will renew in even years. FY2025 and FY2026 will serve as transitional years. From FY2027 onward, renewals will be evenly distributed between the years. This is dependent on the new licensing database being online by March 1, 2025. If not, it will be delayed until FY2026.