

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

August 22, 2023

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 2024, and 2025 budget document for the Kansas Board of Examiners in Optometry. It has been prepared in accordance with the instructions transmitted with your letter of May 22, 2023. 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: Director
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

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

	'19 Actual	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Goal	'25 Goal
Total no. applicants	8	6	7	9	9	10	10
Number meeting requirements	8	4	5	6	9	9	9
Number incomplete	0	2	2	1	0	1	1
% meeting requirements	100	80	71	67	100	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

	'19 Actual	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Goal	'25 Goal
No of complaints	9	14	8	5	16	NA	NA
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 day
Average Time to closure	4 days	20 days	139 days	37 days	48 days	90 days	90 days

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

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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

	'19 Actual	'20 Actual	'21 Actual	'22 Actual	'23 Goal	'24 Goal	'25 Goal
No. of reports	4	1	0	0	0	0	0
Response time to initial report	1.0 week	1.0 week	NA	NA	NA	1.0 week	1.0 week
Time to closure	45 days	NA*	NA	NA	NA	90 days	90 days

*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.

Performance Measures

	'19 Actual	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Goal	'25 Goal
Number of Renewals	378	330	382	338	381	350	420
Average days to complete renewal	1 days	2 days	1 day	1 days	1 days	2 days	2 days
% Renewals completed in one day	69	88	87	72	86	75	75
% CE requirements in OE Tracker	83.2	86.7	89.7	92.2	92.7	90	90

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

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

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- Curriculum vita and/or biographical sketches of instructors

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Performance Measures

	'19 Actual	'20 Actual	'21 Actual	'22 Actual	'23 Actual	'24 Goal	'25 Goal
Number of non-COPE CE hours approved	100.5	103.5	49	48	47	50	50

Overview of Agency Budget at Each Request Level

Current Year

Current year budget will maintain existing staff.

FY2024 and FY205 Resources

The Board increased licensing fees from \$450 biennially to \$550 biennially for FY2024 and 2025 to adequately fund FY2024 and FY2025. Last time fees were increased was 2004.

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.

FY2024 - \$79,941 represents the amount needed maintain existing staff. Step movement and unclassified merit are not included.

FY2025 - \$96,870. This includes an enhancement of \$3,024 for the FY2024 pay increases. This also includes salary of \$17,228 for a successor for the retiring Executive Officer. It allows for the replacement to train with the current Executive Officer for 3 months.

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.

FY2024 Current Resources - \$129,141. 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 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 Nashville, TN

2717 Optometry Fee Fund:	\$124,066
2565 Criminal History and Fingerprint Fund:	\$ 2,500

FY2025 Future Resources - \$133,550. This does include moneys for a new licensing database. 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 Minneapolis, MN

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2717 Optometry Fee Fund:	\$131,050
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.

FY2024 Current Resources - \$2,200 for FY2024 represents funds necessary to maintain existing programs.

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

Object Code – 400 Capital Outlay.

FY2024, and FY2025 Current Resources – No Capital outlay is anticipated for FY2024 or FY2025.

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).