

SB

193

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 4/17/09

FURTHER: Labor and Commerce

Date of 5-Day Notice: March 11, 2010
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: March 18, 2010

Health and Social Services Committee considered SENATE BILL NO. 193

SB 193 LICENSING FOR OPTOMETRY

"An Act relating to licensure as an optometrist; establishing a retired status optometrist license; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> New Title
<hr/>
HOUSE BILL:
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DCEED	3/15/2010	✓		✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	ELLS	✓			
<i>[Signature]</i>	PASKVAN	X			
CHAIR: <i>[Signature]</i>	DAVIS	X			

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 193
 () Publish Date: _____

Identifier (file name): SB193-CED-CBPL-3-15-10 Dept. Affected: DCCED
 Title: Licensing for Optometry RDU: Corp, Bus, & Prof Licensing (117)
 Component: Corp, Bus, & Prof Licensing
 Sponsor: Labor and Commerce Committee by Request
 Requester: Senate Health and Social Services Committee Component Number: 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES (1156)								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other: (1156) RSS								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

SB 193 amends licensing requirements for Optometrists in AS 08.72 to be commensurate with current Optometry education and training; and provides a restricted license to the few licensees that have not achieved the higher-level training and endorsement. The bill also provides for a retired status license.

New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Division Operations Manager
 Division: Corporations, Business & Professional Licensing
 Approved by: Emil Notti, Commissioner
Commerce, Community, and Economic Development

Phone (907) 465-2144
 Date/Time 3/15/2010 4:15PM
 Date 3/15/2010

ALASKA STATE LEGISLATURE

Senator Joe Paskvan

Chair, Labor and Commerce
Vice Chair, Health and Social Services
Member, Transportation
Member, State Affairs
Member, Joint Armed Services

*Senate District E
Fairbanks and Fort Wainwright*



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Juneau, Alaska 99801-1182

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Sponsor Statement SB 193

SB 193 makes some necessary changes to the licensure criteria for optometrists in this state.

Currently, Alaska has three levels of licensure for optometrists:

- 1.) Basic License (no pharmaceuticals)
- 2.) License with Pharmaceutical Endorsement (in-office eye drops)
- 3.) License with Pharmaceutical Prescription and Use Endorsement (prescribing authority).

The Board of Optometry would like to have a standard level of care that everyone receives from optometrists. Therefore, some adjustments need to be made in statute to require the highest level of care.

SB 193 brings Alaska statutes in line with current educational levels. Students graduating from optometry schools within the last five years have already received the level of education necessary to obtain a license at the highest level currently provided in Alaska. Further, most licensed optometrists in Alaska have already obtained the level of education necessary for the highest level of licensure. There are only a handful of people who have not received that education and most of these optometrists are nearing retirement age. These optometrists would be issued a restricted license which would allow them to continue to practice but still not allow them to provide services that go beyond their level of education.

The level of education required in SB 193 has been standard in most optometrist schools across the country and most older optometrists have already obtained this level of education on their own. Many states are currently working on or have already passed similar legislation. Our citizens deserve the most current and highest level of care possible; allowing the licensure of optometrists with less than the standard education levels puts our citizens at risk. SB 193 remedies this problem by standardizing the licensure requirements for optometrists in Alaska.

I urge your support of SB 193.

ALASKA STATE LEGISLATURE

Senator Joe Paskvan

Chair, Labor and Commerce
Vice Chair, Health and Social Services
Member, Transportation
Member, State Affairs
Member, Joint Armed Services

*Senate District E
Fairbanks and Fort Wainwright*



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Sectional Analysis SB 193

Section 1:

Technical amendments for grammar and removes high school requirement as it is unnecessary. Also outlines educational requirements for required licensure.

Applicants must have completed:

- 1) Examination on ocular pharmacology
- 2) 23 hours of course work on ocular disease
- 3) 7 hours of course work on therapeutic pharmaceutical agent injections
- 4) Other course work established in regulation.

Section 2:

Allows an applicant to retake the exam if they fail.

Section 3:

Requires applicants for licensure by credentials to have a license from a state that has licensure requirements equivalent to Alaska, pass the Alaska state exam, and the National Board of Examiners of Optometry exam.

Section 4:

Deals with renewal of licenses. Outlines requirements that must be obtained before a license may be renewed. The applicant must have:

- 1) 8 hours of continuing education concerning the prescription of pharmaceutical agents;
- 2) 7 hours of continuing education on the injection of nontopical therapeutic pharmaceutical agents;
- 3) Met other requirements outlined by the Board through regulation.

Section 5:

Deals with retired status licenses. Upon retirement a licensee may apply for a retired license. A retired license does not have to be renewed and the person may not practice optometry in Alaska. However, a person may go from retired status to active status upon application and upon meeting certain educational criteria.

Section 6:

Removes reference to certain class of optometry license as the bill creates only one class of license that is allowed to practice in this state. Also, outlines the circumstances that an optometrist can prescribe pharmaceuticals (already in statute).

Section 7:

Repeals references to different classes of licenses.

Section 8:

Transitional Section: Allows a person who is not currently licensed at the highest level to be grandfathered in and get a restricted license. This will allow them to continue to practice but still not exceed their educational level.

Section 9:

Revisor Instruction: retitling a section heading

Section 10:

Immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

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Phone (907) 465-2144
 Date/Time 3/9/2010 4:15PM
 Date 3/9/2010

Over the years, more and more states are requiring optometrists to hold an optometry license at the highest level. In fact, effective January 2010, optometrists in the state of Oregon must be licensed at the highest level to even practice optometry. The chart below is a survey of states showing the movement among states to require licensees meet the highest educational requirements.

**Initial and Renewal License Requirements to
Seek/Maintain Highest Level**

Last Revised January, 2010

STATE:	Can an applicant for initial licensure (could be a new grad or someone coming from another state) apply for a license other than one at the highest level of prescriptive authority authorized in your state?	Can a licensee within your state holding an active license drop "down" to a lower level license at renewal or other time (i.e., they hold a TPA license, but now only want a basic or DPA-only license)?
Alabama	NO	YES Technically, yes. We hope to tighten up the wording of our law so that this cannot happen. We have had one instance of this with a licensee who was about to retire. He asked to lower his licensure status to non-therapeutic for the few months he planned to practice. We could find nothing in our law that prevented this. He saved \$110!
Alaska	YES 2010 Legislation is aimed at changing this to No.	YES 2010 Legislation is aimed at changing this to No.
Arizona	NO	NO
Arkansas	NO	Yes, under health reasons and maybe has retired, but still wants to keep their basic licenses. The cost difference is \$50
California		
Colorado	NO	NO
Connecticut		
Delaware	NO	NO
D.C.		
Florida	NO	NO
Georgia	NO	NO
Hawaii		
Idaho	NO	NO
Illinois	NO All licensees had to upgrade to the highest level by 2007	NO

For more information contact Tracy Oman, Alaska Optometric Association, at (907) 272-2972 or akoa@alaska.com

Indiana	YES Our applicants apply for an optometry license and if they are going to be prescribing, administering, or dispensing legend drugs then they can obtain an optometric legend drug certificate. It is not mandatory to obtain the legend drug certificate.	YES
Iowa	NO	NO We have no definite rule but would probably be denied.
Kansas	NO As of May 31, 2010, everyone must come in at the highest level.	NO As of May 31, 2010, everyone must be at the highest level.
Kentucky		
Louisiana	NO	NO Must be TPA to practice in the state.
Maine	NO	NO
Maryland		
Massachusetts	NO	NO
Michigan		
Minnesota		
Mississippi	NO	NO
Missouri	NO	NO
Montana		
Nebraska	NO	NO
Nevada	YES All new licensees come in at a DPA level. Subsequent to licensure, they can apply for TPA certification after they have completed the statutorily required 40 hour preceptorship with an ophthalmologist. They can elect to stay DPA. Most of those who are only DPA are not practicing in the state.	NO
New Hampshire	NO	NO
New Jersey		
New Mexico		
New York		
North Carolina	NO AND YES Beginning with the graduating classes of 2008 from the accredited schools and colleges of optometry applicants will come in at the highest level (includes injectables). Current licensees do not have to move up to the highest level with injectables.	NO
North Dakota	NO As of 2001	NO
Ohio	NO	The Ohio law does not specifically address this issue one way or another. The law does provide that they MAY renew each certificate of licensure and agents certificate. If

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		someone only wanted to renew there license and not a certificate they would drop down to just an optometric license but would not be able to drop from a TPA to a DPA. There have not been any licensees who have dropped to a lower level in the past 5 years. The cost for a TPA or DPA certificate is \$25 above the annual renewal cost of \$110 for just licensure.
Oklahoma	NO	NO
Oregon	NO As of January 2010 applicants must be at highest level, except for injectables authority which will remain optional. NOTE: Over the last five years they have had 159 applicants who have not sought licensure at the highest level.	NO As of January 2010.
Pennsylvania	NO & YES New grads automatically get the highest level of licensure. Older grads coming in from another state may apply for a lower level license, but it is infrequent. The cost is the same.	NO They are not given that option.
Rhode Island		
South Carolina	NO	NO
South Dakota	NO	NO
Tennessee		
Texas	NO & YES An applicant from another state can only come in as a therapeutic OD or higher.	NO
Utah		
Vermont		
Virginia		
Washington	NO	NO
West Virginia	NO	NO
Wisconsin	NO Could until Aug 2006.	NO Could until Aug 2006.
Wyoming	NO	NO

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