

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

**Revised**

House Bill 132

(The Speaker)(By Request - Department of Legislative  
Services)

Health and Government Operations

Education, Health, and Environmental Affairs

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**State Board of Examiners in Optometry - Sunset Extension and Program  
Evaluation**

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This bill extends the termination date for the State Board of Examiners in Optometry by 10 years to July 1, 2023, and requires an evaluation of the board by July 1, 2022. The bill includes a related reporting requirement.

The bill takes effect July 1, 2010.

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**Fiscal Summary**

**State Effect:** Special fund revenues and expenditures for the board are maintained beyond FY 2013. The Governor's proposed FY 2011 budget includes \$260,453 for board operations. The bill's reporting requirement can be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** Maryland, along with all other states, regulates the practice of optometry. Doctors of optometry are providers of vision care. They examine patients' eyes to diagnose vision problems, such as nearsightedness or farsightedness, and test patients' depth and color perception and ability to focus and coordinate the eyes.

Optometrists may prescribe eyeglasses or contact lenses and other treatments such as vision therapy or low-vision rehabilitation.

Optometrists also test for glaucoma and other eye diseases and diagnose conditions caused by systemic diseases such as diabetes and high blood pressure, referring patients to other health practitioners as needed. Optometrists may administer drugs to patients to aid in the diagnosis of vision problems and to treat eye diseases; however, the administration of drugs by optometrists in Maryland is limited in that optometrists may only prescribe topical pharmaceutical agents. Most states permit optometrists to prescribe and administer oral, as well as topical, pharmaceutical agents.

The optometry profession in Maryland is regulated by the State Board of Examiners in Optometry, one of 18 health occupations boards housed within the Department of Health and Mental Hygiene. The purpose of the board is to protect the residents of Maryland in the area of eye health through the licensing and regulation of optometrists. Established in 1914, the board licenses candidates who qualify through education and examination and disciplines licensees where cause exists. The board also monitors and approves continuing education programs in Maryland.

The board is one of approximately 70 entities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most agencies evaluated are also subject to termination, including the State Board of Examiners in Optometry which is scheduled to terminate July 1, 2013. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

A preliminary sunset evaluation conducted by DLS in 2009 found that the board appears to perform its duties sufficiently. Therefore, DLS recommended that the board be waived from full evaluation and that legislation be enacted to extend the board’s termination date by 10 years to July 1, 2023. DLS also found a few issues that the board should continue to monitor or address, specifically the number of new licensees; the impact of the limited scope of practice; and the board’s proposal to move to a staggered license renewal process. Thus, DLS recommended that the board submit a report by October 1, 2011, on the actions the board has taken to:

- monitor the situation regarding the decline in new licenses;

- track developments in the scope of practice for optometry and their potential impact on entry into the profession in order to ensure that access to eye care in Maryland does not become a problem;
- review future revenue and expenditure trends to determine if a fee increase may be necessary; and
- implement a biennial license renewal cycle to maintain a more consistent fund balance.

This bill implements the majority of these recommendations, as adopted by LPC at its December 15, 2009 meeting. It expands the requirement to track the decline in new licenses to include trends in the renewal of existing licenses and deletes the requirement to track developments in the scope of practice for optometry.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 145 (The President)(By Request - Department of Legislative Services) - Education, Health, and Environmental Affairs.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2010  
mpc/mcr Revised - House Third Reader - April 1, 2010

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