

**SB 728\_FWA\_MOA.pdf**

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Position: FWA



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March 3, 2023

The Honorable Melony Griffith, Chairman  
Finance Committee  
131 House Office Building  
3 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: (FWA) Testimony in Support of Senate Bill 728 “State Board of Examiners in Optometry – Sunset Extension”**

Dear Chairman & Members of the Committee:

The Maryland Optometric Association (MOA) is a 501 (c) 6 non-profit trade association representing hundreds of member optometrists throughout the State. We are committed to empowering Maryland optometry and advancing optometric care for all Maryland patients.

MOA submits this **Favorable With Amendment** (“FWA”) testimony in support of **Senate Bill 728** entitled, **“State Board of Examiners in Optometry – Sunset Extension”** (“SB 728”). As drafted, SB 728 would extend the statutory and regulatory authority of the State Board of Examiners in Optometry (“State Board”) for only a 3-year period. The State Board amendment changes the reestablishment time period to 10 years in accordance with the Maryland Program Evaluation Act § 8-409 (a) (1) which states, “The reestablishment of a governmental activity or unit designated for evaluation under § 8-403 of this subtitle is for a 10-year period unless the law that provides for reestablishment sets another period.”

The Maryland Optometric Association urges this Committee to adopt the State Board amendment and vote favorably on Senate Bill 728.

Sincerely,

A handwritten signature in black ink that reads 'Whitney Fahrman, O.D.' The signature is written in a cursive style and is positioned above a vertical line that separates it from the typed name below.

Whitney Fahrman, O.D.  
MOA President

**9b - SB 728 - FIN - MDH- LOSWA.docx.pdf**

Uploaded by: Megan Peters

Position: FWA



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 3, 2023

The Honorable Melony Griffith  
Chair, Senate Finance Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: SB 728 - State Board of Examiners in Optometry – Sunset Extension - Letter of Support with Amendments**

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments for Senate Bill (SB) 728 - State Board of Examiners in Optometry – Sunset Extension. SB 728 extends the termination provisions relating to the statutory and regulatory authority of the State Board of Examiners in Optometry (Board) for three (3) years, until July 1, 2026.

MDH respectfully submits an amendment to shorten the sunset date for the Board from three (3) years to two (2) years. A sunset evaluation and extension is a tool to review existing laws and regulations governing the State’s occupational and professional Boards. These reviews facilitate the careful consideration of the Board’s purpose and operations, including ensuring that licensing is protecting public health and safety and that licensing is not overly broad or burdensome.<sup>1</sup> Of note, Chapter 511 of the Acts of 2019 eliminated Maryland’s automatic 10 year sunset evaluations that were conducted by the Department of Legislative Services prior to extensions.<sup>2</sup> In its place, sunset evaluations are now conducted only when directed by certain entities.

MDH believes a more thorough evaluation of the Health Occupations Boards is needed at this time to assess ongoing concerns related to licensure, technology, and administrative functions. MDH believes a two (2) year sunset extension allows ample time for MDH and the Boards to examine these functions and return to the General Assembly in 2025 with an update.

If you have any questions please contact Megan Peters, Acting Director, Office of Governmental Affairs, at [megan.peters@maryland.gov](mailto:megan.peters@maryland.gov) or (410) 260-3190.

Sincerely,

Laura Herrera Scott, M.D., M.P.H.  
Secretary

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<sup>1</sup> <https://www.ncsl.org/labor-and-employment/sunset-and-sunrise>

<sup>2</sup> <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0640?ys=2019RS>

**Amendment 1**

On page 2, line 3: Strike **2026** and insert **2025**.

**9a - SB 728 - FIN - Optometry Bd - SWA final.docx.**

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Position: FWA



# Board of Examiners in Optometry

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

Mesheca C. Bunyon, Board President – Gwendolyn A. Joyner, Executive Director

4201 Patterson Avenue, Baltimore MD 21215 Phone: 410-764-4710; Email: [mdh.optometry@maryland.gov](mailto:mdh.optometry@maryland.gov)

## 2023 SESSION POSITION PAPER

**BILL NO:** SB 728  
**COMMITTEE:** Finance  
**POSITION:** Support with Amendment

**TITLE:** State Board of Examiners in Optometry – Sunset Extension

### **BILL ANALYSIS:**

The Bill, as written, extends the termination provisions relating to the statutory and regulatory authority of the State Board of Examiners in Optometry (the “Board”) for three (3) years until July 1, 2026.

### **POSITION AND RATIONALE:**

The Board supports SB 728 with an amendment of the Bill to extend the termination provisions relating to the statutory and regulatory authority of the Board to ten (10) years, until July 1, 2033.

This Bill was introduced during the 2022 Session and the original version of the bill included a provision to extend the Board for ten (10) years, which is the usual and customary timeframe. At that time, despite the Board’s request for another ten-year extension, the previous administration amended the Bill to extend the Board for only three years, until July 1, 2026.

The Board recognizes that its primary role is to protect the health and safety of consumers through the licensing and regulation of the practice of Optometry. The passing of SB 728 with the proposed amendment will ensure the continuation of the Board’s mandated responsibilities to carry out its mission to protect the citizens of Maryland without interruption.

The Board supports SB 728 with amendment and respectfully asks to extend the termination provisions relating to the statutory and regulatory authority of the Board, to the following:

### **Amendment 1**

Page 2, line 3: Strike **2026** and insert **2033**.

The Board appreciates your consideration and requests a favorable report for SB 728 with amendment. Please do not hesitate to contact Gwendolyn Joyner, Executive Director at [gwendolyna.joyner@maryland.gov](mailto:gwendolyna.joyner@maryland.gov) or at 410-764-5994 if you have any questions.

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*