

Approved: February 27, 2012

MINUTES OF THE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman Vicki Schmidt at 1:30 p.m. on February 20, 2012, in Room 546-S of the Capitol.

All members were present.

Committee staff present:

Nobuko Folmsbee, Office of the Revisor of Statutes
Renaë Jefferies, Office of the Revisor of Statutes
Iraida Orr, Kansas Legislative Research Department
Melissa Calderwood, Kansas Legislative Research Department
Carolyn Long, Committee Assistant

Conferees appearing before the Committee:

Gary Robbins, Kansas Optometric Association
Jerry Slaughter, Kansas Medical Society

Others attending:

See attached list.

The Chair asked for approval of the minutes for February 2, 2012, February 7, 2012, and February 8, 2012. Moved by Senator Kelsey, seconded by Senator Brungardt that the minutes be approved as presented. Motion carried.

The Chair opened the hearing on **HB 2525—Amendments to the optometry bill**. Staff said the proposed legislation would amend current laws concerning optometry by removing references to various levels of licensure since all licensees are now required to be licensed at the highest level possible. The bill would update current laws concerning administrative hearings, as well as allow for e-mail and fax correspondence by the Board. It would also give the Board the authority to require applicants for licensure or licensees under investigation to submit to background checks. The charges for these background checks would be paid by the applicant or licensee.

The Chair recognized Gary Robbins, Kansas Optometric Association. He said that the bill addresses some ongoing issues with their Medicare carrier and other third party payers. Two years ago the regional Medicare carrier began denying certain codes that were clearly within the scope of optometry. The new language clarifies minor surgical procedures that Kansas optometrists have been doing for more than 20 years within existing law to eliminate any confusion. Another area of confusion was the gradual update of the optometry law during the last 30 years or so to allow optometrists to administer and prescribe topical and oral pharmaceutical drugs, treat glaucoma and remove foreign bodies from the eye. By May 31, 2012, all Kansas optometrists were required to upgrade their licenses to the highest level, so the

CONTINUATION SHEET

The Minutes of the Public Health and Welfare Committee at 1:30 p.m. on February 20, 2012, in Room 546-S of the Capitol.

outdated categories of licensure, along with the accompanying education requirements, have been eliminated (Attachment #1).

The Kansas Medical Society was represented by Jerry Slaughter. He said the bill addressed two issues; the first reduces the three levels of optometric licensure to one, and the second addresses the problem that arose when the Medicare carrier for Kansas began denying certain procedure codes that were clearly within current optometric licensure. The changes would retain the prohibition on surgery and the use of injectable or general anesthesia; that optometrists could remove non-perforating foreign bodies from the cornea, conjunctiva or eyelid; remove eyelashes; scrape the cornea for diagnostic tests, smears or cultures; dilate, probe, irrigate or close by punctual plug the tear drainage structures of the eye; express conjunctival follicles or cysts; debride the corneal epithelium; and co-manage post-operative care (Attachment #2).

When asked if this would help under the proposed KanCare system the response was that until it was in place they could not be sure but that it would not make it any worse.

There being no further discussion, the hearing on **HB 2525** was closed.

The Chair called for final action on **HB 2525—Amendments to the optometry bill**. *There being no further discussion, it was moved by Senator Kelsey, seconded by Senator Brungardt to pass out **HB 2525** for placement on the consent calendar. Motion passed.*

The next meeting is scheduled for February 21, 2012.

The meeting adjourned at 1:53 p.m.