



# Legislative Background Brief

for the  
Economic Affairs Interim Committee

January 2012

## Board of Optometry

*Prepared by Pat Murdo, Legislative Research Analyst*

**Board (2-15-1736, MCA)** = 4 members appointed by the governor with the consent of the Senate. Of these, 3 members must be registered optometrists and engaged exclusively in the practice of optometry during their term in office. The fourth member represents the public and may not be engaged in practicing optometry. The 4-year terms are staggered.

### Board Members (end of term in parentheses)

<p><b>Licensed Optometrists:</b>          Rock Svennungsen, board president, Shelby (4/3/2013)          Douglas Kimball, board secretary, Bozeman (4/3/2015)          Randall Hoch, Lewistown (4/3/2012)</p>	<p><b>Public Member:</b>          Peter Fontana, Great Falls (4/3/2015)</p>
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**Number of Licensees, FY 2011..... 274      FY2010 ..... 263      FY 2009 .....265**

**Cost of License Renewals, FY 2011** Annual Renewal Fee = \$125.

### Revenues/Expenditures FY2009-2010 and Budgets for FY2012-2013

	Revenues		Expenditures	
	Licensing	Other	Personal Services	Operating
FY 2009	\$34,240		\$34,516	
FY 2010	\$27,117 in base budget		\$27,650 actual	
			Budgets in HB 2	
FY 2012			\$26,507	
FY 2013			\$26,524	

Expenditures, FY 2010	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem	\$12,906	\$2,778	\$1,065
Operating Expenses			
Consulting, Printing, IT, Other	\$1,420		\$471
Supplies, incl. Computer	\$1,216		\$387
Postage, mailing, IT network, voice services	\$620		\$424

Travel for Board Members	\$24.76	--
Rent and other expenses*	\$2,294	\$1,671
Legal and hearings	\$2,375	--

\*Includes office equipment and meeting room rent of \$724, computer/office equipment repair of \$28, and dues, education & training and fee collection expense of \$1,542 for direct expenses and DLI OIT expense of \$478 and indirect agency of \$1,193 for indirect expenses.

**Number of Complaints**

FY 11 ..... 4  
 FY 10 ..... 4  
 FY 09 ..... 2

**Disciplinary Action** (may be from other years)

0 licenses revoked, 0 suspended, 0 dismissed  
 1 other sanction and 1 investigation

**Scope of Practice**

"Practice of optometry" defined in 37-10-101, MCA, as "the profession constituting the art and science of visual care" that includes any one of the following: a) optometric examination or optometric diagnosis of physiological or anatomical parts or functions related to human vision; b) using optometric means to determine vision condition, including the use of drugs topically for examination (limited to cycloplegics, mydriatics, topical anesthetics, dyes, and "for emergency use only, miotics"); c) application or prescription of ophthalmic lenses, contact lenses, prisms, orthoptics, visual training and the use or furnishing of therapy, therapeutic devices, or prosthetics to correct or relieve visual anomalies; d) ability to administer, dispense, or prescribe oral analgesics, including codeine and hydrocodone; e) ability to administer, dispense, or prescribe drugs approved by board for ocular treatment of anterior segment of the eye and adnexa. Also allows treatment of glaucoma, removal from the eye or adnexa a foreign body that is not intraocular but does not allow surgery, including laser surgery.

**2011 Legislation Impacting Board or Profession**

- HB 94, sponsored by Rep. Arntzen at the request of the Department of Labor and Industry, generally revises reciprocity and other board functions. (Became law)
- HB 416, sponsored by Rep. Harry Klock, which provides general confidentiality of material discussed/available to quality assurance programs in medical practice groups, including those covering advanced practice registered nurses.

**Other References in Statute to Optometrists**

- Optometrists are health care providers or medical professionals for medical limits, 25-9-411, MCA, professional liability insurance purposes under 33-9-101, MCA, protected health care/insurance information under 33-19-104, MCA, insurance coverage under 33-22-111, 33-23-301, 33-23-302, 33-23-310, 33-31-102, and 33-32-102, MCA, and for reporting child abuse under 41-3-201, MCA, or elder abuse or abuse of those with developmental disabilities under 52-3-811, MCA.
- Medication aides I and II may administer drugs prescribed by optometrists under 37-8-102, MCA.
- Responsible for following hazardous chemical laws under Title 50, chapter 78.

**Summary of Responses from Survey as made through January 4, 2012:**

*# of Responses from Board of Optometry licensees* - 2 licensees responded. They had no complaints and appreciated the board for its monitoring on behalf of licensees. There were not problems with scope of practice but one said there are some surgical procedures they are trained for but are not allowed to perform.