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Final Fiscal Note

Drafting Number: LLS 22-0322 Date: July 14, 2022
Prime Sponsors: Rep. Lontine; Soper Bill Status: Signed into Law
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Bill Topic: SUNSET CONTINUE REGULATION OF OPTOMETRY

- Summary of Fiscal Impact:
[X] State Revenue [] TABOR Refund
[X] State Expenditure [] Local Government
[] State Transfer [] Statutory Public Entity

Sunset Bill. This bill continues the regulation of optometrists in the Department of Regulatory Agencies, which is scheduled to repeal on September 1, 2022. State fiscal impacts include the continuation of the program's current revenue and expenditures, and a minimal one-time workload impact in FY 2022-23. The program is continued through September 1, 2033.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Table 1
State Fiscal Impacts Under HB 22-1233¹

Table with 3 columns: Category, Budget Year FY 2022-23, Out Year FY 2023-24. Rows include New Impacts (Revenue, Expenditures) and Other Budget Impacts.

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¹ Table 1 shows the new impacts resulting from changes to the program under the bill and the continuing impacts from extending the program beyond its current repeal date. The continuing program impacts will end if the bill is not passed and the program is allowed to repeal.

Summary of Legislation

The bill continues the regulation of optometrists by the State Board of Optometry in the Department of Regulatory Agencies until September 1, 2033. In addition to continuing the regulation, the bill:

- expands the definition of the practice of optometry to include certain practices concerning injections and anesthetics; removal and biopsy of eyelid lesions; incisions and curettages of a chalazion; repairs of a small eyelid laceration; corneal cross-linking, and lasers;
- requires that optometrists notify the board of any physical illness, physical condition, or behavioral or mental health disorder that renders the person unable to practice with reasonable skill and safety;
- removes references to the National Board of Examiners in Optometry; and
- requires an optometrist who performs laser procedures to complete certain education requirements, and to report to the board any adverse outcomes within 10 days of a procedure.

Background

For more information about the sunset recommendations for the State Board of Optometry, please visit: <https://drive.google.com/file/d/1GnBQgczg8R2Hm--YWybat7EKroO46-AS/view>.

Continuing Program Impacts

Based on the department's FY 2020-21 revenue and expenditures, the Department of Regulatory Agencies (DORA) is expected to have revenue of \$152,376 and expenditures of \$118,165 and 0.8 FTE to administer the regulation of optometrists. If this bill is enacted, current revenue and expenditures will continue for the program starting in FY 2023-24. This continuing revenue is subject to the state TABOR limits. If this bill is not enacted, the program will end on September 1, 2023, following a wind-down period, and state revenue and expenditures will decrease starting in FY 2023-24 by the amounts shown in Table 1. The changes to the program that drive additional revenue and costs are discussed in the State Revenue and State Expenditures sections below.

State Expenditures

In FY 2022-23 only, the bill will increase workload in DORA to update program rules and conduct outreach. In addition, workload will increase to check education requirements of optometrists who perform laser procedures, and to receive reports of any adverse outcomes. The fiscal note assumes that this work will be minimal and can be absorbed within existing appropriations.

Effective Date

The bill was signed into law by the Governor on June 7, 2022, and takes effect on August 9, 2022, assuming no referendum petition is filed.

State and Local Government Contacts

Regulatory Agencies