

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 27, 2021

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2340 by Klick (Relating to the practice of therapeutic optometry; requiring an occupational certificate to perform certain surgical procedures.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2340, As Introduced : an impact of \$0 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Probable Revenue Gain/(Loss) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$79,327)	\$79,327	1.5
2023	(\$74,337)	\$74,337	1.5
2024	(\$74,337)	\$74,337	1.5
2025	(\$74,337)	\$74,337	1.5
2026	(\$74,337)	\$74,337	1.5

Fiscal Analysis

The bill would amend the Texas Optometry Act in the Occupations Code as it relates to the authorized scope of practice and regulation of optometrists and would repeal current conflicting sections.

The bill would define the practice of therapeutic optometry as including certain surgeries and would allow therapeutic optometrists to administer, perform, prescribe, and order diagnostic studies, analyses, imaging studies, and tests. The bill would create and require a new certification for therapeutic optometrists seeking to administer allowable surgical interventions. The bill would define the education, training, and examination requirements to be certified.

With the exception of time restrictions for schedule III, IV, and V controlled substances, the bill would remove restrictions associated with means of administration, type of medication, and duration of prescription for medications prescribed by optometric glaucoma specialists.

The bill would add statutory language specifying that the Optometry Board (OB) has sole authority to regulate optometrists and therapeutic optometrists and to determine the scope of practice for these licensees.

The bill would dictate that OB adopt all necessary rules to implement these changes no later than December 1, 2021. Unless otherwise specified, the bill would take effect on September 1, 2021.

Methodology

Based upon the Optometry Board's (OB's) analysis of the bill and data from states which have implemented similar changes, the agency anticipates additional operation costs. It is assumed that the agency would raise revenue to cover these new expenses. The agency reports having no way to estimate at this time how many of its current or future licensees would seek the certification created by the bill. OB projects, however, that current revenues as well as new revenues from certification fees could offset costs to the agency.

The Optometry Board notes that both optometry schools within the state already offer training in the expanded scope of practice outlined within the bill, possibly creating a source for future practitioners with this additional certification. The agency predicts that licensure totals could increase overall given that optometrists practicing in bordering states with these expanded privileges would be able to relocate to Texas and practice at a similar level.

OB estimates that an additional 1.5 FTEs would be needed to meet the objectives of the bill. These FTEs would represent the reclassification of a current part-time Administrative Assistant to full-time and the hiring of one new Program Specialist II. These changes would amount to \$147,422 in additional salary and benefits costs to the agency over the biennium.

Modifications to the Health Professions Council's (HPC's) shared regulatory database, which OB utilizes, will occur to accommodate the bill's changes. HPC does not anticipate any additional costs due to these modifications.

The Texas Medical Board, which licenses ophthalmologists, anticipates that it will be able to absorb any potential impacts due to possible increases in complaints and investigations within existing agency resources.

Technology

The Optometry Board anticipates that both positions will require laptop computers, software, and VoIP phones. The acquirement of the two laptops and associated accessories represents a one time cost of \$4,240. Costs for software and VoIP phones would be on-going IT costs for the agency.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 364 Health Professions Council, 503 Texas Medical Board, 514 Optometry Board

LBB Staff: JMc, AKI, EJ, SZ, MB, DFR