



OHIO
OPTOMETRIC
ASSOCIATION

Amended Substitute House Bill 49
Written Testimony of Keith Kerns
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Interested Party
Ohio Senate Health and Medicaid Finance Subcommittee
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On behalf of the Ohio Optometric Association (OOA), which represents nearly 70% of the Doctors of Optometry practicing in Ohio, thank you for the opportunity to provide comments on Amended Substitute House Bill 49. The OOA has identified two primary issues for the profession contained within Am. Sub. HB 49 which we would like to address.

First, the OOA must comment on the proposed creation of a new Vision Professionals Board as contained within Am. Sub. HB 49. As you know, the OOA has vigorously opposed board restructuring efforts for the past few years because the Ohio State Board of Optometry has a stellar track record of protecting the public and regulating the profession. Additionally, it accomplishes these crucial functions professionally and within or under budget. The Board of Optometry should be held out as a model for the provision of quality public services in a cost-effective way.

Under ideal circumstances, the Board of Optometry would remain a stand-alone agency to regulate the profession. However, Amended Substitute HB 49 as passed by the House does present a better model for board restructuring than the “as introduced” version of the bill. The House version combines the operations of the Board of Optometry with the Optical Dispensers Board and rightly retains a majority of doctors of optometry, the experts in the field, on the board to have responsibility for the regulation and oversight of the profession and the College of Optometry at the Ohio State University.

Optometrists often work well with opticians and we truly appreciate the partnership we have with them. However, the training, education and scope of practice afforded our professions under Ohio law are dramatically different. Doctors of Optometry hold undergraduate degrees in science-related fields, obtain four years of post-graduate education leading to a doctorate degree and then often complete residency programs. This training and education establishes a wide scope of practice which includes the ability to prescribe controlled substances. The pathway for opticianry is much different and requires a high school or high school equivalent education and a two year on the job apprenticeship or completion of an opticianry training program. The majority of opticians complete an apprenticeship to obtain licensure. This vast difference in education and training must be recognized on any new licensing board to ensure adequate public protection.

While the majority of our advocacy efforts on this issue in the House focused on the proposed composition of the newly-proposed licensing board, several other provisions in the Vision Professionals Board proposal deserve review. These include:

- Establishment of committees. The House version of Am. Sub. HB 49 allows the new board to establish committees to address specific issues related to the regulated professions. The OOA and the Ohio Ophthalmological Society have jointly agreed to work on language that would use this committee structure as a vehicle to allow ophthalmologists to have input on issues concerning the practice of opticianry. The Ohio Optical Dispensers Board currently has one ophthalmologist as a member to provide input on these issues and our organizations have agreed to work collaboratively to ensure that this input will continue within the committee structure.
- DAS consultation. The bill requires the executive director of the new board to consult with the Department of Administrative Services (DAS) regarding employees and employee salaries. This language is unnecessary. The Board of Optometry currently pays an annual fee to consult with the Central Service Agency (a division of DAS) on employee matters, including salaries. Access to CSA consulting can continue in a similar fashion for any new board.
- Ethical code adoption. The bill requires the new board to adopt and enforce a code of ethics for its regulated professions. This language is also unnecessary. Current law allows the Board of Optometry to issue discipline to a licensee for matters related to unprofessional conduct, immorality dishonesty and making false or misleading statements.
- Agency name. Should the legislature determine that a new board is required, the OOA strongly suggests maintaining the name of the Board of Optometry. This will help to reduce transition costs and also maintain the historical presence of the board as one of the oldest state agencies. The Board of Optometry was founded in 1919.
- National licensing organization membership. The bill allows the new board to join as a member of a national licensing organization “representing the interests of optometrists and dispensing opticians.” However, an organization which represents the interests of both professions does not exist. Instead, there are separate entities for the professions. The OOA supports the state regulatory board’s ability to seek membership with such organizations, however a technical change is necessary to allow the board to seek out membership with multiple groups.

Second, the OOA applauds the inclusion of a repeal of the sales tax on prescriptive eyewear effective July 1, 2019. The application of sales tax on prescriptive eyewear makes Ohio inconsistent with the vast majority of other states. Most states exempt prescriptive eyewear from sales tax, including our neighboring states of Indiana, West Virginia and Pennsylvania. This factor, combined with the increase in online sales, places Ohio’s eyewear retailers at a significant competitive disadvantage in the marketplace. Am. Sub. HB 49 will help level the playing field for Ohio-based retailers.

This provision will also bring consistency to Ohio's tax code. Currently, prescriptive eyewear is the only prescription medical product sold in a traditional retail fashion that is subject to state sales tax.

Finally, and most importantly, the repeal of the sales tax on prescriptive eyewear will make a significant difference to Ohio families and residents. Too often economic barriers, such as the imposition of a sales tax, make it less likely that patients obtain the care and medical products they need. And because prescriptive eyewear is an essential item, going without this medical device hinders students' ability to learn, makes it difficult to hold employment and limits our senior population's mobility.

The OOA appreciates the opportunity to work with members of the General Assembly on issues of importance to Ohioans. Thank you for your consideration of these crucially important issues for our members and their patients. As always, please feel free to contact me at kkerns@ooa.or or (614) 781-0708 if you have any questions regarding these matters.