

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Dena Marks

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Rule Set Information:

ARD assigned rule set number:

2022-49 LR

Title of proposed rule set:

Optometry – General Rules

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to optometrists, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

A. Are these rules required by state law or federal mandate?

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores.

MCL 333.16148 requires the department to promulgate rules to include training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement MCL 333.16284 and MCL 333.16285.

MCL 333.17431 requires the board to promulgate rules requiring continuing education, including pain and symptom management, for license renewal.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The rules do not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required in the Public Health Code, and the rules are largely consistent with the requirements of other states in the Great Lakes Region. Every state in the Great Lakes region provides for the licensure of optometrists.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The standards pertaining to the licensure of optometrists and continuing education requirements for renewal differ from state to state. Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(9) does not apply.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, the training standards for identifying victims of human trafficking, and rendering telehealth services. The rules are intended to assist a reader in understanding the rules, assist an applicant for licensure or renewal to understand the training standards for identifying victims of human trafficking, and assist a licensee in complying with the requirements for rendering telehealth services.

In the proposed rules, the rule pertaining to opioid and controlled substances training is no longer needed. Several rules will also be rescinded and relocated to Part 2 of the rules to comply with current drafting style rules and for organization and clarity.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

The proposed rules relocate and renumber the professional degree program rule to this section to comply with current drafting style rules and for organization and clarity. Most of the other rules in this Part are relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules also provide for the approval and adoption of the National Board of Examiners in Optometry exam, update the accreditation standards of approved educational programs, and clarify the requirements for renewal of a limited license. The proposed rules are intended to assist an applicant in identifying approved education programs, passing the required examination, and understanding the requirements for the license or certification that the applicant seeks.

Part 3 Continuing Education and License Renewal: The rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The rules in this Part have been relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules also clarify the rules pertaining to preapproved continuing education programs, update the Council on Optometric Practitioner Education categories, and clarify the requirements for requesting a continuing education waiver. The proposed rules are intended to assist an applicant for license renewal in accumulating approved continuing education required for license renewal.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The proposed rules are not expected to change the frequency of the targeted behavior.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, the training standards for identifying victims of human trafficking, and the requirements for rendering telehealth services. In the proposed rules, the rule pertaining to opioid and controlled substances training is no longer needed and is rescinded. Several rules will also be rescinded and relocated to Part 2 of the rules to comply with current drafting style rules and for organization and clarity. The desired behavior is reader understanding and compliance with the training standards for identifying victims of human trafficking and the rendering of telehealth services.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

The proposed rules relocate and renumber most rules in this Part to comply with current drafting style rules and for organization and clarity. The proposed rules also provide for the approval and adoption of the National Board of Examiners in Optometry exam, update the accreditation standards of approved educational programs, and clarify the requirements for renewal of a limited license. The desired behavior is that an applicant can easily identify approved education programs, pass the required examination, and understand the requirements for the license or certification that the applicant seeks.

Part 3 Continuing Education and License Renewal: The rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The rules in this Part have been relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules clarify which programs are preapproved continuing education programs, update the Council on Optometric Practitioner Education categories, and clarify the requirements for requesting a continuing education waiver. The desired behavior is that an applicant for license renewal will accumulate approved continuing education for license renewal.

C. What is the desired outcome?

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, the training standards for identifying victims of human trafficking, and the requirements for rendering telehealth services. In the proposed rules, the rule pertaining to opioid and controlled substances training is no longer needed and is rescinded. Several rules will also be rescinded and relocated to Part 2 of the rules to comply with current drafting style rules and for organization and clarity. The desired outcome is better reader understanding and compliance with the training standards for identifying victims of human trafficking and the rendering of telehealth services.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

The proposed rules relocate and renumber most rules in this Part to comply with current drafting style rules and for organization and clarity. The proposed rules also provide for the approval and adoption of the National Board of Examiners in Optometry exam, update the accreditation standards of approved educational programs, and clarify the requirements for renewal of a limited license. The desired outcome is to assist an in identifying an approved education program, identifying the required examination, and understanding the requirements for the license or certification that the applicant seeks.

Part 3 Continuing Education and License Renewal: The rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The rules in this Part have been relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules clarify which programs are preapproved continuing education programs, update the Council on Optometric Practitioner Education categories, and clarify the requirements for requesting a continuing education waiver. The desired outcome is that an applicant for license renewal will accumulate the approved continuing education necessary for license renewal.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, the training standards for identifying victims of human trafficking, and the requirements for rendering telehealth services. In the proposed rules, the rule pertaining to opioid and controlled substances training is no longer needed and is rescinded. Several rules will also be rescinded and relocated to Part 2 of the rules to comply with current drafting style rules and for organization and clarity. Although harm is unlikely under the current rules, the changes will ensure reader understanding and compliance with the training standards for identifying victims of human trafficking and the rendering of telehealth services.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

The proposed rules relocate and renumber most rules in this Part to comply with current drafting style rules and for organization and clarity. The proposed rules also provide for the approval and adoption of the National Board of Examiners in Optometry exam, update the accreditation standards of approved educational programs, and clarify the requirements for renewal of a limited license. Without the proposed changes, the most current accreditation standards are not identified in the rules, and the required examination is not clearly identified, which may cause confusion for the applicant.

Part 3 Continuing Education and License Renewal: The rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The rules in this Part have been relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules clarify which programs are preapproved continuing education programs, update the Council on Optometric Practitioner Education categories, and clarify the requirements for requesting a continuing education waiver. Without the proposed changes, the harm that could result is that an applicant for licensure renewal may not accumulate approved continuing education for license renewal.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, the training standards for identifying victims of human trafficking, and the requirements for rendering telehealth services. In the proposed rules, the rule pertaining to opioid and controlled substances training is no longer needed and is rescinded. Several rules will also be rescinded and relocated to Part 2 of the rules to comply with current drafting style rules and for organization and clarity. Without changing the rules, the rule set would not comply with current drafting style requirements and would not be as clear and well organized.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents. Without the proposed changes, the rules would lack the most current accreditation standards and the required examination for licensure would not be clearly identified.

Part 3 Continuing Education and License Renewal: The rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The rules in this Part have been relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules clarify which programs are preapproved continuing education programs, update the Council on Optometric Practitioner Education categories, and clarify the requirements for requesting a continuing education waiver. Without the proposed changes, an applicant for licensure renewal may not accumulate approved continuing education required for license renewal.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1 General Provisions: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has satisfied the current standards for Optometric education, acquired the required training for identifying victims of human trafficking, and understands the requirements for rendering telehealth services.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has completed an approved course of study, passed the required examination, and satisfied the current standards for licensure, relicensure, licensure by endorsement, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

Part 3 Continuing Education and License Renewal: The proposed rules are intended to protect the health, safety, and welfare of Michigan citizens by ensuring that the applicant for renewal has completed the necessary continuing education from a board-approved provider to stay up to date in his or her education and training.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 338.302 as it is no longer needed in this rule set.

R 338.305 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.307 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.309 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.311 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.313 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.315 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.317 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.319 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

R 338.320 is rescinded and the substance of the rule moved to comply with current drafting style requirements and for organization and clarity.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set, the training standards for identifying victims of human trafficking, and the requirements for rendering telehealth services. In the proposed rules, the rule pertaining to opioid and controlled substances training is no longer needed and is rescinded. Several rules will also be rescinded and relocated to Part 2 of the rules to comply with current drafting style rules and for organization and clarity. The proposed rules do not impose any new burden on an individual.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

The proposed rules relocate and renumber most rules in this Part to comply with current drafting style rules and for organization and clarity. The proposed rules also provide for the approval and adoption of the National Board of Examiners in Optometry exam, update the accreditation standards of approved educational programs, and clarify the requirements for renewal of a limited license. The proposed rules do not impose any new burden on an individual.

Part 3 Continuing Education and License Renewal: The rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The rules in this Part have been relocated and added as new rule numbers to comply with current drafting style rules and for organization and clarity. The proposed rules clarify which programs are preapproved continuing education programs, update the Council on Optometric Practitioner Education categories, and clarify the requirements for requesting a continuing education waiver. The proposed rules do not place any new burden on an individual.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The proposed rules do not place any new burden on an individual.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or reductions for other state or local governmental units as result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact

16. In general, what impact will the rules have on rural areas?

The proposed rules are not expected to impact rural areas. The proposed rules apply to an individual licensed under the Public Health Code as a licensed optometrist, regardless of his or her location.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules will not have any impact on the environment.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small business because they are not impacted by the proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees. Further, the Michigan Public Health Code requires optometrists to be licensed.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 1,883 licensed optometrists in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, the licensee will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business. They impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules affect individuals applying for licensure and renewal, even if they practice in a small business. There is no separate cost to a small business.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The department worked with the Michigan Board of Optometry in the development of the proposed rules. The Board is composed of members of the profession and public members.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

It is established that there will be no new compliance costs to an individual as a result of the proposed rules.

A. How many and what category of individuals will be affected by the rules?

All licensees and applicants are affected by the proposed rules.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

There is no qualitative or quantitative impact on individuals as a result of the proposed rules.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The primary and direct benefits of the proposed rules is to applicants and licensees as the proposed rules will update out-of-date information, reorganize, and clarify all requirements in the rule set.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

Illinois:

<http://www.ilga.gov/commission/jcar/admincode/068/068013200A00800R.html>;
<http://www.ilga.gov/commission/jcar/admincode/068/068013200A00700R.html>;
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3807&ChapterID=24>; <http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1315&ChapAct=225> ILCS
80/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Optometric+Prac
tice+Act+of+1987; <http://www.ilga.gov/commission/jcar/admincode/068/06801320sections.html>;
<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=022500600K49.5>;

Indiana:

<http://iga.in.gov/legislative/laws/2017/ic/titles/025#25-1-9.5>; <https://iga.in.gov/legislative/laws/2022/ic/titles/025/#25-24>; [file:///C:/Users/Marksd1/Downloads/A00010%20\(4\).pdf](file:///C:/Users/Marksd1/Downloads/A00010%20(4).pdf)

Kentucky:

Kentucky Revised Statutes - Chapter 320; Title 201 Chapter 5 • Kentucky Administrative Regulations • Legislative Research Commission;
<https://apps.legislature.ky.gov/law/kar/201/005/010.pdf>; <https://apps.legislature.ky.gov/law/kar/201/005/030.pdf>

Minnesota:

<https://mn.gov/boards/optometry/board-info/statutes-rules/>.

New York:

https://www.health.ny.gov/professionals/narcotic/mandatory_prescriber_education/;
<http://www.op.nysed.gov/prof/optom/optomlic.htm>; <http://www.op.nysed.gov/prof/optom/optomlaw.htm>.

Ohio:

<https://codes.ohio.gov/ohio-revised-code/chapter-4725>; <https://codes.ohio.gov/ohio-administrative-code/4725>.

Pennsylvania:

<http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Optomtry/Documents/Special%20Notices/OptoSN%20-%20Notice%20Regarding%20Opioid%20Education.pdf>; 49 Pa. Code Chapter 23. State Board Of Optometry (pacodeandbulletin.gov); OptoM - Act 130.pdf (pa.gov).

Wisconsin:

<https://dsps.wi.gov/Pages/Professions/Optomtrist/Default.aspx>; DSPS Optometry Examining Board (wi.gov).

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

Since the rules are required by statute, no estimates were made.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

The rules are required by statute; there is no reasonable alternative to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. States regulate optometrists by statute, regulation, or both. Private market-based systems are not used for licensing and regulation. The licensing and regulation of optometrists are state functions, so a regulatory program independent of state intervention cannot be established.

There are professional associations that establish criteria for membership as an optometrist, but these professional organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements, but does not join one of the professional organizations, would be able to practice and there would be no way to ensure their competency or hold them accountable.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.