

# Administrative Rule Analysis

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## Board of Optometry – General Rules

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**Rule Set No.: 2014-129 LR**

**Submitted to JCAR on: 11/14/2016**

Analysis available at  
<http://www.house.mi.gov/hfa>

**Department: Licensing and Regulatory Affairs**

**Agency: Bureau of Professional Licensing**

**Enabling Statute: Public Health Act, 1978 PA 368, MCL 333.16145, 333.16148, and 333.17431**

**Analysis Complete to: 11/17/2016**

## BACKGROUND AND SUMMARY OF PROPOSED RULES

The existing rules for optometry have been added in a piecemeal fashion since 1944, leading to an inaccessible rule set for users. Rule set 2014-129 LR would rescind the existing rules and assign new numbers in order to enhance clarity. The rule set would rescind existing rules regarding patient records, emergency treatment plans, and unethical advertising, since the board either does not have the authority to promulgate rules on these issues or the rules are duplicative. The rule set would introduce several new rules. The following are major changes that would result from the addition of new rules: a requirement that persons applying for licensure or re-licensure have completed training in identifying the signs of human trafficking, in accordance with Public Act 343 of 2014, MCL 333.16148; a requirement that applicants pass an exam on the Treatment and Management of Ocular Disease; more clearly defined criteria and processes for a continuing education program to obtain Board approval of their programs; and the expansion of the types of activities that qualify for continuing education. Significant amendments to existing rules would allow requirements for re-licensure to differ depending on the length of time that a license has lapsed and would allow the Department of Licensing and Regulatory Affairs to have third-parties administer licensure examinations.

## FISCAL IMPACT OF PROPOSED RULES

The rule set would not likely have a significant fiscal impact for the Department, since any additional responsibilities can be stream-lined into the current licensure and re-licensure process. The Department will monitor completion of human trafficking identification and other educational requirements for licensure and re-licensure, but this can be accomplished as an extension of the current process. One amended rule that is expected to have a fiscal impact on the Department is Proposed Rule 338.307, which would allow the Department to have a third-party administer the required examination on state laws and rules for optometrists. Having a third-party administer the exam will result in cost savings for the Department, though there are currently no estimates of the expected magnitude of the savings. The rule set would not result in any fiscal impacts for other units of state or local government.

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