

Testimony in Support of HB 1267

Terry Effertz, Integrity Public Affairs

On Behalf of the North Dakota Optometric Association
House Industry, Business, and Labor Committee

Chairman Warrey and members of the committee, my name is Terry Effertz, and I am an attorney with Integrity Public Affairs. I am here today on behalf of the North Dakota Optometric Association to testify in strong support of HB 1267, a bill that modernizes North Dakota's optometry practice act while maintaining the highest standards of patient care and regulatory oversight.

This legislation is the product of two years of collaboration between the North Dakota Board of Optometry, the North Dakota Optometric Association, and the Attorney General's Office. Throughout this process, we have engaged with key stakeholders, including the Insurance Commissioner, Sanford Hospital, the North Dakota Medical Association, and others, to ensure a thorough and balanced approach. These stakeholders support this bill, recognizing its value in clarifying telemedicine standards and reinforcing patient protections.

Importantly, HB 1267 does not change the scope of practice for optometrists in North Dakota. Rather, it updates statutory language to reflect modern standards of care and establishes necessary guardrails for telemedicine services. Patients deserve safe, regulated access to optometric care, and this bill ensures that providers delivering remote services follow the same high standards as in-person care.

At the crux of the bill, and to address the ongoing issues with national providers executing online only vision exams with poor results, Section 7 states the following: "The initial patient relationship must be established through an eye examination conducted by a licensed optometrist with a physical location in this state." Importantly, this language does NOT require the initial relationship to be established in person, but it does require the optometric services being offered in this state to have a connection to a brick and mortar location within our boundaries. This language was drafted in the most broad manner possible to serve both the one-room practitioners and the largest discount club optometrists while still maintaining protections for patients.

Additionally, a clean-up amendment is being offered with this bill. Amendment 25.0935.01001 does several things:

1. In the definition section, the word "interpretative" is added in the definition of "diagnoses and treatment." This term was previously used in the definition of "practice of optometry," and therefore moved when the terms were edited to remove duplicate language.
2. The term "practice of optometry" had the most edits in this amendment, for two reasons.

- a. The phrase “except by injection” should not have been included in the original bill. This language is not currently in code and we are not asking for any change in scope language.
 - b. The term had several duplicate words that were already found in the definition of “diagnosis and treatment,” so the definition was made shorter to match the intent of the bill and give every word meaning.
3. On page 6, line 7 the newly defined term “distant site provider” was added to make it clear licensed providers can act as a distant site provider when they follow the letter of the law.
4. On page 7 the words “dispense” and “fit” were removed to clear up the actions that only optometrists and physicians can do. A reference to “secretary” was also replaced with “executive director.” This change was made across the chapter, but was initially missed when the first draft of the bill was created.

These changes ultimately correct the intent and language and remove duplicative terms in the definition sections, ensuring clarity and consistency throughout the statute. It removes any words that are associated with a change of scope and concentrates on the mission at hand - integrating telemedicine into optometry in a smart and calculated manner.

We appreciate the committee’s time and consideration, and we respectfully ask for a Do-Pass recommendation on the 25.0935.01001 version of HB 1267. I am happy to answer any questions the committee may have.