

1999 HOUSE HUMAN SERVICES

HB 1159

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1159

House Human Services Committee

Conference Committee

Hearing Date 01-11-99

Tape Number	Side A	Side B	Meter #
2		x	3.3
Committee Clerk Signature <i>Armen G. Stein</i>			

Minutes:

Chairwoman Price opened the hearing at 1:35 p.m.

Mr. Ted Becker, ND State Board of Optometry, supports the bill.

(see attached written testimony)

Edmund Vinge, ND State Board of Optometry, supports the bill. Some questions came up so he decided to be here today. He answered several question relating to licensing and passing exam.

Ms. Nancy Kopp, ND Optometry Association, supports this bill. (see attached map handed out)

She spoke of areas where guidelines have been met.

There was no opposition on the bill.

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House Human Services Committee
Bill/Resolution Number Hb 1159
Hearing Date 01-11-99

Chairwoman Price closed the hearing on HB 1159 at 2:02 p.m.

Motion by Representative Rose, 2nd by Representative Eckre,

By roll call vote, 15 yes, 0 no, 0 absent

Representative Rose will carry.

Date: 1-11-99
 Roll Call Vote #: HB1159

**1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO.**

House Human Services Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number Do Pass

Action Taken ~~Do Not Pass~~ Done

Motion Made By Rose Seconded By Eckre

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	X		Bruce A. Eckre	X	
Robin Weisz - Vice Chairwoman	X		Ralph Metcalf	X	
William R. Devlin	X		Carol A. Niemeier	X	
Pat Galvin	X		Wanda Rose	X	
Dale L. Henegar	X		Sally M. Sandvig	X	
Roxanne Jensen	X				
Amy N. Kliniske	X				
Chet Pollert	X				
Todd Porter	X				
Blair Thoreson	X				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rose

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 20, 1999 9:42 a.m.

Module No: HR-05-0884
Carrier: Rose
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1159: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS**
(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the
Eleventh order on the calendar.

1999 SENATE HUMAN SERVICES

HB 1159

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1159

Senate Human Services Committee

Conference Committee

Hearing Date MARCH 3, 1999

Tape Number	Side A	Side B	Meter #
1		X	3,685
Committee Clerk Signature <i>Carol Kolodziejchuk</i>			

Minutes:

The hearing was opened on HB1159.

TED BECKER, Pres of ND Board of Optometry, explained the bill with written testimony.

SENATOR KILZER asked why the Board wants this? MR. BECKER answered that we currently use reciprocity. If person holds license in another state and is currently in the process of becoming in trouble they would be able to quickly change over and get a ND license without questioning. We want to upgrade and apply that we have a better practitioner. SENATOR LEE stated that under current law you cannot deny anyone from another state a license and with this law you could investigate past procedures and practices. MR. BECKER: Yes, it gives us more control.

ED VINJE. Special Deputy Attorney General for the ND Board of Optometry: This increases the standards. SENATOR DEMERS: Why would the requirements be to apply for the highest

therapeutic license. MR. BECKER: We do not grandfather people to licensure. All new graduates have to be licensed at the highest level of what they are permitted to do. SENATOR DEMERS asked how you came up with 4 years. MR. BECKER: We want to make sure the person has a current standing. If someone should come after two years, we would license under the new system.

NANCY KOPP, Ex Director of ND Optometric Association, supports bill. This bill provide portability for optometrists nationwide. The national organization encourages licensure by endorsement. SENATOR KILZER asked of the 128 licensed, how many have practiced in the state? MS. KOPP: There probably 10-12 retired that keep up their license. There are 3 licensed in ND and other states. SENATOR LEE: Are these requirements middle of the road in variance from state to state? MS. KOPP: I can't answer that. MR. BECKER: This bill is more restrictive than most of the states. We used the Georgia plan as a model, but drifted away from the model with our own.

Hearing closed on HB1159.

SENATOR LEE moved a DO PASS on 1159. SENATOR DEMERS seconded it. Roll call carried 6-0-0. SENATOR MUTZENBERGER will carry the bill.

Date: 3/3/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1159

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Lee Seconded By Sen DeMers

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen Mutzenberger

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 4, 1999 8:50 a.m.

Module No: SR-39-3991
Carrier: Mutzenberger
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1159: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY
HB 1159

HOUSE BILL NO. 1159
LICENSURE OF OPTOMETRISTS BY ENDORSEMENT OF CREDENTIALS
HOUSE HUMAN SERVICES COMMITTEE - JANUARY 11, 1999

TESTIMONY OF THEODORE J. BECKER, O.D. -
PRESIDENT - NORTH DAKOTA STATE BOARD OF OPTOMETRY

Mr. Chairman and Members of the Committee:

My name is Theodore J. Becker. My home address is in Almont, North Dakota. My business address is 111 East Century Avenue, Bismarck, North Dakota 58501. I am a Doctor of Optometry. I am here today as President of the North Dakota State Board of Optometry representing the Board.

House Bill No. 1159 is sponsored by the North Dakota State Board of Optometry to enable Doctors of Optometry who are licensed in other states to more easily become licensed in North Dakota. Adoption of this legislation changes our law by establishing a process of licensure by endorsement of credentials of optometrists licensed in other states who seek licensure in North Dakota.

Licensure by the endorsement of credentials is the process by which the Board of Optometry assesses the equivalency of an individual applicant's credentials to North Dakota's own licensure standards. One of the cornerstones of this process is the possibility for a competent practitioner to obtain a license in North Dakota **WITHOUT** automatically being required to retake written exams (unless warranted on an **individual** basis). If the Board determines that a candidate's credentials do not sufficiently meet state standards, the Board may stipulate additional requirements prior to granting licensure by endorsement.

Changes in the health care delivery system and the expanding prevalence of two-career families have resulted in an ever increasing need for mobility from state-to-state among licensed Doctors of Optometry. Every currently licensed Doctor of Optometry has graduated from an accredited school or college of optometry and has passed stringent board examinations established by a state to protect the public and ensure that patients receive quality care.

Under the Bill, the North Dakota State Board of Optometry maintains full control of the licensure process, including the establishment of appropriate requirements for licensure within our state.

The process of granting licensure to Doctors of Optometry by some form of endorsement has worked effectively in nearly half the states. Many other professions have embraced this process as well. Our law now requires reciprocity for licensure without examination. This Bill eliminates the requirements of reciprocity and establishes requirements and standards for licensure by endorsement.

The requirements of licensure and the scope of practice of optometry is becoming more

similar among the states. At least some parts of the National Board examination given by the National Board of Examiners in Optometry are now required by every state. Every state now requires new licensees to be graduates of a school accredited by the Council on Optometric Education. The National Board of Examiners in Optometry considers passage of the National Board final. In other words, the National Board does not become dated. Consequently, no one is required to take the exam again.

Our North Dakota Board and the National Board of Examiners in Optometry do not require Doctors of Optometry who remain within the state to retake written exams (either state, regional or national) on a periodic basis to verify continuing competency. Rather, we require continuing education attendance at approved programs. Therefore, we do not believe we should require retaking of written exams to verify competency when a competent licensed Doctor of Optometry chooses to relocate from a different jurisdiction to North Dakota.

Licensure would not be automatic. This Bill requires that to be licensed in North Dakota a previously licensed Doctor of Optometry:

1. Must be licensed and in good standing in another state where the requirements for licensure are equivalent to this state.
2. Must apply for the highest level of therapeutic licensure.
3. Must be current in the continuing education requirements of the applicant's current state.
4. Must show a minimum of four years of practice, federal service, or teaching experience prior to making application.
5. Must be of good moral character and have a history free of any finding by the Board that would constitute grounds for disciplinary action under North Dakota law and rules. A comprehensive definition of what constitutes grounds for discipline is found in Chapter 43-13 of the North Dakota Century Code and the Rules and Regulations of the Board. (Such as violations of any state and federal law which would be reportable under the Federal Abuse Act.) Findings of any other state's regulatory Board or any Court of competent jurisdiction of the commission of such an act would also be examples of such a history.

In addition, applicants for licensure by endorsement may be required by the Board to undergo an oral interview and the Board may give or require a practical examination of the applicant if it is deemed necessary.

This Bill will not add additional costs to our Board's budget or to the state budget. We believe it will encourage Doctors of Optometry to become licensed in North Dakota to the benefit of North Dakota citizens.

I would be pleased to answer any questions you may have.

Thank you.

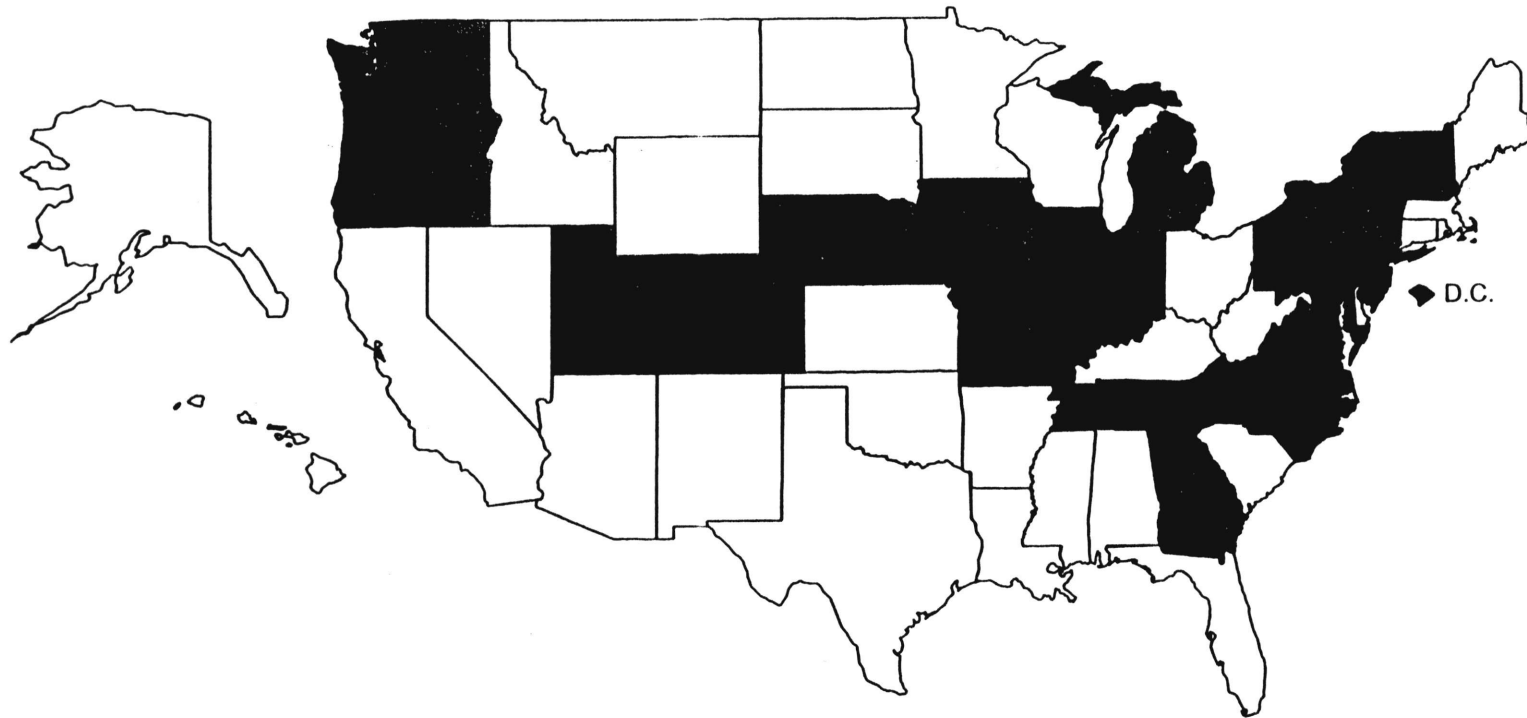
Nancy Knapp

1-11-99

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October 13, 1997

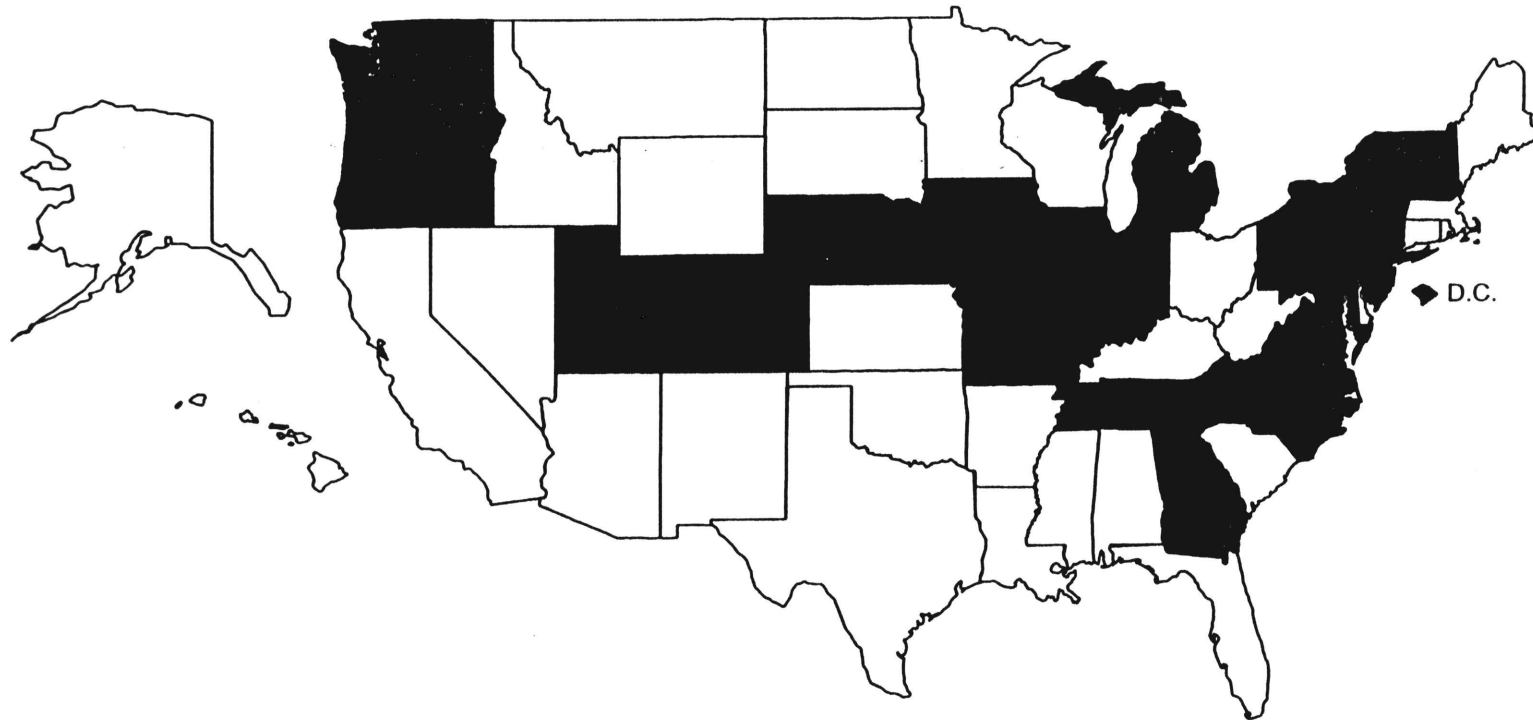
Licensure of Optometrists by the Endorsement Process



These states and the District of Columbia appear to meet guidelines developed by the Licensure and Regulation Committee to determine whether the possibility for licensure by the endorsement process exists. Please note that the requirements for obtaining a license by this process vary a great deal from state to state. Contact Sherry Cooper, Licensure and Regulation Committee Staff (800-365-2219, Ext. 266) for more information.

October 13, 1997

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HOUSE BILL NO. 1159
LICENSURE OF OPTOMETRISTS BY ENDORSEMENT OF CREDENTIALS
SENATE HUMAN SERVICES COMMITTEE - MARCH 3, 1999

TESTIMONY OF THEODORE J. BECKER, O.D. -
PRESIDENT - NORTH DAKOTA STATE BOARD OF OPTOMETRY

Mr. Chairman and Members of the Committee:

My name is Theodore J. Becker. My home address is in Almont, North Dakota. My business address is 111 East Century Avenue, Bismarck, North Dakota 58501. I am a Doctor of Optometry. I am here today as President of the North Dakota State Board of Optometry representing the Board.

House Bill No. 1159 is sponsored by the North Dakota State Board of Optometry to enable Doctors of Optometry who are licensed in other states to more easily become licensed in North Dakota. Adoption of this legislation changes our law by establishing a process of licensure by endorsement of credentials of optometrists licensed in other states who seek licensure in North Dakota. The Bill does not change the procedures for initial licensure of applicants who have never been licensed in other states.

Licensure by the endorsement of credentials is the process by which the Board of Optometry assesses the equivalency of an individual applicant's credentials to North Dakota's own licensure standards. One of the cornerstones of this process is the possibility for a competent practitioner to obtain a license in North Dakota WITHOUT automatically being required to retake written exams (unless warranted on an **individual** basis). If the Board determines that a candidate's credentials do not sufficiently meet state standards, the Board may stipulate additional requirements prior to granting licensure by endorsement.

Changes in the health care delivery system and the expanding prevalence of two-career families have resulted in an ever increasing need for mobility from state-to-state among licensed Doctors of Optometry. Every currently licensed Doctor of Optometry has graduated from an accredited school or college of optometry and has passed stringent board examinations established by a state to protect the public and ensure that patients receive quality care.

Under the Bill, the North Dakota State Board of Optometry maintains full control of the licensure process, including the establishment of appropriate requirements for licensure within our state.

The process of granting licensure to Doctors of Optometry by some form of endorsement has worked effectively in nearly half the states. Many other professions have embraced this process as well. Our law now requires reciprocity for licensure without examination. This Bill eliminates the requirements of reciprocity and establishes requirements and standards for licensure by endorsement.

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4. Must show a minimum of four years of practice, federal service, or teaching experience prior to making application.
5. Must be of good moral character and have a history free of any finding by the Board that would constitute grounds for disciplinary action under North Dakota law and rules. A comprehensive definition of what constitutes grounds for discipline is found in Chapter 43-13 of the North Dakota Century Code and the Rules and Regulations of the Board. (Such as violations of any state and federal law which would be reportable under the Federal Abuse Act.) Findings of any other state's regulatory Board or any Court of competent jurisdiction of the commission of such an act would also be examples of such a history.
6. Must pass a North Dakota State Optometry law examination.

In addition, applicants for licensure by endorsement may be required by the Board to undergo an oral interview and the Board may give or require a practical examination of the applicant if it is deemed necessary.

The requirement of "good moral character" is found in other sections of the North Dakota Century Code such as:

- Section 5-02-02 for applicants for alcoholic beverage licenses;
- Section 43-28-15 in licensure of dentists by credential review;
- Section 15-34.2-14 for qualifications of school bus and school vehicle drivers;
- Section 43-03-13 in qualifications for licensure of architects;
- Section 43-10-11 for licensure of funeral service practitioners;
- Section 12-63-06 for licensure as a peace officer;
- Section 27-25-05 as a qualification for nomination as a judicial candidate.

Generally, good moral character refers to the qualities of truthfulness, honesty, fairness, and respect for the rights of others and for the laws of the state and the nation, particularly those applicable to the practice of optometry.

As an example, concealing denial of admission to practice in other states would be a fraud upon the Board of Optometry and would be evidence that the applicant did not possess good moral character based on the lack of honesty and fraud. Another example would be a failure to adhere to the ethical standards established for the practice of optometry. Another example would be commission of an offense determined by the Board to have a direct bearing upon the applicants' ability to serve the public as an optometrist. The Board could consider such conduct in determining whether or not the applicant, even though not licensed, meets the requirement of "good moral character".

This Bill will not add additional costs to our Board's budget or to the state budget. We believe it will encourage Doctors of Optometry to become licensed in North Dakota to the benefit of North Dakota citizens.

I would be pleased to answer any questions you may have.

Thank you.