

Testimony in Support of HB 1267
Terry Effertz, Integrity Public Affairs
On Behalf of the North Dakota Optometric Association
Senate Workforce Committee

Chairman Wobbema and members of the committee, my name is Terry Effertz, 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 result 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 worked closely with key stakeholders, including the Insurance Commissioner, Sanford Hospital, and others, to ensure a comprehensive and balanced approach. These stakeholders support the bill, recognizing its importance in clarifying telemedicine standards and reinforcing patient protections.

One key area of discussion during the first half of the session involved the North Dakota Medical Association's concerns regarding a perceived scope of practice issue. Our intent was never to expand optometrists' scope of practice in North Dakota. To address these concerns, we worked collaboratively to reach a compromise that preserves the bill's purpose while alleviating their objections.

HB 1267 makes several critical updates to the optometry practice act:

- It modernizes statutory language to reflect current standards of care.
- It removes outdated references to the "secretary."
- Most importantly, it establishes clear guardrails for telemedicine services to ensure patient safety.

At the heart of the bill is Section 7, which directly addresses concerns about national providers offering online-only vision exams with poor results. The bill states: "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 provision does not require the initial exam to be conducted in person. However, it does ensure that any optometric services offered in North Dakota are tied to a brick-and-mortar location within the state. This approach strikes a balance—supporting both small independent practitioners and large corporate optometry providers—while maintaining strong patient protections.

We appreciate the committee's time and consideration of this important legislation. We respectfully ask for a Do-Pass recommendation on HB 1267. I am happy to answer any questions the committee may have.