

PREPARED BY: Mikayla Findlay  
 DATE PREPARED: January 10, 2023  
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**LB 216**

Revision: 00

**FISCAL NOTE**  
**LEGISLATIVE FISCAL ANALYST ESTIMATE**

<b>ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)</b>				
	<b>FY 2023-24</b>		<b>FY 2024-25</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

The bill changes provisions of the Optometry Practice Act in Neb. Rev. Stat. § 38-2605 and 38-2614 to add a certification for the laser trabeculoplasty treatment of glaucoma on certain patients, subject to an additional fee by practitioners.

Implementation and administration of the bill would require additional work by the Department of Health and Human Services (DHHS) which can be absorbed by the current cash spending authority in Program 178 Professional Licensure. New fees established by this certification program would appear as revenue in 2026.

No fiscal impact.

<b>ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY &amp; POLT. SUB. RESPONSE</b>			
LB:	216	AM:	AGENCY/POLT. SUB: Nebraska Department of Health & Human Services
REVIEWED BY:	Ann Linneman	DATE:	1-23-2023 PHONE: (402) 471-4180
COMMENTS: The Nebraska Department of Health and Human Services' analysis and estimate of fiscal impact to the department appears reasonable.			

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) John Meals

Date Prepared 1-23-2023

Phone: (5) 471-6719

	<u>FY 2023-2024</u>		<u>FY 2024-2025</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>	\$0	\$0	\$0	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

**Explanation of Estimate:**

LB 216 revises the Optometry Practice Act in Nebraska §38-2605 and 38-2614 to add a certification that would allow Optometrists to perform laser trabeculoplasty for treatment of glaucoma on certain patients.

Implementation and the administration of LB 216 will require the Department of Health and Human Services (DHHS) to revise the applicable rules and regulations that govern the optometry profession. Additional work would include coordination with the Board and staff to develop new criteria, procedures and set certification fees. New application forms will need to be posted on the public website for applicants. Modifications to the License Information System (LIS) will also be required.

LB 216 requires that the additional certification can only be obtained by those who also hold a therapeutic certification. There are currently 476 therapeutic certifications issued by DHHS.

The estimated cost of LB 216 is as follows:

1. An IT Business Systems Analyst will need approximately eighty (80) hours to make changes to the LIS. Cost is included in FY 2024-2025.
2. A DHHS Program Manager II and Administrative Technician will need approximately eighty (80) hours each to prepare materials and documentation as needed to conduct public hearings and for the Board of Optometry meetings.
3. The Board of Optometry will be required to develop the criteria for course content, proctored case acceptance, and competency evaluation that will be included in the regulations. It is estimated two (2) additional board meetings will be required to complete this work. Costs of the board meetings include mileage, lodging, meals, and per diem for 4 board members and average \$1,600 each for a total cost of \$3,200.
4. The average cost for DHHS personnel to complete the promulgation of rules and regulations is as follows:

Title	Hour(s)	Hourly Cost	Cost
<i>Director</i>	4	\$ 76	\$ 303
<i>Deputy Director</i>	4	\$ 55	\$ 218
<i>Administrator I</i>	4	\$ 31	\$ 126
<i>Program Specialist</i>	8	\$ 23	\$ 186
<i>Program Analyst</i>	16	\$ 23	\$ 363
<i>Attorney III</i>	30	\$ 35	\$ 1,035
<b>Total Costs</b>			\$ 2,231

Costs for Items 2, 3 and 4 above are split between FY 2023-2024 and FY2024-2025 below.

The biennial cost for a Health Licensing Coordinator to add one hour of time for each documentation review and issuance of certification is estimated to be \$15,000 including benefits and overhead. Based upon the cost estimate and the current number of therapeutic certifications, the assessed fee is anticipated to be \$30 every other year.

Since the Optometry Practice Act is subject to the Uniform Credentialing Act, all costs associated with LB 216 will be recovered by fees assessed for the new certification under Program 178 – Credentialing. Optometry licenses must be renewed by August 1 of even-numbered years. Therefore, most of the revenue would not be expected until calendar year 2026.

DHHS has the required cash spending authority in program 178 to cover these revenues and expenses.

MAJOR OBJECTS OF EXPENDITURE				
PERSONAL SERVICES:				
POSITION TITLE	NUMBER OF POSITIONS		2023-2024	2024-2025
	23-24	24-25	EXPENDITURES	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....				
Capital Improvements.....				
<b>TOTAL.....</b>			<b>\$0</b>	<b>\$0</b>