

LFC Requestor: Self Assigned

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: House
Number: 36

Category: Bill
Type: Introduced

Date (of THIS analysis): 2/21/25

Sponsor(s): Dayan Hochman-Vigil, Luis Terrazas, Javier Martinez, John Block

Short Title: BOARD OF OPTOMETRY POWERS AND DUTIES

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

House Bill 36 as amended (HB36) would amend the optometry act to expand the scope of practice for optometrists. This expansion would allow optometrists to perform certain procedures on the eye involving a laser and requires the optometry board to develop credentialing requirements for those procedures.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

HB36 proposes expanding the scope of practice for optometrists, allowing them to perform certain laser procedures for treating capsular clouding and managing or preventing glaucoma. There are several serious concerns with this bill. Questions of safety and the assertion that the expansion in scope of practice proposed by HB36 will lead to an expansion of access to care for patients in NM are questionable.

The expansion of laser authority for optometrists in several other states has not resulted in a statistically significant increase in access to these procedures for patients:

First, while it appears HB36 is intended to improve access to care, particularly in areas facing provider shortages, studies conducted in other states that expanded this scope of practice to optometrists did not see an expansion of access for patients. A recent study concluded that adding optometric laser privileges in Oklahoma, Louisiana and Kentucky has not expanded access to such care for patients (these findings were presented at the 2022 ARVO annual meeting in Denver). The data showed that optometrists cover an area similar to that covered by ophthalmologists for SLT and YAG procedures, according to the study authors. They reported that for SLT the percentage of the population covered within 30

minutes of driving time by optometrists and ophthalmologists was 73.4% and 84.1%, respectively. For YAG procedures, it was 84.8% for optometrists compared with 85.3% for ophthalmologists. The research also found that for both procedures, the percent of the population covered exclusively by optometrists was 5.6% compared with 6.1% by ophthalmologists. These findings, the study authors conclude, suggest that expansion of laser authority for optometrists has not resulted in a statistically significant increase in access to these procedures for patients (Shaffer J., Evaluating access to laser therapy by driving distance using Medicare data and geographic information systems mapping. ARVO 2022 Denver).

HB36 presents serious concerns about patient safety:

Ophthalmologists and optometrists both play critical roles in eye care, but their training and expertise differ significantly. These concerns have also been expressed by the **American Medical Association.**

- Ophthalmologists complete medical school with a nationally standardized curriculum, followed by a rigorous 3- to 4-year residency program in surgical and medical eye care. Many also obtain additional certification through the American Board of Ophthalmology, which requires extensive hands-on experience in performing eye surgeries. In addition to specializing in complex eye diseases and delicate surgical procedures, ophthalmologists receive comprehensive medical training that provides a deeper understanding of systemic health conditions. This broader medical knowledge allows them to identify and manage underlying diseases that may present through ocular symptoms, ensuring a more holistic approach to patient care.
- Optometrists complete a four-year optometry program, focusing primarily on vision correction, diagnosing certain eye conditions, prescribing eyeglasses and contact lenses, providing topical treatments for minor conditions, and offering post-surgical care. Unlike ophthalmologists, optometrists do not undergo the same level of surgical training.

Laser eye surgery is a highly technical and delicate procedure that requires precision and an in-depth understanding of ocular anatomy. Even minor errors can lead to serious complications, including permanent vision loss. Proper training is essential to recognizing and managing these complications, which is why ophthalmologists undergo extensive training programs before performing these procedures independently. HB36 delegates the responsibility of defining training requirements to the Board of Optometry, but the bill does not specify what the training will entail. Without clear, standardized guidelines in the bill itself, there is a risk of inconsistent preparation among providers performing these procedures. This inconsistency could lead to an increase in vision loss, blindness, and negative patient outcomes. These concerns have also been expressed by the American Medical Association.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
If yes, describe how.
- Is this proposal related to the NMDOH Strategic Plan? Yes No

- Goal 1:** We expand equitable access to services for all New Mexicans
- Goal 2:** We ensure safety in New Mexico healthcare environments
- Goal 3:** We improve health status for all New Mexicans
- Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

None.

9. HEALTH IMPACT(S)

Procedures performed by improperly trained individuals could lead to an increase in the number of individuals suffering with vision loss or blindness.

10. ALTERNATIVES

None.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If HB36 is not enacted, the scope of practice for optometrists will remain unchanged, and certain laser surgery procedures will continue to be performed exclusively by ophthalmologists, who have extensive surgical training and experience in managing complex eye conditions.

12. AMENDMENTS

None.