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## FISCAL IMPACT REPORT

SPONSOR Hochman-Vigil/Terrazas LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 01/27/2025  
BILL  
SHORT TITLE Board of Optometry Powers and Duties NUMBER House Bill 36  
ANALYST Montano

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	0.0	\$40.0	0.0	\$40.0	Nonrecurring	Optometry Fund
<b>Total</b>	0.0	\$40.0	0.0	\$40.0	Nonrecurring	Optometry Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
Regulation and Licensing Department (420)

## SUMMARY

### Synopsis of House Bill 36

House Bill 36 (HB36) amends the Optometry Act, Sections 61-2-1 to 18 NMSA 1978, to expand the definition of the “practice of optometry” to include several types of in-office surgeries. HB36 provides licensed optometrists with the power to legally conduct surgeries involving laser application to the lens capsule in the treatment of capsular clouding or other defects; laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma; anterior chamber paracentesis (the draining of excess fluid) in the emergency treatment of highly elevated intraocular pressure; and placement of drug-coated implants in the eye.

HB36 also requires the board to develop and administer credentialing requirements for optometrists who perform surgeries requiring a laser.

The effective date of the legislation is June 20, 2025.

## FISCAL IMPLICATIONS

RLD anticipates HB10 would necessitate additions and updates to the NM Plus online licensing system that is used by RLD. These updates to the licensing system are estimated to require a \$40

thousand transfer from the Optometry Board fund to RLD’s operating budget for contractual fees.

Should this proposed constitutional amendment be approved by voters, there will be an estimated cost of \$40 thousand of other state funds.

## **SIGNIFICANT ISSUES**

Expanding the legal scope of an optometrist could ultimately assist with the shortage of healthcare providers by increasing the number of licensed professionals that can perform eye-related surgeries. There is currently a sparse number of licensed ophthalmic surgeons, which in turn lowers the access of eye care to rural communities. HB36 can allow licensed optometrists in rural areas of New Mexico to substitute the need of ophthalmologists.

RLD highlights HB36 may unintentional affect licensing reciprocity for optometrists who are or want to be licensed in a different state because 37 other states do not optometrists to conduct surgeries.

Another significant issue would be the lack of language included in HB36 that differentiates optometrists licensed to perform the forementioned surgeries with optometrists not licensed. RLD commented:

The intent of this provision appears to be to require the Optometry Board to design an endorsement for the optometrist license for individual optometrists who will be permitted to perform the specific laser surgeries. If that is the intent of the bill, Section 61-2-9 of the Optometry Act, “Licensure by Examination; Expedited Licensure by Endorsement” should also be amended to include a laser surgery license endorsement for optometrists to make clear the authorization of an optometrist to perform the specified procedures is limited to only those optometrists who have received this endorsement on their license, as opposed to any optometrist (who may not have the necessary training and expertise.) As an example, see the Speech-Language Pathologist Requirements for Bilingual-Multicultural Endorsement §61-14B-13.1 NMSA 1978. Further, it should be made clear in HB36 if the credentialing will give the licensee the endorsement for the life of the license, or if the licensee will be required to obtain ongoing education to renew the endorsement.

## **ADMINISTRATIVE IMPLICATIONS**

Administrative implications include an update and enhancement of the NM Plus licensing system to adequately process the required credentialing of new applicants and current licensees. The Optometry Board would be required to develop a procedure to check the credentials for use of a laser for current licensees and applicants by administrative rule, and RLD staff may also need additional training to recognize the acceptable documentation required for a licensed optometrist to perform these surgeries.

RLD adds the following comments:

An administrative rulemaking process, including a public hearing and all required publication of notices and proposed rules, must be conducted to develop and issue new credentialing rules necessitated by HB36. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

NM/rl/hg