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FISCAL IMPACT REPORT

BILL NUMBER: House Bill 213

SHORT TITLE: Expand Optometry Act

SPONSOR: Hochman-Vigil

LAST UPDATE: _____ **ORIGINAL DATE:** 1/29/2026 **ANALYST:** Montano

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
RLD/BCD	No fiscal impact	\$40.0	No fiscal impact	\$40.0	Nonrecurring	Other state funds

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 94

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

Regulation and Licensing Department

SUMMARY

Synopsis of House Bill 213

House Bill 213 (HB213) amends the Optometry Act, Sections 61-2-1 to 18 NMSA 1978, to expand the scope of practice for optometrists to include two laser-based surgeries. HB213 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, and laser application to structures within the ocular anterior segment for the prevention or treatment of glaucoma. HB213 requires the board to develop and administer credentialing requirements for optometrists who perform surgeries requiring a laser. HB213 also alters the Optometry Act to be more gender neutral.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, which is May 20, 2026.

FISCAL IMPLICATIONS

The Regulation and Licensing Department (RLD) anticipates HB213 would necessitate additions and updates to the NM plus online licensing system. 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. The overall effect HB213 has on RLD is an estimated \$40 thousand from 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. HB213 can allow licensed optometrists in rural areas of New Mexico to substitute the need for ophthalmologists.

RLD highlighted that the Optometry Board has indicated its support for this expansion of the scope of practice.

ADMINISTRATIVE IMPLICATIONS

RLD highlighted that applicants and licensees who want to practice laser procedures and injections will need to provide proof of the board-approved credentialing required by HB 213.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 213 mirrors 2025 House Bill 36 and is substantially similar to HB 94.

TECHNICAL ISSUES

RLD provided the following information for technical issues:

The New Mexico Academy of Ophthalmology has indicated that there may be a statutory conflict between this expansion into minor surgical procedures under the Optometry Act, and the provisions of the Medical Practice Act §§ 61-6-1 to 34, NMSA 1978 which defines the medical scope of practice. There is a question, they contend, as to whether the expansion of the scope of practice to be permitted under HB 213 may constitute the unlawful practice of medicine.

OTHER SUBSTANTIVE ISSUES

RLD shared the following information:

This appears to be a growing scope of practice for optometrists; however, allowing these types of procedures to be performed by optometrists currently is allowed by only a small minority of states nationally. According to the American Optometric Association (AOA): As of 2024, twelve (12) states allowed optometrists to perform office-based laser procedures: Oklahoma, Kentucky, Louisiana, Alaska, Indiana, Arkansas, Mississippi, Wyoming, Wisconsin, Virginia, Colorado, and South Dakota.