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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/11/15  
 SPONSOR Sanchez, M LAST UPDATED 2/21/15 HB \_\_\_\_\_  
 SHORT TITLE Optometrist Prescribing Powers SB 367/aSPAC  
 ANALYST Elkins

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of Senate Public Affairs Committee Amendment

Senate Public Affairs Committee amendment to Senate Bill 367 gives the board authority, instead of sole authority as proposed in the original bill, to determine what constitutes the practice of optometry in accordance with the provisions of the Optometry Act and has jurisdiction, instead of sole jurisdiction as proposed in the original bill, to exercise any other powers and duties pursuant to that act.

#### Synopsis of Bill

Senate Bill 367 proposes to grant the Board of Optometry the sole authority to determine what constitutes the practice of optometry in accordance with the provisions of the Optometry Act and to grant the board sole jurisdiction to exercise any other powers and duties under the Optometry Act.

The proposed legislation gives optometrists increased authority to prescribe pharmaceutical agents for the diagnosis and treatment of disease of the eye or adnexa including hydrocodone, hydrocodone combination medications, and epinephrine auto-injections. However, optometrists shall not prescribe any other controlled substance classified in schedule I and II pursuant to the Controlled Substances Act.

The bill repeals section 61-2-10 NMSA 1978, which states the Board of Optometry shall issue certification for the use of topical ocular pharmaceutical agents to licensed optometrists.

**FISCAL IMPLICATIONS**

There are no identified fiscal implications.

**SIGNIFICANT ISSUES**

Section 61-2-10.2 NMSA 1978 states optometrists qualified and certified by the board may prescribe or administer the following classes of oral pharmaceutical agents:

- (1) anti-infective medications, not including antifungals;
- (2) anti-glaucoma medications, not including osmotic medications;
- (3) anti-allergy medications;
- (4) anti-inflammatory medications, not including oral corticosteroids and immunosuppression agents; and
- (5) analgesic medications, including schedules III through V controlled substances, as provided in the Controlled Substances Act.

Currently, optometrists can only prescribe analgesic medications in Schedule III through V. Hydrocodone containing products were reclassified as schedule II pursuant to the Controlled Substance Act in 2014.

CE/bb