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March 15, 2022

TO: House Judiciary Committee
FROM: Todd Fleischer, CAE
Executive Director
RE: Testimony Regarding House Bill 2736

I am Todd Fleischer, the Executive Director of the Kansas Optometric Association, which represents Kansas optometrists. Thank you for the opportunity to submit testimony in support of House Bill 2736, which addresses needed liability protection for optometrists and ophthalmologists when providing information of their patients' vision to the department of motor vehicles for a driver's license.

The bill provides needed liability protection to ensure that optometrists and ophthalmologists are able to continue providing requested information related to a patient's vision to the DMV. Currently, when a patient fails the vision screening at the DMV, they receive a vision form to be completed by their optometrist or ophthalmologist. This form provides the DMV additional information related to the patient's vision. DMV staff use this information as one factor in their decision to determine whether the patient is safe to take a drive test and/or is to be issued a license. The optometrist or ophthalmologist is not providing information beyond their patient's vision, and after the DMV staff reviews this vision information and all other physical and mental health information available to them, exercises their sole responsibility whether to issue the applicant a license.

The bill also clarifies that the vision information is current as of the date the optometrist or ophthalmologist last examined the patient, to shield the provider from damages, if a patient's vision changes after that date.

Without these amendments, we are concerned Kansas optometrists and ophthalmologists will be unwilling to complete the vision forms due to liability concerns.

Thank you for your consideration of our comments regarding House Bill 2736. We ask for your support of this bill.

