

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

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**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

Licensing and Regulatory Affairs

**Bureau name:**

Bureau of Professional Licensing

**Name of person filling out RIS:**

Dena Marks

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**Rule Set Information:**

**ARD assigned rule set number:**

2023-73 LR

**Title of proposed rule set:**

Optometry - General Rules

**Comparison of Rule(s) to Federal/State/Association Standard**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

Each state establishes its own requirements with respect to optometrists, so there are no parallel federal rules or standards set by a national or state licensing agency or accreditation association that the proposed rules can be compared to.

**A. Are these rules required by state law or federal mandate?**

Yes. These rules are required by state law. There is no federal mandate requiring these rules.

MCL 333.16145 requires the board to promulgate rules to specify the requirements for licenses, renewals, examination, and required passing scores.

MCL 333.16148 requires the department to promulgate rules to include training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement MCL 333.16284 and MCL 333.16285.

MCL 333.17431 requires the board to promulgate rules requiring continuing education, including pain and symptom management, for license renewal.

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The proposed rules do not exceed a federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

The proposed rules amend the testing requirements for licensure to align them with the current parts of the National Board of Examiners in Optometry examination, which has recently changed, and to revise and clarify continuing education requirements for license renewal. The testing requirements for licensure testing and continuing education for license renewal in the Great Lakes region states are explained below:

All states in the Great Lakes region require that the applicant take and pass the National Board of Examiners in Optometry examination for licensure. Part 3 of the test has recently been modified and renamed by the National Board of Examiners in Optometry, and the proposed rules will reflect that change. No other requirements for licensure were amended in the proposed rules.

All states in the Great Lakes region have a 2-year license renewal cycle, except New York, which has a 3-year renewal cycle.

The continuing education requirements for license renewals varies by state: Indiana requires 20; Illinois, Pennsylvania, and Wisconsin require 30; New York requires 36; Minnesota, like Michigan, requires 40; and Ohio requires 50. The proposed rules clarify for licensees that if the credits they have accumulated to satisfy the implicit bias training credits required by the Public Health Code General Rules in a course approved for continuing education by the Board of Optometry, those credits may also be used to accumulate the continuing education credits required for license renewal.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region.

To the extent that the required number of continuing education credits for license renewal is higher than some other states in the Great Lakes region, it cannot be varied by rule because it is set by statute, MCL 333.17431(1).

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

There are no laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

**Purpose and Objectives of the Rule(s)**

**4. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set. The rules are intended to assist a reader in understanding the rules and complying with the rules.

In the proposed rules, the definitions are being amended to include new definitions used in the proposed rules, clarify several existing definitions, and remove 2 definitions that are no longer needed.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The current rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents.

The proposed rules update the accreditation standards of approved educational programs, amend and update the required examination information, clarify the requirements for licensure by endorsement, and remove the requirement that an applicant for relicensure pass the Continued Professional Development in Optometry examination, as that examination is no longer available.

The proposed rules are intended to assist an applicant in identifying approved education programs, passing the required licensure examination, and understanding the requirements for the license or that the applicant seeks.

Part 3 Continuing Education and License Renewal: The proposed rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The proposed rules clarify how the licensee can satisfy the requirement that 20 continuing education credits be completed in a format that permits live interaction between the licensee and the presenter, clarify that credits earned accumulating implicit bias training requirements may also be used to accumulate continuing education for license renewal, if they are earned in an approved course, revise the accreditation standards for programs accredited by the Council on Optometric Practitioner Education, and correct a clerical error.

The proposed rules are intended to assist an applicant for license renewal in accumulating the approved continuing education required for license renewal.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

The frequency of use is not expected to change.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set. The definitions are being amended to include new definitions, clarify existing definitions, and remove 2 definitions that are no longer needed. The desired behavior is increased reader understanding and compliance with the rules.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The proposed rules in this section pertain to approved optometric degree programs, the required licensure examination, initial licensure, licensure by endorsement, and relicensure. The desired behavior is to assist an applicant in identifying approved education programs, pass the required examination for licensure, and understand the requirements for relicensure.

Part 3 Continuing Education and License Renewal: The proposed rules clarify how the licensee can satisfy the requirement that 20 continuing education credits be completed in a format that permits live interaction between the licensee and the presenter, clarify that credits earned accumulating implicit bias training requirements may also be used to accumulate continuing education for license renewal, if they are earned in a course that has also been approved by the board for the accumulation of continuing education, revise the accreditation standards for programs accredited by the Council on Optometric Practitioner Education, and correct a clerical error. The desired behavior is to assist an applicant for license renewal in accumulating approved continuing education.

**C. What is the desired outcome?**

Part 1 General Provisions: The proposed rules in this section pertain to the definitions used in the rule set. The definitions are being amended to include new definitions, clarify existing definitions, and remove 2 definitions that are no longer needed. The desired outcome is better reader understanding and compliance with the rules.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The proposed rules in this section pertain to approved optometric degree programs, the licensure examination, initial licensure, licensure by endorsement, and relicensure. The proposed rules update accreditation standards, revise information pertaining to the National Board of Examiners in Optometry examination, and identify the requirements for relicensure to remove the Continued Professional Development in Optometry examination, which is no longer available. The desired behavior is to assist an applicant in identifying approved education programs, pass the required examination for licensure, and understand the requirements for relicensure.

Part 3 Continuing Education and License Renewal: The proposed rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The proposed rules clarify how the licensee can satisfy the requirement that 20 continuing education credits be completed in a format that permits live interaction between the licensee and the presenter, clarify that credits earned accumulating implicit bias training requirements may also be used to accumulate continuing education for license renewal, if they are earned in a board approved continuing education course, revise the accreditation standards for programs accredited by the Council on Optometric Practitioner Education, and correct a clerical error. The desired outcome is that a licensee will accumulate the approved continuing education required for license renewal to ensure that their education is up to date.

**5. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

Part 1 General Provisions: The current rules in this section pertain to the definitions used in the rule set, telehealth, and the training standards for identifying victims of human trafficking. The proposed rules pertain to the definitions used in the rule set. A clear understanding of the terms used in the rule set will lead to better compliance and better protect the health, safety, and welfare of Michigan's citizens. Although harm is unlikely under the current definition rule, the changes will ensure reader understanding and compliance with all the rules.

Part 2 Education, Examinations, and Licensure: The current rules in this section pertain to approved optometric degree programs, examination approval, initial licensure, licensure by endorsement, limited licensure, relicensure, certification to administer topical ocular diagnostic pharmaceutical agents, and certification to administer and prescribe therapeutic pharmaceutical agents. The proposed rules update the accreditation standards of approved educational programs, amend and update the required licensure examination information, clarify the requirements for licensure by endorsement, and remove the requirement that an applicant for relicensure pass the Continued Professional Development in Optometry examination, as that examination is no longer available.

Without the proposed changes, the likelihood of harm would be that the most current accreditation standards are not identified in the rules, the required licensure examination is not correctly identified, and the requirements for relicensure would include an exam which is no longer available. Without the proposed changes the likelihood of confusion would be great, and applicants may experience delay in the licensure or renewal process.

Part 3 Continuing Education and License Renewal The current rules in this section pertain to continuing education requirements for license renewal and approved continuing education programs and activities. The proposed rules clarify how the licensee can satisfy the requirement that 20 continuing education credits be completed in a format that permits live interaction between the licensee and the presenter, clarify that credits earned accumulating implicit bias training requirements may also be used to accumulate continuing education for license renewal, if they are earned in an approved course, revise the accreditation standards for programs accredited by the Council on Optometric Practitioner Education, and correct a clerical error. The proposed rules are intended to assist an applicant for license renewal in accumulating approved continuing education required for license renewal. Without the proposed changes, the harm that could result is that an applicant for licensure renewal may not accumulate approved continuing education for license renewal, which could lead to delay in the renewal process.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

The rationale for changing the definitions is to increase reader understanding and ensure better compliance with the rules.

The rationale for updating the accreditation standards of approved educational programs and clarifying all requirements for licensure is to eliminate any confusion and aid applicants in meeting the requirements for licensure.

The rationale for updating and clarifying the continuing education requirements is to assist an applicant for license renewal in accumulating the approved continuing education required for license renewal.

**6. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

Part 1 General Provisions: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant understands all the rules in the rule set, including those requiring the appropriate education, passing the required examination, and the licensee's duty to keep up to date in their education and training. The proposed rule does not impose any new burdens.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The proposed rules will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has satisfied the minimum educational level necessary and passed the examination required for licensure in all 50 states. The public health code gives the licensing boards the authority to determine the educational standards for licensure in MCL 333.16148. The optometry board determined that the educational standards and required examination in the proposed rules were required to ensure the health, safety, and welfare of Michigan citizens. There was no less burdensome alternative available under Michigan law.

Part 3 Continuing Education and License Renewal: The proposed rules are intended to protect the health, safety, and welfare of Michigan citizens by ensuring that the applicant for renewal has completed the necessary continuing education to stay current with his or her education and training. The continuing education requirements for this profession are set out in statute, MCL 333.17431(1), so there is no less burdensome way to provide this protection to Michigan citizens.

**7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

No rules can be rescinded.

## **Fiscal Impact on the Agency**

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

**8. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The proposed rules are not expected to have a fiscal impact on the agency.

**9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No agency appropriation has been made nor has a funding source been provided for expenditures because there are no expenditures associated with the proposed rules.

**10. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

Part 1 General Provisions: The proposed rules in this part do not impose any new burden on individuals. The proposed rules revise the definitions rule.

Part 2 Educational Programs, Examinations, Licenses and Certifications: The proposed rules update the accreditation standards of approved educational programs, amend and update the required examination information, clarify the requirements for licensure by endorsement, and remove the requirement that an applicant for relicensure pass the Continued Professional Development in Optometry examination, as that examination is no longer available. The proposed rules do not place any new burden on individuals.

Part 3 Continuing Education and License Renewal: The proposed rules in this part do not place any new burden on an individual.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

There are no additional burdens placed on licensees as a result of the proposed rules.

## **Impact on Other State or Local Governmental Units**

**11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

There are no anticipated increases or decreases in revenues or cost increases or reductions to other state or local governmental units.

**12. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

**13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

No appropriations have been made to any governmental units as a result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

## **Rural Impact**

**14. In general, what impact will the rules have on rural areas?**

The proposed rules impose requirements on individual licensees regardless of where they live. Even if a licensee's workplace is in a rural area, the department could not vary the requirements based on the licensee's location because it would create a disparity in the regulation of the profession.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

The proposed rules will not impact public or private interests in rural areas.

## **Environmental Impact**

**15. Do the proposed rules have any impact on the environment? If yes, please explain.**

No. The proposed rules do not have any impact on the environment.

## **Small Business Impact Statement**

**16. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

The department did not consider exempting small businesses because they are not regulated by the proposed rules. Even if a licensee's workplace qualifies as a small business, the department could not exempt the business because it would create a disparity in the regulation of the profession.

**17. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

The proposed rules cannot exempt small businesses because the rules do not directly regulate small businesses; the rules regulate individual licensees.

**A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

There are approximately 1,897 licensed optometrists in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, the licensee will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

**B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all individual licensees. The rules were drafted to be the least burdensome on all affected licensees.

**C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not regulate or require any reporting from a small business; the rules regulate individual licensees.

**D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The agency did not establish performance standards to replace design or operation standards required by these rules.

**18. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rules do not impact small business; rather, they impact individual licensees. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

**19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

A small business is not required to prepare any report under the proposed rules, so it is estimated that a small business will incur no cost in preparing a report to comply with the proposed rules.

**20. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules regulate licensees and not small businesses.

**21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

**22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

**23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

If a rule exempted or set lesser standards for compliance by a small business, there would be no cost to the agency for administering or enforcing that rule because the rules do not regulate a business of any size. The rules apply to individuals practicing in Michigan as an optometrist.

**24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

Licensure of optometrists is required by statute, so the department cannot make a rule that would permit a small business to hire an unlicensed individual to practice optometry.

If the department could exempt or set lesser standards for small businesses employing an optometrist, it would create a disparity in the regulation of the profession and would expose the public to potential harm because an unlicensed person would not be qualified to render those optometry services. Ensuring that all businesses employ licensed optometrists is in the public's best interest.

**25. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

The department worked with the Michigan Board of Optometry in the development of the proposed rules. The board is composed of members of the profession and public members who work in small and large businesses in Michigan, but even if they work in a small business, they were not involved in the development of the rules as a representative of small businesses.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

No small businesses were involved in the development of the rules.

**Cost-Benefit Analysis of Rules (independent of statutory impact)**

**26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

The department does not expect any statewide compliance costs with these rule amendments on businesses or groups.

**A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

**B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

The department does not expect the proposed rules to result in any additional costs to businesses or other groups for new equipment, supplies, labor, accounting, or recordkeeping.

**27. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

There are no additional compliance costs placed on individuals as a result of the proposed rules.

**A. How many and what category of individuals will be affected by the rules?**

There are approximately 1,897 licensed optometrists. All licensees and applicants for licensure as an optometrist are affected by the proposed rules.

**B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

The proposed rules do not have a qualitative impact on individuals.

The proposed rules do have a quantitative impact on an individual applicant for relicensure who is not currently licensed in another state or Canada and whose license has been lapsed for 6 years or more because the proposed rules will remove the requirement that the applicant complete the Continued Professional Development in Optometry examination to be relicensed. The fee to take that examination was \$650.00. The requirement is being removed because the testing is no longer available.

**28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**

There are no cost reductions to businesses, groups of individuals, or governmental units because of the proposed rules.

Individual applicants for relicensure whose licenses have been lapsed for 6 years or more, and who were not practicing optometry in another jurisdiction, will have a cost reduction of \$650.00 because the Continued Professional Development in Optometry examination requirement is being removed in the proposed rules. This examination is no longer available.

**29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**

The primary and direct benefits of the proposed rules are to applicants and licensees as the proposed rules will update out-of-date information and clarify requirements in the rule set, making it easier to comply.

The secondary and indirect benefits of the proposed rules are to the public when qualified applicants become licensees, and licensees practice in accordance with the requirements in the rule set when providing services to them.

**30. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The rules are not expected to have an impact on business growth, job creation, or job elimination.

**31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

There is not expected to be a disproportionate effect due to industrial sector, segment of the public, business size, or geographic location.

**32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

The statutes and regulations of states in the Great Lakes region were researched when determining the impact of the proposed rules, including the following:

Illinois: <http://www.ilga.gov/commission/jcar/admincode/068/068013200A00800R.html>;  
<http://www.ilga.gov/commission/jcar/admincode/068/068013200A00700R.html>;  
<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3807&ChapterID=24>; <http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1315&ChapAct=225> ILCS  
80/&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Optometric+Practice+Act+of+1987; <http://www.ilga.gov/commission/jcar/admincode/068/06801320sections.html>;  
<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=022500600K49.5>;

Indiana:

<http://iga.in.gov/legislative/laws/2017/ic/titles/025#25-1-9.5>; <https://iga.in.gov/legislative/laws/2022/ic/titles/025/#25-24>; [http://iac.iga.in.gov/iac/iac\\_title?iact=852&iaca=&submit=+Go+](http://iac.iga.in.gov/iac/iac_title?iact=852&iaca=&submit=+Go+)

Kentucky: Kentucky Revised Statutes - Chapter 320; Title 201 Chapter 5 • Kentucky Administrative Regulations • Legislative Research Commission;  
<https://apps.legislature.ky.gov/law/kar/201/005/010.pdf>; <https://apps.legislature.ky.gov/law/kar/201/005/030.pdf>

Minnesota: <https://mn.gov/boards/optometry/board-info/statutes-rules/>.

New York: [https://www.health.ny.gov/professionals/narcotic/mandatory\\_prescriber\\_education/](https://www.health.ny.gov/professionals/narcotic/mandatory_prescriber_education/);  
<https://www.op.nysed.gov/optometry>

Ohio: <https://codes.ohio.gov/ohio-revised-code/chapter-4725>; <https://codes.ohio.gov/ohio-administrative-code/4725>.

Pennsylvania: <http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Optometry/Documents/Special%20Notices/OptoSN%20-%20Notice%20Regarding%20Opioid%20Education.pdf>; 49 Pa. Code Chapter 23. State Board Of Optometry ([pacodeandbulletin.gov](http://pacodeandbulletin.gov)); OptoM - Act 130.pdf ([pa.gov](http://pa.gov)).

Wisconsin: <https://dps.wi.gov/Pages/Professions/Optometrist/Default.aspx>; DSPS Optometry Examining Board ([wi.gov](http://wi.gov)).

There was no cost-benefit analysis completed because the only cost impact in the proposed rules was the elimination of the Continued Professional Development in Optometry examination requirement for relicensure. This examination is no longer available, so it can no longer be required for relicensure.

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.**

Since the rules are required by statute, no estimates or assumptions were made.

## **Alternative to Regulation**

**33. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

Since the rules are required by statute, there is no other reasonable alternative to the proposed rules that would achieve the same or similar goal.

**A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

**34. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing and regulation of optometrists are state functions, and states regulate optometrists by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure their competency or hold them accountable.

No other states in the Great Lakes region use a private, market-based system to regulate optometrists.

**35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.**

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

**Additional Information**

**36. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

The instructions for compliance are included in the rules.