



**STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT**



Employment First State for Individuals with Disabilities

ROY COOPER
GOVERNOR

KRISTIN WALKER
STATE BUDGET DIRECTOR

July 17, 2024

William Peaslee
Commission Counsel
Office of Administrative Hearings

RE: 21 NCAC 42D .0102

Mr. Peaslee:

In response to the Rules Review Commission's June 27, 2024 request pursuant to G.S. 150B-21.9, OSBM has determined that a fiscal note is required for the proposed amendments to the above referenced rule per G.S. 150B 21.4(b1). OSBM's determination is based on information gathered and analyzed by staff for the North Carolina State Board of Examiners in Optometry.

The amendments would establish new certification requirements for certain staff that provide direct patient care in optometry practices that offer telemedicine and which do not have an optometrist working on site. The new certification requirements apply to individuals working as "optometric assistants" or "optometric technicians" in telemedicine practices. Each of these roles is described in the proposed rule as assisting the optometrist in the evaluation and treatment of a patient.

The economic impact of the proposed intervention depends on multiple uncertain or variable factors such as the number of telemedicine practices operating in North Carolina, the number of technicians/assistants employed by these practices, the costs for obtaining certification, and the effect of certification on the quality of patient care.

Information provided to OSBM indicates that the amendments would result in total direct costs across 80 identified telemedicine practices of between \$133,000 and \$267,000 in the first year of implementation. These estimates include the costs of testing, study materials, and travel to testing sites. The lower estimate assumes each affected practice employs one certified assistant/technician. The higher estimate assumes each practice employs two certified assistants/technicians. Total costs are expected to be highest in the initial period of implementation as both existing and new staff seek certification.

The intent of the proposed certification requirement is to increase the likelihood that the standard of care will be met in telemedicine settings where there is no supervising optometrist physically present during a patient examination. The Board has received complaints demonstrating instances where the standard of care at telemedicine practices has not met due, in large part, to inadequate training and experience of the technician. The effect of the proposed training on the

quality of care, and thus the magnitude of any change in patient outcomes, is unknown. If the training is effective at achieving: 1) more timely and accurate identification of patients with disqualifying conditions or conditions that warrant immediate attention by an in-person doctor, and 2) avoided need for follow-up visits to an in-person optometrist due to inaccurate rendering of prescriptions, then the proposed change has the potential to have a significant impact (greater than \$1M in benefits and costs) when improved patient outcomes are considered together with certification costs. Therefore, a fiscal note is required by G.S. 150B 21.4(b1).

Sincerely,



Julie Ventaloro
Economic Analyst
NC Office of State Budget and Management

cc: Johnny Loper, Esq., Rulemaker for the Board of Examiners in Optometry