



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 4728 As amended by House Medical, Military, Public, and Municipal Affairs on April 14, 2016  
**Author:** Long  
**Subject:** Eye Care Consumer Protection  
**Requestor:** House Medical, Military, Public, and Municipal Affairs  
**RFA Analyst(s):** Stein  
**Impact Date:** April 19, 2016

**Estimate of Fiscal Impact**

	<b>FY 2016-17</b>	<b>FY 2017-18</b>
<b>State Expenditure</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill as amended would have no expenditure impact on the General Fund, Federal Funds or Other Funds.

**Explanation of Fiscal Impact**

**Explanation of Amendment by House Medical, Military, Public and Municipal Affairs on April 14, 2016**

**State Expenditure**

This amendment adds Chapter 24 to Title 40 and entitles the chapter Eye Care Consumer Protection. The amendment provides definitions related to prescriptive eye wear including the term kiosk. The amendment requires that a prescription for spectacles or contact lenses must take into account medical findings made and refractive error discovered during an eye examination. A prescription for eye wear may not be based solely on the refractive error of the eye or be generated by a kiosk. Violation of this section constitutes misconduct and a provider who violates this section is subject to disciplinary action by the licensee's respective board as specified in Section 40-37-110 for optometrists and in Section 40-47-110 for medical examiners (ophthalmologists).

The Department of Labor, Licensing and Regulation reports that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A

**Explanation of Bill as Filed on January 26, 2016**

**State Expenditure**

This bill amends Title 44 by adding Chapter 45 known as the Eye Care Consumer Protection Law. The bill requires the Department of Health and Environmental Control to regulate the dispensing of prescription eyewear. The bill defines the term kiosk and specifies requirements for the proper use of automated visual diagnostic equipment. The bill requires the Department of Health and Environmental Control to enforce this Chapter through complaint investigations and hearing procedures. The bill specifies fines and other penalties for violations and provides that the violator's licensing board shall retain all assessed fines and determine disciplinary actions.

**Department of Health and Environmental Control.** The department estimates that this new regulatory program would require one investigator, one administrative assistant, and one licensed practical nurse. First year costs are estimated at \$185,440 (including \$145,529 for salaries and fringes, \$20,633 for operating costs, and \$19,278 for the one-time purchase of office equipment and investigative training). Subsequently, annual operating expenditures are estimated at \$166,162.

**Department of Labor, Licensing and Regulation.** The department reports that this bill would have no expenditure impact on the General Fund, Federal Funds, or Other Funds. Minimal expenditures are anticipated but these would be absorbed using available resources.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director