

Statement of Brian T. Lynch, O.D.  
before the  
Public Health Committee  
in support of HB 5701  
March 3, 2008

Sen. Handley, Rep. Sayers and members of the committee:

My name is Brian Lynch. I am an Optometric Doctor with a longstanding practice in Branford. I also serve as legislative committee chair of the Connecticut Association of Optometrists. I am appearing before you today to request the inclusion of two amendments in House Bill 5701, *An Act Concerning Revisions to Statutes Pertaining to the Department of Public Health*.

First, we are requesting that you amend Section 20-128a of the general statutes to permit an individual to serve up to twelve years as a member of the Board of Examiners for Optometry. Very simply, we have several individuals serving on the Board right now who bring a great deal of expertise and experience to the table on issues affecting the profession. Unfortunately, they will be precluded from rendering additional service since they are hitting up against the eight-year limit that exists in current law. We would ask that the statute be changed so that members can serve on the Board for a longer period of time. The following is the language required to make such a change.

*Sec. 20-128a. Board of examiners. (a) There shall be within the Department of Public Health a Connecticut Board of Examiners for Optometrists. Said board shall consist of seven members appointed by the Governor, subject to the provisions of section 4-9a, as follows: Four practicing licensed optometrists in good professional standing who reside in this state and three public members. The optometrists appointed for terms beginning on and after January 1, 1997, shall be optometrists authorized under this chapter to practice at the highest level of their profession, except that any optometrist serving on the board on October 1, 1996, shall be eligible for reappointment on or after January 1, 1997, whether or not such optometrist is authorized to practice at the highest level of his profession. The Governor shall appoint a chairman from among such members. No member appointed on or after January 1, 1991, shall serve on the board for more than [eight] twelve years.*

Second, CAO requests that you add statutory protections for members of the optometric profession who work in retail optical establishments. Under a 2002 Declaratory Ruling by the Board of Examiners, optometrists must adhere to a number of rules and regulations when they work in a retail establishment. The proposed language will simply codify in statute the major patient care issues of that ruling. The changes will apply to the Optometrist as well as the entity that they contract with in the retail establishment. Our suggested language change follows:

- a) *No agreement, lease or other contract entered into, renewed or extended or after the effective date of this act between an optometrist and an other person shall: 1) contain any provision limiting an optometrist from gaining access to the optometrist's professional offices or preventing or limiting an optometrist from gaining access to the optometrist's patient records, or 2) contain any provision which limits, inhibits or prevents a patient from communicating with the patient's optometrist at any time.*
- b) *No person shall engage in the practice of optometry or engage or attempt to engage indirectly in such practice by employing for commercial benefit or pecuniary gain the professional services of*

*any licensed optometrist provided that said prohibition shall not apply to health service organizations, hospitals, other optometrists or ophthalmologists.*

The Connecticut Association of Optometrists appreciates the work that the members of the Public Health Committee do for the people of Connecticut. We believe the two items that I have presented here will represent improvements in the health care system, and we ask that you include them as amendments to HB 5701. Thank you.