

**REMARKS OF JACK NICHOLS, LEGAL COUNSEL FOR N.C. BOARD OF OPTICIANS
BEFORE THE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE**

January 21, 2016

Ladies and Gentlemen of the APO, I am Jack Nichols, Legal Counsel for the N.C. Board of Opticians, and I appreciate the opportunity to make some remarks before this body.

The N.C. Board of Opticians was established in 1951. Immediately after its creation, a lawsuit was filed challenging its existence and its constitutionality was upheld. It is a licensing board, and not a certification board. It has 7 members, 5 of whom are nominated by opticians and appointed by the Governor; it also has 2 public members who are appointed by the Governor. There are 21 other states that have licensing boards.

The PED report has questioned whether the Board should continue.

There are about 1,100 licensees in North Carolina. Unlike many states, N.C. licensees can prescribe both eyeglasses and contact lens.

Between 10-15% of the licensed drivers in N.C. have a driver's license that is restricted due to vision. Since we have 2.8 million licensed drivers in N.C., THAT ALONE should establish the need to protect the public.

BUT, there are other reasons:

1. There is an increasing trend for national chains and "big box" stores to have opticians; they require licensure for employment.
2. Elimination of licensure will force the closure of small businesses, many of which are small family run enterprises.
3. The median salary for an optician is \$43,856 and the range is \$39,584 - \$52,380. Theoretically, elimination of licensure should expand entry into a profession; however, I submit that this salary range will NOT lead to a stampede to enter into this profession.
4. If licensure is eliminated, it will also eliminate 40 programs in community colleges and local universities; the local fiscal impact is obvious.

MONEY. This Board's significant problem is fixed cash receipts and rising costs. The Board is entirely fee supported and receives no State appropriations. The current fee for initial licensure is \$200; renewal is \$100.

There have been no increases for 11 years because the fee amount is at the maximum. The Board, with the support of the N.C. Opticians Association, has sought an increase in the 2013 and 2015 sessions. Currently, Senators Curtis, Rabon, Hartsell and Rabin have sponsored SB 525, which proposes a fee increase.

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Page 2 of 2

I suggest that the N.C. General Assembly give this Board a two year fee increase and let the Board presented its record of operation after two years. But, I also suggest that it is unfair to abolish the Board because of its financial situation when the NCGA has denied it a fee increase for the last three legislative sessions.

Thank you for your consideration.
