

Kansas Society of Eye Physicians & Surgeons
Statement concerning House Bill 2736
March 14, 2022

On behalf of the Kansas Society of Eye Physicians & Surgeons (KSEPS) and its members who practice throughout the state, we are very pleased to offer our support for House Bill 2736. This measure clarifies already existing liability protections for ophthalmologists and optometrists who submit information to the state regarding a driver's license applicant's vision.

Kansas statutes require that drivers meet certain vision standards in order to operate a motor vehicle. The need for satisfactory vision to safely drive goes without saying. Individuals who fail a vision test given by the driver's license examiner are provided the opportunity to receive a vision test from an ophthalmologist or an optometrist. However, when an individual still does not meet the vision standards specified, the ophthalmologist or optometrist has an obligation to accurately report those findings to the state.

One can imagine the reaction by some individuals who find themselves unable to continue driving because of an adverse vision test report. Ophthalmologists and optometrists who assist by performing vision tests of this nature, in essence, are acting as agents of the state and have a legitimate expectation of being not liable for any sort of damages when carrying out this function.

The language in House Bill 2736 clarifies and strengthens the limitation of liability for ophthalmologists and optometrists in this particular activity.

Ophthalmologists are medical doctors who specialize in all aspects of eye care, including treating diseases and conditions through medicine and surgery, as well as providing routine vision care by prescribing glasses and contact lenses. KSEPS strongly supports the eye care team, including our optometry colleagues, and we encourage passage of this bill.

Thank you very much for your consideration.