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**PUBLIC PROTECTION CABINET**

**Department of Professional Licensing**

Kentucky Board of Ophthalmic

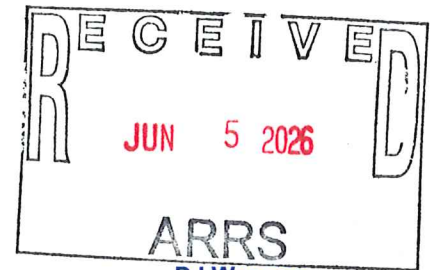
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June 2, 2026

Senator Stephen West, Co-Chair  
Representative Derek Lewis, Co-Chair  
c/o Emily Caudill, Regulation Compiler  
Administrative Regulation Review Subcommittee  
Legislative Research Commission  
029, Capitol Annex  
Frankfort, KY 40601

Re: **201 KAR 13:040**, 201 KAR 36:055, 201 KAR 13:065, and 201 KAR 13:075

Dear Co-Chairs:

After consideration of the issues raised by 201 KAR 13:040, 201 KAR 36:055, 201 KAR 13:065, and 201 KAR 13:075, the Board of Ophthalmic Dispensers proposes the attached suggested substitutes to these ordinary regulations.

Sincerely,

Sara Boswell Janes, Staff Attorney III  
Board Counsel  
Board of Ophthalmic Dispensers  
Public Protection Cabinet  
Department of Professional Licensing  
Office of Legal Services  
500 Mero Street  
Frankfort, Kentucky 40601

**BOARDS AND COMMISSIONS**  
**BOARD OF OPHTHALMIC DISPENSERS**  
**(Amendment)**

**201 KAR 13:040. Licensing.**

RELATES TO: KRS 326.020, 326.035, 326.040, 326.080

STATUTORY AUTHORITY: KRS 326.020(3)[, ~~326.035, 326.040, 326.080~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3) authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter 326. KRS 326.040 establishes the requirements for the issuance of a license including experience and passage of an examination. KRS 326.080 requires the annual renewal of licensure. This administrative regulation prescribes the forms, required examinations, experience, renewal requirements, and provisions for inactive status required for licensees.

Section 1. Application for License. A person wishing to obtain a license to practice as an ophthalmic dispenser or apprentice shall make application to the Kentucky Board of Ophthalmic Dispensers on the Application for Ophthalmic Dispenser License, DPL-BOD-01[~~or Apprentice~~]or Application for Apprentice Ophthalmic Dispenser License DPL-BOD-02.

Section 2. Required Examinations.

(1) Passage of the following examinations shall satisfy the requirement established in KRS 326.040(4):

(a) Passage of both:

1. The American Board of Opticians (ABO) Basic Examination; and
2. The National Contact Lens Examiners (NCLE) Basic Examination; and

(b) Passage of either:

1. The National Commission of State Opticianry Regulatory Boards (NCSORB) National Practical Examination; or
2. Both the ABO Practical Examination and the NCLE Practical Examination.

(2)

(a) For an applicant who holds an apprentice ophthalmic dispenser license issued by the board, the ABO Basic Examination and the NCLE Basic Examination shall be:

1. Taken before the expiration of thirty (30) months from the date of the original receipt of the apprentice license; and
2. Passed within thirty-six (36) months of the date of the original receipt of the apprentice license.

(b) An apprentice ophthalmic dispenser licensed by the board shall not take an approved practical examination until all other licensure requirements have been completed.

(3) For an applicant who is applying for licensure based on credentials and experience, the candidate shall have the following:

(a) An active license as a dispensing optician issued by any state or territory of the United States or the District of Columbia that has standards at least as stringent as those required by KRS 326.040; or

(b) An active certification as a dispensing optician under the ABO and the NCLE, and at least two (2) years of experience as a dispensing optician, as verified under oath by both the applicant and by a sponsor with personal knowledge of the applicant's work history.

1. The verifying sponsor shall be licensed either as an ophthalmologist, an optometrist, or an optician.
2. An applicant for licensure based on credentials and experience under this paragraph shall have passed an approved practical examination before application.

Section 3. Experience. The following events are qualifying experience for an applicant for licensure as an ophthalmic dispenser apprentice:

- (1) Attending a recognized school for ophthalmic dispensing; or
- (2) Working in an optical laboratory as an ophthalmic technician.

Section 4. Licensure Renewal.

- (1) Each license shall be renewed each year on or before December 31.
- (2) Each licensee shall complete and submit one (1) of the following:
  - (a) Application for Renewal for a licensed ophthalmic dispenser;
  - (b) Application for Apprentice Renewal for a licensed apprentice ophthalmic dispenser; or
  - (c) The online version of each form maintained by the Department of Professional Licensing.
- (3) For a renewal postmarked on or before December 31, or completed and submitted online before that date, the renewal fee shall be:
  - (a) ~~\$125~~~~[One hundred twenty-five (125) dollars]~~[Seventy-five (75) dollars] for a licensed ophthalmic dispenser; or
  - (b) ~~\$100~~~~[One hundred (100) dollars]~~[Fifty (50) dollars] for an apprentice ophthalmic dispenser.
- (4) For a renewal postmarked or submitted on the Department of Professional Licensing website after December 31, there shall be an additional a thirty-five (35) dollar late fee.
- (5) A license that has not been renewed by close of business on March 1 shall expire. Applicants may request an extension of time to renew of up to sixty (60) days for reasons related to medical issues, military service, or family emergencies. The applicant shall submit the request for an extension of time in writing, and send the request to the board by certified mail on or before the March 1 expiration date.
- (6) In order to qualify for reinstatement of a license that has expired by operation of subsection (4) of this section, either an Application for Reinstatement or an Application for Apprentice Reinstatement shall be submitted to the board. In addition, a reinstatement fee shall be submitted with the application. The reinstatement requirements shall be:

(a) For an ophthalmic dispenser:

1. Payment of the ~~\$125~~~~[one hundred twenty-five (125)]~~ renewal fee[~~\$300~~ reinstatement fee] and six (6) hours of continuing education. An additional six (6)[~~twelve (12)~~ additional] hours of continuing education ~~shall[to]~~ be completed before the end of the current licensure year ~~if[for]~~ reinstatement occurs more than twelve (12) months after license expiration;~~[as an active status or inactive status ophthalmic dispenser; or]~~
2. Payment of a thirty-five (35) dollar late fee; and
3. Payment of a ~~\$300~~~~[three hundred (300) dollar]~~ reinstatement fee.

(b) For an apprentice ophthalmic dispenser:

1. Payment of the ~~\$100~~~~[one hundred (100) dollar]~~ renewal fee and four (4) hours of continuing education to be completed before the end of the current licensure year. An additional four (4) hours of continuing education shall be completed before the end of the current licensure year if reinstatement occurs more than twelve (12) months after license expiration;
2. Payment of a thirty-five (35) dollar late fee; and
3. ~~[(b)]~~ Sixty (60) dollars for reinstatement.~~[as an apprentice ophthalmic dispenser.]~~

~~(7)~~~~[4.]~~ The timeline established in Section 2.(2)(a) shall continue to run during the inactive status.

~~(8)~~~~(7)~~ A revoked and expired license shall be reinstated before the licensee may resume the practice of ophthalmic dispensing.

#### Section 5. Temporary Permit Application.

- (1) The board shall, if requested by the applicant, issue a temporary permit to a qualified ophthalmic dispenser, who otherwise would qualify for a license, but is in the state on a temporary basis or who has not yet had an opportunity to take an examination to procure a license and whose immediate employment depends upon being licensed by the board.
- (2) The permit shall be valid only until the next regular examination date and in no case shall exceed six (6) months following date of issuance.
- (3) The fee for a temporary permit shall be fifty (50) dollars, which amount shall accompany the application.

#### Section 6. Board Action, Notification.

- (1) The board shall act only upon those applications that are complete.
- (2) Each applicant shall pay the license application and renewal fees required by KRS 326.040 and 326.080 upon submission of the application.
- (3) Each applicant shall be notified of the action of the board; and, if favorable, when and where the examination will be held.
- (4) If the board considers denying or resolves to deny an application based solely on an applicant's prior conviction of a crime, the board shall follow the notification and procedure requirements in KRS 335B.030(2).
- (5) The applicant shall participate in an interview with the application committee upon written request of the board. The application committee shall conduct the interview to determine if the conviction directly relates to the occupation for which the license is sought pursuant to the criteria established in KRS 335B.020(2)(a) through (b) and 335B.030(2)(b).

#### Section 7. Inactive Status.

- (1) Upon application, the board shall grant inactive status to a qualified licensee. While on inactive status, the licensee shall not engage in the practice of ophthalmic dispensing.
- (2) The fee for licensure on inactive status shall be thirty-five (35) dollars per year.
- (3)
  - (a) Continuing education requirements shall be waived for a licensee on inactive status during the inactive period.
  - (b) If the inactive licensee applies to the board to return to active status, the licensee shall submit proof that he or she has completed six (6) hours of continuing education for ophthalmic dispenser licensees and four (4) hours of continuing education for apprentice ophthalmic dispenser licensees within the last twelve (12) month period immediately preceding the date on which the application is submitted.
  - (c) The licensee may request that he or she be allowed to return to active status immediately, with the provision that the licensee shall receive the appropriate number of continuing education hours within six (6) months of the date on which the licensee returns to active status.
  - (d) Additionally, the licensee shall be responsible for meeting the requirements established in 201 KAR 13:055 in order to qualify for renewal of the license.
- (4) To change from inactive status to active status, the ophthalmic dispenser licensee shall:
  - (a) Pay a reactivation fee of forty (40) dollars; and
  - (b) Complete six (6) additional hours of continuing education before the end of the current licensure year.

- (5) To change from inactive status to active status, the apprentice ophthalmic dispenser licensee shall:
- (a) Pay a reactivation fee of fifteen (15) dollars; and
  - (b) Complete four (4) additional hours of continuing education before the end of the current licensure year.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Ophthalmic Dispenser [~~or Apprentice~~] License", DPL-BOD-01, December 2025~~[July 2019]~~;

(b) "Application for Apprentice Ophthalmic Dispenser License", DPL-BOD-02, December 2025;

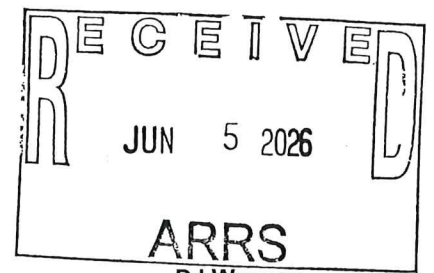
(c) "Application for Renewal as an Ophthalmic Dispenser", DPL-BOD-03, December 2025~~[February 2016]~~;

~~(d)[(c)]~~ "Application for Renewal as an Apprentice Ophthalmic Dispenser~~[Renewal]~~", DPL-BOD-04, December 2025~~[February 2016]~~;

~~(e)[(d)]~~ "Application for Reinstatement as an Ophthalmic Dispenser", DPL-BOD-05, December 2025~~[February 2016]~~; and

~~(f)[(e)]~~ "Application for Reinstatement as an Apprentice Ophthalmic Dispenser~~[Reinstatement]~~", DPL-BOD-06, December 2025~~[February 2016]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero Street ~~[911 Leawood Drive]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available on the board's website at [bod.ky.gov](http://bod.ky.gov).



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Re: 201 KAR 13:040, 201 KAR 36:055, 201 KAR 13:065, and 201 KAR 13:075

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Office of Legal Services  
500 Mero Street  
Frankfort, Kentucky 40601

**BOARDS AND COMMISSIONS**  
**BOARD OF OPHTHALMIC DISPENSERS**  
**(Amendment)**

**201 KAR 13:055. Continuing education requirements.**

RELATES TO: KRS 326.020, 326.035, 326.080

STATUTORY AUTHORITY: KRS 326.020(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) authorizes the board to promulgate administrative regulations to carry out the purposes and provisions of KRS Chapter 326, including the adoption of a program of continuing education for all licensees. KRS 326.020(3)(b) requires licensees of the board to complete continuing education as a condition of license renewal. This administrative regulation establishes a continuing education program for ophthalmic dispenser licensees and apprentice ophthalmic dispenser licensees and the basic requirements, methods of accreditation, and manner of reporting.

Section 1. "Continuing education hour" means fifty (50) minutes of participating in continuing education experiences in person before a live presenter. One (1) semester credit hour is equivalent to six (6) continuing education hours.

Section 2. Continuing education hours in excess of the number required at the time of renewal of license shall not be applied to future requirements.

Section 3.

(1) A minimum of three (3) of the required six (6) continuing education hours for renewal of ophthalmic dispenser licensure and a minimum of two (2) of the required four (4) continuing education hours for renewal of apprentice ophthalmic dispenser licensure shall be obtained through programs sponsored by entities listed in Section 4(1) of this administrative regulation.

(2) Repetitious completion of a program shall not entitle the participant to additional continuing education credit.

(3) Licenses issued after August 1 shall be exempt from the continuing education requirement for renewal by December 31 of the same year.

Section 4. Continuing education hours applicable to renewal of licensure shall be directly related to the professional growth and development of ophthalmic dispensers. They may be earned by completing any of the following educational activities:

(1) An educational program from any of the following providers shall be deemed relevant to ophthalmic dispensing and shall be approved without further review by the board:

(a) The Opticians Association of Kentucky and the Society of Dispensing Opticians of Kentucky;

(b) The United Opticians Association~~[Opticians Association of America]~~, or any of its affiliated state chapters;

(c) The Contact Lens Society of America, or any of its affiliated state chapters;

(d) The National Academy of Opticianry~~[Opticianary]~~, or any of its affiliated state chapters;

(e) The American Optometric Association, or any of its affiliated state chapters; or

(f) The American Academy of Ophthalmology, or any of its affiliated state chapters. ~~[(g)]~~

~~[(g)] [The National Association of Optometrists and Opticians.]~~

(2) An educational program from any other source shall be reviewed for relevancy to ophthalmic dispensing and subsequent approval by the board.

(a) Programs shall be submitted to the board for review and approval at least thirty (30) days prior to planned participation so the participants can know the value of the experience prior to actual participation.

(b) Requests for program changes shall be made to and accredited by the board or the evaluation and accreditation of the program becomes null and void.

(c) Sponsors shall maintain for three (3) years records of the names of those participants who complete a program.

(3) Related areas not specifically a part of the field of ophthalmic dispensing may be approved for up to two (2) continuing education hours, if the board believes that the related areas may serve to enhance the licensee's ability to practice.

Section 5. Sponsors and licensees requesting approval of continuing education for ophthalmic dispensers shall submit ***a completed "Application for Continuing Education Credit", DPL-BOD-09, and*** any relevant information reasonably requested by the board.

Section 6. Submission of fraudulent statements or certificates concerning continuing education shall subject the licensee to revocation or suspension of his or her license as provided in KRS Chapter 326.

Section 7. Each licensee shall submit, with the annual renewal application, on forms provided by the board, a list of accredited continuing education hours completed by the licensee during the previous license year.

Section 8.

(1) Each person registered with the board shall retain proof of attendance and completion of all continuing education requirements for a period of three (3) years from the end of the calendar year in which the continuing education was acquired.

(2) The board shall annually conduct a randomly selected audit of individual records to assure that the continuing education requirements have been met. Audited individuals shall submit:

(a) Certificates verifying the individual's attendance at the continuing education programs described above; or

(b) An official transcript verifying credit hours earned.

Section 9. Upon proper application to the board, a licensee may be granted a deferral from continuing education requirements on a year-to-year basis at the discretion of the board for reasons of illness, incapacity, or other similar extenuating circumstances.

Section 10. Each licensee shall keep the board informed of his or her correct address and place of employment. The board shall be informed in writing of any changes to the licensee's address or place of employment.

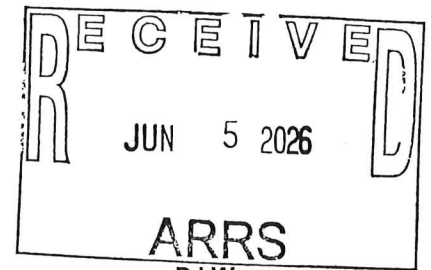
Section 11. Incorporation by Reference.

(1) "Application for Continuing Education Credit", DPL-BOD-09, December 2025, is incorporated by reference.

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Frankfort, Kentucky 40601

**BOARDS AND COMMISSIONS**  
**BOARD OF OPHTHALMIC DISPENSERS**  
**(New)**

**201 KAR 13:065. Complaint Management.**

RELATES TO: KRS ~~Chapter 13B, 319A.190, 326.020(5), 326.030,~~ 326.090, ~~326.100~~

STATUTORY AUTHORITY: KRS 326.020(3)(a)~~[-and (5), 326.030, 326.090, 326.100]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~326.020(3)(a)[Chapter 326]~~ authorizes the board to promulgate administrative regulations to carry out the purposes and provisions ~~of~~ KRS 326.010 through 326.990. This administrative regulation establishes the procedures for filing, investigating, and addressing a complaint filed against an ophthalmic dispenser, apprentice ophthalmic dispenser, ~~or[-and]~~ a person or entity who operates an optical establishment contrary to this chapter.

Section 1. Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing and provided on the **"Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-BOD-10[Complaint Form, DPL-BOD-11];**
2. Signed by the person submitting the complaint; and
3. Notarized; ~~and[.]~~

(c) May be filed by the board based upon information in its possession.

(2)

(a) Upon receipt of a complaint, a copy of the complaint with the address, phone number, and email address of the complainant redacted shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.

(b) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(3)

(a) Upon receipt of the written response of the individual named in the complaint, a copy of his or her response shall be sent to the complainant.

(b) The complainant shall have seven (7) days from receipt to submit a written reply to the response.

Section 2. Initial Review.

- (1) After the receipt of a complaint and the expiration of the period for the individual's response or reply, the complaints committee shall consider the complaint, the individual's response, the complainant's reply to the response, the preliminary recommendation of the board's attorney, and any other relevant material available to the board. The complaints committee shall determine whether there is enough evidence to warrant a formal investigation of the complaint.
- (2) If the complaints committee determines before formal investigation that a complaint is without merit, it shall recommend to the board that the complaint be dismissed and that the complainant and respondent be notified of the board's decision.
- (3) If the complaints committee determines that a complaint warrants a formal investigation, it shall recommend that the board authorize an investigation into the matter and for a report to be made to the complaints committee at the earliest opportunity.

### Section 3. Results of Formal Investigation; Board Decision on Hearing.

- (1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 326.010 to 326.990 or the administrative regulations promulgated thereunder, and further whether a formal complaint ***shall[should]*** be issued.
- (2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:
  - (a) Dismiss the complaint or take action pursuant to KRS 326.090; and
  - (b) Notify the complainant and respondent of the board's decision.
- (3) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint, which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B. The hearing shall be held in accordance with KRS Chapter 13B.
- (4) If the board determines that a person, or an optical establishment as identified in KRS 326.030 and 201 KAR 13:080, may be in violation, it shall:
  - (a) Order the individual or the optical establishment, to cease and desist from further violations of KRS 326.030;
  - (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 326.030 with a request that appropriate action be taken under KRS 326.990; or
  - (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 326.030.

### Section 4. Settlement by Informal Proceedings; Letter of Admonishment.

- (1) The board, through counsel and the complaints committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter. Any agreed order or settlement reached through this process shall be approved by the board and signed by the individual who

is the subject of the complaint and the chair of the board or another member authorized by the board. The board may employ mediation as a method of resolving the matter informally.

(2)

**(a)** The board may, at any time during this process, issue a letter of admonishment to the individual who is named in the complaint as a means of resolving the complaint. The action may be taken if the board determines that this is an appropriate method of dispensing with the complaint. Such letter of admonishment shall be sent to the individual with a copy placed in the individual's permanent file.

**(b)** Within thirty (30) days of the date of the letter, the individual shall have the right to file a written response to the letter and have it attached to the letter of admonishment and placed in the permanent file.

**(c)** The individual shall also, within thirty (30) days of the date of the letter, have the right to appeal the letter of admonishment and be granted a full hearing on the complaint. If this appeal is requested, the board shall immediately file a formal complaint in regard to the matter and set a date for a hearing.

#### Section 5. Notice and Service of Process.

(1) Any notice required by the Act or this administrative regulation shall be in writing, dated and signed by the chair or another member authorized by the board.

(2) Service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's last known address of which the board has record or, if known, by such service on the named individual's attorney of record, if appropriate. Refusal of service if by certified mail, ~~if~~ or avoidance of service if hand-delivered, shall not prevent the board from pursuing proceedings as may be appropriate.

(3) ~~If~~ **When** notice of the initial date for the administrative hearing is given by either the board or the hearing officer, the notice shall be sent to the appropriate person at least twenty (20) days prior to the date of the hearing.

#### Section 6. Publication. The board shall make public:

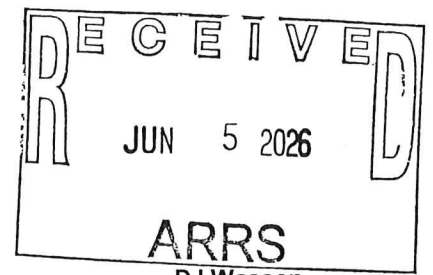
(1) Its final order in a disciplinary action under KRS 319A.190 except for a written admonishment issued; and

(2) An action to restrain or enjoin a violation for the unauthorized practice of ophthalmic dispensing.

#### Section 7. Incorporation by Reference.

(1) "Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-BOD-10, December 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Ophthalmic Dispensers, 500 Mero St, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:00 p.m. This material is also available on the board's website at [www.bod.ky.gov](http://www.bod.ky.gov).



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**BOARDS AND COMMISSIONS**  
**BOARD OF OPHTHALMIC DISPENSERS**  
**(New)**

**201 KAR 13:075. Administrative hearings.**

RELATES TO: KRS ***Chapter 13B, 326.020(5), 326.090***, 326.100

STATUTORY AUTHORITY: KRS 326.020(3)(a) ~~*and (5), 326.090, 326.100*~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 326.020(3)(a) ***authorizes[requires]*** the board to promulgate administrative regulations necessary to carry out the purposes and provisions KRS 326.010 through 326.990. KRS 326.100 requires the board to conduct administrative hearings in accordance with KRS Chapter 13B. This administrative regulation sets forth the procedures by which such hearings are to be conducted.

Section 1. Right of Administrative Hearing to Appeal the Denial of License or Refusal to Renew or Reinstatement a License.

- (1) If the board denies an application for licensure, or refuses to renew or reinstate a license for failure to meet the regulatory requirements for renewal or reinstatement, the board shall issue a notice of denial informing the applicant of the specific reason for the board's action, including:
  - (a) The statutory or regulatory authority the application fails to meet for issuance, renewal, or reinstatement of the license;
  - (b) The factual basis on which the denial is based; and
  - (c) The right to an appeal through an administrative hearing pursuant to KRS Chapter 13B.
- (2) ~~***[Requirements for Appeal.]***~~ A written request for an administrative hearing shall be made in writing to the board within twenty (20) calendar days after receipt of this notification, excluding the day the applicant receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.
- (3) If the request for an appeal is not timely filed, the notice of denial shall be effective upon the expiration of the time for the applicant to request an appeal.
- (4) If a request for an appeal is made, the board, through counsel, shall prepare the notice of administrative hearing in accordance with KRS Chapter 13B.
- (5) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (6) The documentary evidence shall be limited to the application and supporting documents submitted to the board during the application process and what was considered as part of the application denial.
- (7) A renewal applicant may petition the board, in writing, for a stay of the license denial until completion of the administrative hearing process.

Section 2. Administrative Hearing ~~for~~**For** Denial, Refusal to Renew or Reinstate, Suspension, Revocation, or Imposition of Probationary Conditions upon a License Due to Unprofessional Conduct.

(1) All administrative hearings for the board's denial, refusal to renew or reinstate, suspension, revocation, or imposition of probationary conditions upon a license shall be conducted in accordance with KRS Chapter 13B.

(2) The board, through counsel, shall prepare the formal administrative complaint and notice of administrative hearing in accordance with KRS Chapter 13B.

Section 3. Revocation of Probation.

(1) If the board moves to revoke probation, the board shall issue written notice of the revocation to the last known address on file with the board for the licensee and inform the licensee:

(a) Of the factual basis on which the revocation is based;

(b) Of each probation term violated;

(c) Of the sanction to be imposed; and

(d) That the licensee may appeal the revocation to the board within twenty (20) calendar days after receipt of this notification, excluding the day he or she receives notice, or the date that the notification is returned to the board as unclaimed.

(2) A written request for an administrative hearing shall be filed with the board within twenty (20) calendar days after receipt of this notification, excluding the day the licensee receives notice, or the date that the notification is returned to the board as unclaimed. The request shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(3) If the request for an administrative hearing is not timely filed, the revocation shall be effective upon the expiration date for the licensee to request an appeal.

Section 4. ***Request for Administrative Hearing.*** A request for an administrative hearing shall be sent to the Kentucky Board of Ophthalmic Dispensers by mail to P.O. Box 1360, Frankfort, Kentucky 40602;~~;~~ by hand-delivery to 500 Mero Street, Frankfort, Kentucky 40601;~~;~~ or by email to bod@ky.gov.

Section 5. ***Costs and Fees.*** If the final order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant for relief from sanctions previously imposed by the board, the costs in an amount equal to the cost of stenographic services, the cost of the hearing officer, and the board's attorney fees may be assessed against the licensee or applicant. In a case of financial hardship, the board may waive all or part of the fee.